

1 Susan S.Q. Kalra, CA SBN167940  
2 Email: susan@m-iplaw.com  
3 MAHAMEDIP LAW LLP  
4 910 Campisi Way, Suite 1E  
5 Campbell, CA 95008  
6 Telephone: (408) 236-6640  
7 Fax: (408) 236-6641

8 William P. Ramey, III (*pro hac vice* anticipated)  
9 Email: wramey@rameyfirm.com  
10 RAMEY LLP  
11 5020 Montrose Blvd., Suite 800  
12 Houston, TX 77006  
13 Telephone: (713) 426-3923  
14 Fax: (832) 689-9175

15 *Attorneys for Plaintiff*  
16 LAURI VALJAKKA

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**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

18 LAURI VALJAKKA,  
19  
20 Plaintiff,  
21 v.  
22 NETFLIX, INC.,  
23 Defendant.

Case No.: 4:22-cv-01490-JST  
**PLAINTIFF’S SECOND AMENDED  
COMPLAINT**  
**DEMAND FOR JURY TRIAL**

25 Plaintiff Lauri Valjakka (“Lauri” or “Plaintiff”), files this Complaint for Patent  
26 Infringement against Netflix, Inc. (“Netflix” or “Defendant”), and would respectfully show the  
27 Court as follows:  
28

**PARTIES**

1  
2 1. Plaintiff is a citizen of Finland having an address located at Valtakatu 51, Vapaudenaukio  
3 Technopolis 2, 53100 Lappeenranta, Finland.

4  
5 2. On information and belief, Defendant is a Delaware corporation with a principal address  
6 of 100 Winchester Cir., Los Gatos, CA 95032.

7  
8 3. On information and belief, Defendant directly and/or indirectly develops, designs,  
9 manufactures, distributes, markets, offers to sell and/or sells infringing products and services in  
10 the United States, including in the Northern District of California, and otherwise directs infringing  
11 activities to this District in connection with its products and services.

**JURISDICTION**

12  
13 4. This civil action arises under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*,  
14 including without limitation 35 U.S.C. §§ 271, 281, 283, 284, and 285 based on Defendant's  
15 unauthorized commercial manufacture, use, importation, offer for sale, and sale of the Accused  
16 Products in the United States. This is a patent infringement lawsuit over which this Court has  
17 subject matter jurisdiction under, *inter alia*, 28 U.S.C. §§ 1331, 1332, and 1338(a).

18  
19 5. This United States District Court for the Northern District of California has general and  
20 specific personal jurisdiction over Defendant because, directly or through intermediaries,  
21 Defendant has committed acts within the District giving rise to this action and are present in and  
22 transact and conduct business in and with residents of this District and the State of California.

23  
24 6. Plaintiff's causes of action arise, at least in part, from Defendant's contacts with and  
25 activities in this District and the State of California.

26  
27 7. Defendant has committed acts of infringing the patents-in-suit within this District and the  
28 State of California by making, using, selling, offering for sale, and/or importing in or into this

1 District and elsewhere in the State of California, products claimed by the patents-in-suit, including  
2 without limitation products made by practicing the claimed methods of the patents-in-suit.  
3 Defendant, directly and through intermediaries, makes, uses, sells, offers for sale, imports, ships,  
4 distributes, advertises, promotes, and/or otherwise commercializes such infringing products into  
5 this District and the State of California. Defendant regularly conducts and solicits business in,  
6 engages in other persistent courses of conduct in, and/or derives substantial revenue from goods  
7 and services provided to residents of this District and the State of California.  
8

9           8. This Court has personal jurisdiction over Defendant. Personal jurisdiction exists  
10 over Defendant because Defendant has minimum contacts with this forum as a result of business  
11 regularly conducted within the State of California and within this district, and, on information and  
12 belief, specifically as a result of, at least, committing the tort of patent infringement within  
13 California and this District. This Court has personal jurisdiction over Defendant, in part, because  
14 Defendant does continuous and systematic business in this District, including by providing  
15 infringing products and services to the residents of the Northern District of California that  
16 Defendant knew would be used within this District, and by soliciting business from the residents  
17 of the Northern District of California. Also, Defendant has hired and is hiring within this District  
18 for positions that, on information and belief, relate to infringement of the patents-in-suit.  
19 Accordingly, this Court's jurisdiction over the Defendant comports with the constitutional  
20 standards of fair play and substantial justice and arises directly from the Defendant's purposeful  
21 minimum contacts with the State of California.  
22  
23  
24

25           9. This Court also has personal jurisdiction over Defendant, because in addition to  
26 Defendant's own online website and advertising with this District, Defendant has also made its  
27  
28

1 products available within this judicial district and advertised to residents within the District to  
2 hire employees to be located in this District.

