

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**PERSONALWEB TECHNOLOGIES, LLC**

**Plaintiff,**

**vs.**

**NEC CORPORATION OF AMERICA, INC.**

**Defendant.**

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**CASE NO. 6:11-CV-655  
PATENT CASE**

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**PERSONALWEB TECHNOLOGIES, LLC**

**Plaintiff,**

**vs.**

**GOOGLE INC. AND YOUTUBE, LLC**

**Defendants.**

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**CASE NO. 6:11-CV-656  
PATENT CASE**

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**PERSONALWEB TECHNOLOGIES, LLC**

**Plaintiff,**

**vs.**

**NETAPP, INC.**

**Defendant.**

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**CASE NO. 6:11-CV-657  
PATENT CASE**

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**PERSONALWEB TECHNOLOGIES, LLC**

**Plaintiff,**

**vs.**

**AMAZON.COM, INC.; AMAZON WEB  
SERVICES LLC; AND DROPBOX, INC.**

**Defendants.**

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**CASE NO. 6:11-CV-658  
PATENT CASE**

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**PERSONALWEB TECHNOLOGIES, LLC**

**Plaintiff,**

**vs.**

**CARINGO, INC.**

**Defendant.**

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**CASE NO. 6:11-CV-659  
PATENT CASE**

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**PERSONALWEB TECHNOLOGIES, LLC**

**Plaintiff,**

**vs.**

**EMC CORPORATION, AND  
VMWARE, INC.**

**Defendants.**

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**CASE NO. 6:11-CV-660  
PATENT CASE**

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**PERSONALWEB TECHNOLOGIES, LLC**

**Plaintiff,**

**vs.**

**AUTONOMY, INC.**

**Defendant.**

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**CASE NO. 6:11-CV-683  
PATENT CASE**

**PERSONALWEB TECHNOLOGIES, LLC**

**Plaintiff,**

**vs.**

**FACEBOOK, INC.**

**Defendant.**

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**CASE NO. 6:12-CV-662  
PATENT CASE**

**MEMORANDUM OPINION AND ORDER**

Before the Court are nine motions to transfer to the Northern District of California<sup>1</sup> and seven motions to stay pending resolution of a motion to transfer.<sup>2</sup> For the reasons set forth below, the Court resolves the transfer motions as follows: 6:11-CV-655 (Docket No. 59) is **DENIED**; 6:11-CV-656 (Docket No. 23) is **CONDITIONALLY GRANTED**; 6:11-CV-657 (Docket No. 27) is **CONDITIONALLY GRANTED**; 6:11-CV-658 (Docket No. 21) is **DENIED**; 6:11-CV-659 (Docket No. 21) is **DENIED**; 6:11-CV-660 (Docket No. 13) is **CONDITIONALLY GRANTED**; 6:11-CV-683 (Docket No. 63) is **DENIED**; 6:11-CV-683 (Docket No. 75) is **DENIED**; 6:12-CV-662 (Docket No. 25) is **CONDITIONALLY GRANTED**.

The motions to stay (6:11-CV-655 (Docket No. 72); 6:11-CV-656 (Docket No. 115); 6:11-CV-657 (Docket No. 91); 6:11-CV-658 (Docket No. 106); 6:11-CV-660 (Docket No. 95); 6:11-CV-683 (Docket No. 123); 6:12-CV-662 (Docket No. 26)) are **DENIED-AS-MOOT**.

<sup>1</sup> 6:11-CV-655 (Docket No. 59); 6:11-CV-656 (Docket No. 23); 6:11-CV-657 (Docket No. 27); 6:11-CV-658 (Docket No. 21); 6:11-CV-659 (Docket No. 21); 6:11-CV-660 (Docket No. 13); 6:11-CV-683 (Docket No. 63); 6:11-CV-683 (Docket No. 75); 6:12-CV-662 (Docket No. 25).

<sup>2</sup> 6:11-CV-655 (Docket No. 72); 6:11-CV-656 (Docket No. 115); 6:11-CV-657 (Docket No. 91); 6:11-CV-658 (Docket No. 106); 6:11-CV-660 (Docket No. 95); 6:11-CV-683 (Docket No. 123); 6:12-CV-662 (Docket No. 26).

The Court will retain jurisdiction over all Defendants through the claim construction process. All conditional transfers will become effective the day the Court issues its claim construction opinion.

