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15 UNITED STATES DISTRICT COURT
16 CENTRAL DISTRICT OF CALIFORNIA

17
18 PRESERVATION TECHNOLOGIES
LLC,

19 Plaintiff,

20 vs.

21 FACEBOOK, INC.,

22 Defendant.

CASE NO CV11 - 10701 JFW (JEMx)

PLAINTIFF'S ORIGINAL
COMPLAINT

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PLAINTIFF’S ORIGINAL COMPLAINT

Preservation Technologies LLC (“Preservation Technologies”) by and through its attorneys, for its Original Complaint against Defendant Facebook, Inc. (“Facebook”) 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 Facebook’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. 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 5**; United States Patent No. 6,574,638, issued June 3, 2003, for “Method and Apparatus for Cataloguing Multimedia Data Using Surveying Data” naming Samuel Gustman and Barbara DeLury as inventors (the “’638 Patent”), a true and

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

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

12 3. Facebook manufactures, provides, sells, offers for sale, imports and/or
13 distributes infringing products and services; and/or induces others to use its
14 products and services in an infringing manner; and/or contributes to the use of
15 infringing products and services by others.

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

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

22 23 **II. THE PARTIES**

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

27 7. On information and belief, Facebook is a corporation organized and
28 existing under the laws of the State of Delaware, with a place of business located at

1 1601 S. California Avenue, Palo Alto, CA 94304. Facebook can be served with
2 process by serving its registered agent for service of process in the State of
3 California, Corporation Service Company d/b/a CSC - Lawyers Incorporating
4 Service, 2730 Gateway Oaks Dr., Ste. 100, Sacramento, CA 95833.

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6 **III. JURISDICTION AND VENUE**

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

11 9. On information and belief, venue is proper in this district pursuant to
12 28 U.S.C. §§ 1391(b), 1391(c), and 1400(b) because Defendant has transacted
13 business in this district, and has committed and/or induced acts of patent
14 infringement in this district.

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

22
23 **IV. BACKGROUND**

24 11. The USC Shoah Foundation developed the patented technology. Its
25 impetus was to gather, catalog and make available for access thousands of video
26 testimonies. In January 2006, the Survivors of the Shoah Visual History
27 Foundation became part of the Dana and David Dornsife College of Letters, Arts
28

1 and Sciences at the University of Southern California in Los Angeles, where the
2 testimonies in the Visual History Archive are preserved.

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

6
7 **V. DEFENDANT'S ACTS**

8 13. Facebook manufactures, provides, sells, offers for sale and/or
9 distributes infringing systems. The infringing Facebook systems and methods
10 include, but are not limited to, systems and methods relating to the cataloguing,
11 organizing searching, rating, and provisioning digital multimedia data including
12 but not limited to the foregoing services on Facebook.com, and related products.
13 Facebook provides related services, specifications and instructions for the
14 installation and operation of such systems to its customers.

15
16 **VI. COUNT ONE**

17 **DIRECT AND INDIRECT INFRINGEMENT OF**
18 **U.S. PATENT NO. 6,199,060**

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

21 15. Preservation Technologies has all substantial rights and interest to the
22 '060 Patent, including all rights to recover for all past and future infringements
23 thereof.

24 16. The '060 Patent is valid and enforceable.

25 17. On information and belief, Defendant Facebook, without permission
26 of Preservation Technologies, has been and is presently infringing the '060 Patent,
27 as infringement is defined by 35 U.S.C. § 271(a), including through making, using,
28 selling, offering for sale and importing methods and articles infringing one or more

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