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

17 PRESERVATION TECHNOLOGIES
18 LLC,

19 Plaintiff,

20 vs.

21 SONY CORPORATION OF
22 AMERICA,

23 Defendant.

CASE NO. CV11-10694 ODW (ANx)

**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 Sony Corporation of America (“Sony”) 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 Sony’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. 6,199,060, issued on March 6, 2001, for “Method and Apparatus Management of Multimedia Assets” naming Samuel Gustman as inventor (the “’060 Patent”), a true and correct copy of which is attached hereto as **Exhibit 1**; 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 2**; 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 3**; 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 4**; 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 5**; 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 6**; United States

1 Patent No. 6,212,527, issued April 3, 2001, for “Method and Apparatus for
2 Cataloguing Multimedia Data” naming Samuel Gustman as inventor (the “’527
3 Patent”), a true and correct copy of which is attached hereto as **Exhibit 7**; United
4 States Patent No. 6,574,638, issued June 3, 2003, for “Method and Apparatus for
5 Cataloguing Multimedia Data Using Surveying Data” naming Samuel Gustman
6 and Barbara DeLury as inventors (the “’638 Patent”), a true and correct copy of
7 which is attached hereto as **Exhibit 8**; United States Patent No. 6,549,911, issued
8 April 15, 2003, for “Method and Apparatus for Cataloguing Multimedia Data”
9 naming Samuel Gustman as inventor (the “’911 Patent”), a true and correct copy of
10 which is attached hereto as **Exhibit 9**; and United States Patent No. 6,353,831,
11 issued March 5, 2002, for “Digital Library System” naming Samuel Gustman as
12 inventor (the “’831 Patent”), a true and correct copy of which is attached hereto as
13 **Exhibit 10**. Collectively, the ’060 Patent, the ’071 Patent, the ’014 Patent, the
14 ’080 Patent, the ’495 Patent, the ’499 Patent, the ’527 Patent, the ’638 Patent, the
15 ’911 Patent and the ’831 Patent are referenced herein as the “Patents-in-Suit.”

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

18 3. Sony manufactures, provides, sells, offers for sale, imports and/or
19 distributes infringing products and services; and/or induces others to use its
20 products and services in an infringing manner; and/or contributes to the use of
21 infringing products and services by others.

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

26 5. This is an exceptional case, and Preservation Technologies is entitled
27 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, Sony is a corporation organized and existing under the laws of the State of New York, with a place of business located at 550 Madison Avenue 27th Floor, New York, NY 10022. Sony can be served with process by serving its registered agent for service of process in the State of California, Corporation Service Company, d/b/a CSC - Lawyers Incorporating Service, 2730 Gateway Oaks Drive, Suite 100, Sacramento, CA 95833.

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 Sony 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. Sony manufactures, provides, sells, offers for sale and/or distributes infringing systems. The infringing Sony 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 marketed under the name Crackle (www.crackle.com), and related products. Sony 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. 6,199,060

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

15. Preservation Technologies has all substantial rights and interest to the '060 Patent, including all rights to recover for all past and future infringements thereof.

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