## BACKGROUND

### a. PersonalWeb

The Plaintiff PersonalWeb Technologies, LLC (“PersonalWeb”)<sup>3</sup> is a small company based in Tyler. 6:11-CV-656, Docket No. 40, at 2. PersonalWeb is organized under Texas law in Smith County, and it has been operating in Tyler since its formation in 2010. 6:11-CV-655, Docket No. 61, at 2. PersonalWeb has six full-time employees and nine part-time employees, all based in Tyler. *Id.* It is currently developing a product called StudyPods.<sup>4</sup> *Id.* PersonalWeb performs beta testing of StudyPods with students at the University of Texas at Tyler (“UTT”). *Id.* PersonalWeb also operates a Capstone program with UTT where UTT students design and create elements of StudyPods. *Id.* Many of PersonalWeb’s part-time employees are UTT students. *Id.* PersonalWeb is a member of the Tyler Chamber of Commerce, and an East Texas architect designed and constructed its office. *Id.* at 3.

### b. Defendants

NEC Corporation of America, Inc. (“NECAM”) is headquartered in Irving, Texas. 6:11-CV-655, Docket No. 61, Ex. 1. Google, Inc. (“Google”) and YouTube LLC (“YouTube”) are headquartered in Mountain View and San Bruno, California, respectively. 6:11-CV-656, Docket No. 23, at 4. NetApp, Inc. (“NetApp”) is headquartered in Sunnyvale, California. 6:11-CV-657,

<sup>3</sup> In May 2010, Claria Innovations, LLC formed PersonalWeb, Inc. 6:11-CV-683, Docket No. 81, Ex. 44. PersonalWeb, Inc. was incorporated in Smith County, Texas. *Id.* A few months later, PersonalWeb, Inc. reorganized into the Plaintiff, PersonalWeb Technologies, LLC. *Id.* PersonalWeb Technologies, LLC is also incorporated in Smith County, Texas. *Id.*

<sup>4</sup> StudyPods is a “study-based search, chat and filing sharing platform.” 6:11-CV-683, Docket No. 81, Ex. 45, at 3. The goal of StudyPods is to enable students to collaborate with their peers in an online community. 6:11-CV-683, Docket No. 81, Ex. 46, at 23.

Docket No. 27, at 1. Amazon.com, Inc. and Amazon Web Services LLC (collectively “Amazon”) are headquartered in Seattle. 6:11-cv-658, Docket No. 21, at 6. Dropbox, Inc. (“Dropbox”) is headquartered in San Francisco. *Id.* at 5. Caringo, Inc. (“Caringo”) is headquartered in Austin, Texas. 6:11-CV-659, Docket No. 21, at 1. EMC Corporation (“EMC”) is headquartered in Massachusetts. 6:11-CV-660, Docket No. 13, at 7. VMware, Inc. (“VMware”) is headquartered in Palo Alto. *Id.* at 6. Hewlett-Packard Company (“HP”) is headquartered in Palo Alto. 6:11-CV-683, Docket No. 75, at 12. HP Enterprise Services, LLC (“HPES”) is headquartered in Plano, Texas. 6:11-CV-683, Docket No. 86, at 3. Autonomy, Inc. (“Autonomy”) maintains dual headquarters in San Francisco and the United Kingdom. 6:11-CV-683, Docket No. 87, at 4 n.3. Facebook, Inc. (“Facebook”) is headquartered in Menlo Park, California. 6:12-CV-662, Docket No. 25, at 4.

**c. The True Name Patents**

The patents in this case (the “True Name” Patents) have a complex history, several aspects of which are relevant to the Motions to Transfer. The True Name Patents were all invented by David Farber and Ronald Lachman<sup>5</sup> and assigned to Kinotech, Inc. (“Kinotech”). 6:11-CV-655, Docket No. 59, at 5. In 2001, Kinotech began licensing the True Name portfolio to a company called Brilliant Digital Entertainment (“BDE”) and its subsidiary Altnet, Inc. (“Altnet”). 6:11-CV-683, Docket No. 81, Ex. 35. In 2007, BDE acquired Kinotech and become the owner of the True Name Patents.<sup>6</sup> 6:11-CV-683, Docket No. 63, at 5. In September 2011, BDE assigned its interest in the True Name Patents to PersonalWeb. 6:11-CV-683, Docket No. 81, Ex. 45, at 4. As compensation for the Patents, BDE received a majority equity interest in

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<sup>5</sup> Farber is a resident of Oaji, California, and Lachman is a resident of Northbrook, Illinois. 6:11-CV-683, Docket No. 63, at 5.

<sup>6</sup> BDE and its subsidiaries Kinotech and Altnet are all Delaware corporations headquartered in Studio City, California. 6:11-CV-683, Docket No. 63, at 5.

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