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15 **UNITED STATES DISTRICT COURT**
16 **CENTRAL DISTRICT OF CALIFORNIA**

17
18 PRESERVATION TECHNOLOGIES
LLC,

19 Plaintiff,

20 vs.

21 DISH NETWORK CORPORATION,

22 Defendant.

CV11 - 10692 MRP (MLGx)
CASE NO.

**PLAINTIFF'S ORIGINAL
COMPLAINT**

Jury Trial Demanded

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PLAINTIFF’S ORIGINAL COMPLAINT

Preservation Technologies LLC (“Preservation Technologies”) by and through its attorneys, for its Original Complaint against Defendant DISH Network Corporation (“DISH”) hereby alleges as follows:

I. NATURE OF THE ACTION

1. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 271, et seq., to enjoin and obtain damages resulting from DISH’s unauthorized use, sale, and offer to sell in the United States of products, methods, processes, services and/or systems that infringe one or more claims of United States Patent No. 6,581,071, issued June 17, 2003, for “Surveying System and Method” naming Samuel Gustman and Barbara DeLury as inventors (the “’071 Patent”), a true and correct copy of which is attached hereto as **Exhibit 1**; United States Patent No. 5,813,014, issued on September 22, 1998, for “Method and Apparatus for Management of Multimedia Assets” naming Samuel Gustman as inventor (the “’014 Patent”), a true and correct copy of which is attached hereto as **Exhibit 2**; United States Patent No. 6,092,080, issued July 18, 2000, for “Digital Library System” naming Samuel Gustman as inventor (the “’080 Patent”), a true and correct copy of which is attached hereto as **Exhibit 3**; United States Patent No. 5,832,495, issued Nov. 3, 1998, for “Method and Apparatus for Cataloguing Multimedia Data” naming Samuel Gustman as inventor (the “’495 Patent”), a true and correct copy of which is attached hereto as **Exhibit 4**; United States Patent No. 5,832,499, issued November 3, 1998, for “Digital Library System” naming Samuel Gustman as inventor (the “’499 Patent”), a true and correct copy of which is attached hereto as **Exhibit 5**; United States Patent No. 6,212,527, issued April 3, 2001, for “Method and Apparatus for Cataloguing Multimedia Data” naming Samuel Gustman as inventor (the “’527 Patent”), a true and correct copy of which is attached hereto as **Exhibit 6**; United States Patent No. 6,574,638, issued June 3,

1 2003, for “Method and Apparatus for Cataloguing Multimedia Data Using
2 Surveying Data” naming Samuel Gustman and Barbara DeLury as inventors (the
3 “’638 Patent”), a true and correct copy of which is attached hereto as **Exhibit 7**;
4 United States Patent No. 6,549,911, issued April 15, 2003, for “Method and
5 Apparatus for Cataloguing Multimedia Data” naming Samuel Gustman as inventor
6 (the “’911 Patent”), a true and correct copy of which is attached hereto as **Exhibit**
7 **8**; and United States Patent No. 6,353,831, issued March 5, 2002, for “Digital
8 Library System” naming Samuel Gustman as inventor (the “’831 Patent”), a true
9 and correct copy of which is attached hereto as **Exhibit 9**. Collectively, the ’071
10 Patent, the ’014 Patent, the ’080 Patent, the ’495 Patent, the ’499 Patent, the ’527
11 Patent, the ’638 Patent, the ’911 Patent and the ’831 Patent are referenced herein as
12 the “Patents-in-Suit.”

13 2. Preservation Technologies is the exclusive licensee and holder of all
14 substantial rights and interest in and to the Patents-in-Suit.

15 3. DISH manufactures, provides, sells, offers for sale, imports and/or
16 distributes infringing products and services; and/or induces others to use its
17 products and services in an infringing manner; and/or contributes to the use of
18 infringing products and services by others.

19 4. Plaintiff Preservation Technologies seeks injunctive relief to prevent
20 DISH from continuing infringement of Plaintiff’s valuable patent rights. Plaintiff
21 Preservation Technologies further seeks monetary damages and prejudgment
22 interest for DISH’s past infringement of the Patents-in-Suit.

23 5. This is an exceptional case, and Preservation Technologies is entitled
24 to damages, enhanced damages, attorneys’ fees, costs and expenses.

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II. THE PARTIES

6. Plaintiff Preservation Technologies LLC is a Delaware limited liability company, having its principal place of business at 874 Walker Road, Suite C, Dover DE 19904.

7. On information and belief, DISH is a corporation organized and existing under the laws of the State of Nevada, with a place of business located at 9601 S. Meridian Blvd., Englewood, CO 80112. DISH can be served with process by serving its registered agent for service of process in the State of Colorado, R. Stanton Dodge, 9601 S. Meridian Blvd., Englewood, CO 80112.

III. JURISDICTION AND VENUE

8. This is an action for patent infringement which arises under the Patent Laws of the United States, in particular, 35 U.S.C. §§271, 281, 283, 284 and 285. This Court has exclusive jurisdiction over the subject matter of this action under 28 U.S.C. §§1331 and 1338(a).

9. On information and belief, venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b), 1391(c), and 1400(b) because Defendant has transacted business in this district, and has committed and/or induced acts of patent infringement in this district.

10. On information and belief, Defendant DISH is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the California Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in California and in this Judicial District.

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IV. BACKGROUND

11. The USC Shoah Foundation developed the patented technology. Its impetus was to gather, catalog and make available for access thousands of video testimonies. In January 2006, the Survivors of the Shoah Visual History Foundation became part of the Dana and David Dornsife College of Letters, Arts and Sciences at the University of Southern California in Los Angeles, where the testimonies in the Visual History Archive are preserved.

12. Preservation Technologies has all substantial rights and interest to the Patents-in-Suit, including all rights to recover for all past and future infringements thereof.

V. DEFENDANT'S ACTS

13. DISH manufactures, provides, sells, offers for sale and/or distributes infringing systems. The infringing DISH systems and methods include, but are not limited to systems and methods relating to the cataloguing, organizing searching, rating, and provisioning digital multimedia data including but not limited to the foregoing services found on Blockbuster On-Demand (www.blockbuster.com/download), and related products. DISH provides related services, specifications and instructions for the installation and operation of such systems to its customers.

VI. COUNT ONE
DIRECT AND INDIRECT INFRINGEMENT OF
U.S. PATENT NO. 6,581,071

14. Preservation Technologies incorporates by reference its allegations in Paragraphs 1-13 as if fully restated in this paragraph.

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