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13 Preservation Technologies LLC

14 UNITED STATES DISTRICT COURT
15 CENTRAL DISTRICT OF CALIFORNIA

16 SACV11-01862 JVS (RNBx)

17 PRESERVATION TECHNOLOGIES
18 LLC,

19 Plaintiff,

20 vs.

21 NETFLIX, INC.; AMAZON.COM,
22 INC.; FACEBOOK, INC.; SONY
CORPORATION OF AMERICA;
23 DISH NETWORK CORPORATION,

24 Defendants.

CASE NO.

PLAINTIFF'S ORIGINAL
COMPLAINT

Jury Trial Demanded

28

1 Preservation Technologies LLC (“Preservation Technologies”) by and
2 through its attorneys, for its Original Complaint against Defendants Netflix, Inc.
3 (“Netflix”), Amazon.com, Inc. (“Amazon”), Facebook, Inc. (“Facebook”), Sony
4 Corporation of America (“Sony”), DISH Network Corporation (“DISH”) hereby
5 alleges as follows:

6 **I. NATURE OF THE ACTION**

7 1. This is an action for patent infringement arising under the patent laws
8 of the United States, 35 U.S.C. §§ 271, *et seq.*, to enjoin and obtain damages
9 resulting from Defendants’ unauthorized use, sale, and offer to sell in the United
10 States of products, methods, processes, services and/or systems that infringe one or
11 more claims of United States Patent No. 6,199,060, issued on March 6, 2001, for
12 “Method and Apparatus Management of Multimedia Assets” naming Samuel
13 Gustman as inventor (the “’060 Patent”), a true and correct copy of which is
14 attached hereto as **Exhibit 1**; United States Patent No. 6,581,071, issued June 17,
15 2003, for “Surveying System and Method” naming Samuel Gustman and Barbara
16 DeLury as inventors (the “’071 Patent”), a true and correct copy of which is
17 attached hereto as **Exhibit 2**; United States Patent No. 5,813,014, issued on
18 September 22, 1998, for “Method and Apparatus for Management of Multimedia
19 Assets” naming Samuel Gustman as inventor (the “’014 Patent”), a true and correct
20 copy of which is attached hereto as **Exhibit 3**; United States Patent No. 6,092,080,
21 issued July 18, 2000, for “Digital Library System” naming Samuel Gustman as
22 inventor (the “’080 Patent”), a true and correct copy of which is attached hereto as
23 **Exhibit 4**; United States Patent No. 5,832,495, issued November 3, 1998, for
24 “Method and Apparatus for Cataloguing Multimedia Data” naming Samuel
25 Gustman as inventor (the “’495 Patent”), a true and correct copy of which is
26 attached hereto as **Exhibit 5**; United States Patent No. 5,832,499, issued
27 November 3, 1998, for “Digital Library System” naming Samuel Gustman as

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

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

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

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

27 5. This is an exceptional case, and Preservation Technologies is entitled

28 to recover enhanced damages, attorney’s fees, costs and expenses.

II. THE PARTIES

1
2 6. Plaintiff Preservation Technologies LLC is a Delaware limited
3 liability company, having its principal place of business at 874 Walker Road,
4 Suite C, Dover, Delaware 19904.

5 7. On information and belief, Netflix is a corporation organized and
6 existing under the laws of the State of Delaware, with a place of business located at
7 100 Winchester Circle, Los Gatos, California 95032. Netflix can be served with
8 process by serving its registered agent for service of process in the State of
9 California, National Registered Agents, Inc., 2875 Michelle Drive, Suite 100,
10 Irvine, California 92606.

11 8. On information and belief, Amazon is a corporation organized and
12 existing under the laws of the State of Delaware, with a place of business located at
13 410 Terry Avenue North, Seattle, Washington 98109. Amazon can be served with
14 process by serving its registered agent for service of process in the State of
15 Washington, Corporation Service Company, 300 Deschutes Way SW, Suite 304,
16 Tumwater, Washington 98501.

17 9. On information and belief, Facebook is a corporation organized and
18 existing under the laws of the State of Delaware, with a place of business located at
19 1601 S. California Avenue, Palo Alto, California 94304. Facebook can be served
20 with process by serving its registered agent for service of process in the State of
21 California, Corporation Service Company d/b/a CSC - Lawyers Incorporating
22 Service, 2730 Gateway Oaks Drive, Suite 100, Sacramento, California 95833.

23 10. On information and belief, Sony is a corporation organized and
24 existing under the laws of the State of New York, with a place of business located
25 at 550 Madison Avenue 27th Floor, New York, New York 10022. Sony can be
26 served with process by serving its registered agent for service of process in the
27 State of California, Corporation Service Company, d/b/a CSC - Lawyers

28

1 Incorporating Service, 2730 Gateway Oaks Drive, Suite 100, Sacramento,
2 California 95833.

3 11. On information and belief, DISH is a corporation organized and
4 existing under the laws of the State of Nevada, with a place of business located at
5 9601 S. Meridian Boulevard, Englewood, Colorado 80112. DISH can be served
6 with process by serving its registered agent for service of process in the State of
7 Colorado, R. Stanton Dodge, 9601 S. Meridian Boulevard, Englewood, Colorado
8 80112.

9 **III. JURISDICTION AND VENUE**

10 12. This is an action for patent infringement which arises under the Patent
11 Laws of the United States, in particular, 35 U.S.C. §§271, 281, 283, 284 and 285.
12 This Court has exclusive jurisdiction over the subject matter of this action under
13 28 U.S.C. §§1331 and 1338(a).

14 13. On information and belief, venue is proper in this district pursuant to
15 28 U.S.C. §§ 1391(b), 1391(c), and 1400(b) because each Defendant has transacted
16 business in this district, and has committed and/or caused acts of patent
17 infringement in this district.

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

25 15. On information and belief, Defendant Amazon is subject to this
26 Court's specific and general personal jurisdiction pursuant to due process and/or
27 the California Long Arm Statute, due at least to its substantial business in this
28 forum, including: (i) at least a portion of the infringements alleged herein; and

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