3 10. The amount in controversy exceeds \$75,000 exclusive of interests and costs.

4  
5 11. Venue is proper in this Court under 28 U.S.C. § 1400(b) based on information set  
6 forth herein, which is hereby repeated and incorporated by reference. Further, upon information  
7 and belief, Defendant has committed or induced acts of infringement, and/or advertise, market,  
8 sell, and/or offer to sell products, including infringing products, in this District. In addition, and  
9 without limitation, Defendant has regular and established places of business throughout this  
10 District.  
11

#### 12 THE PATENTS-IN-SUIT

13 12. On July 23, 2013, United States Patent No. 8,495,167 (“the ‘167 Patent”), entitled  
14 “Data Communications Networks, Systems, Methods and Apparatus” was duly and legally issued  
15 by the United States Patent and Trademark Office (“USPTO”). The ‘167 Patent claims patent-  
16 eligible subject matter and is valid and enforceable. Lauri is the exclusive owner by assignment  
17 of all rights, title, and interest in the ‘167 Patent, including the right to bring this suit for damages,  
18 and including the right to sue and recover all past, present, and future damages for infringement  
19 of the ‘167 Patent. Defendant is not licensed to the ‘167 Patent, either expressly or implicitly, nor  
20 do they enjoy or benefit from any rights in or to the ‘167 patent whatsoever. A true and correct  
21 copy of the ‘167 patent is attached hereto as **Exhibit A**.  
22  
23

24 13. On July 28, 2020, United States Patent No. 10,726,102 (“the ‘102 Patent”), entitled  
25 “Method Of and System For Providing Access to Access Restricted Content to a User” was duly  
26 and legally issued by the United States Patent and Trademark Office (“USPTO”). The ‘102 Patent  
27 claims patent-eligible subject matter and is valid and enforceable. Lauri is the exclusive owner  
28

1 by assignment of all rights, title, and interest in the ‘102 Patent, including the right to bring this  
2 suit for damages, and including the right to sue and recover all past, present, and future damages  
3 for infringement of the ‘102 Patent. Defendant is not licensed to the ‘102 Patent, either expressly  
4 or implicitly, nor do they enjoy or benefit from any rights in or to the ‘102 patent whatsoever. A  
5 true and correct copy of the ‘102 patent is attached hereto as **Exhibit B**.  
6

7 14. The ‘167 Patent and the ‘102 Patent are referred to herein as the “patents-in-suit.”

8 15. Plaintiff Lauri is the owner of the entire right, title, and interest in and to the  
9 patents-in-suit. The patents-in-suit are presumed valid under 35 U.S.C. § 282.  
10

### 11 **ACCUSED INSTRUMENTALITIES**

12 16. The term “Accused Instrumentalities” or “Accused Products” refers to, by way of  
13 example and without limitation, Netflix’s Open Connect program and Netflix websites (*e.g.*  
14 <https://www.netflix.com>).  
15

### 16 **COUNT I**

#### 17 **PATENT INFRINGEMENT OF THE ‘167 PATENT**

18 17. Plaintiff restates and realleges the preceding paragraphs of this Complaint as if  
19 fully set forth herein.  
20

21 18. Defendant has, under 35 U.S.C. §271(a), directly infringed, and continues to  
22 directly infringe, literally and/or under the doctrine of equivalents, one or more claims, including  
23 without limitation at least claim 1 of the ‘167 Patent, by making, using, testing, selling, offering  
24 for sale and/or importing into the United States Defendant’s Accused Products.  
25

26 19. Defendant has knowledge that its activities concerning the Accused Products  
27 infringe one or more claims of the ‘167 Patent. Further, Defendant provides information and  
28 technical support to its customers, including product manuals, brochures, videos, demonstrations,

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