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12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA
 14 SAN JOSE DIVISION

15 IN RE PERSONALWEB TECHNOLOGIES,
 16 LLC, ET AL., PATENT LITIGATION

CASE NO.: 5:18-md-02834-BLF

SECOND AMENDED COMPLAINT

DEMAND FOR JURY TRIAL

19 _____
 20 PERSONALWEB TECHNOLOGIES, LLC, a
 21 Texas limited liability company, and
 LEVEL 3 COMMUNICATIONS, LLC,
 a Delaware limited liability company,

Case No.: 5:18-cv-03462-BLF

22 Plaintiffs,

23 v.

24 MATCH GROUP, LLC, a Delaware limited
 25 liability company and MATCH GROUP, INC.,
 a Delaware corporation,

26 Defendant.
 27 _____
 28

1 Plaintiff PersonalWeb Technologies, LLC (“Plaintiff” or “PersonalWeb”) files this Second
2 Amended Complaint (“Complaint”) for patent infringement against Defendants Match Group, LLC
3 and Match Group, Inc. (collectively, “Defendant”). Plaintiff PersonalWeb Technologies, LLC alleges:
4

5 PRELIMINARY STATEMENT

6 1. PersonalWeb and Level 3 Communications, LLC (“Level 3”) are parties to an
7 agreement between Kinetech, Inc. and Digital Island, Inc. dated September 1, 2000 (the “Agreement”).
8 Pursuant to the Agreement, PersonalWeb and Level 3 each own a fifty percent (50%) undivided
9 interest in and to the patents at issue in this action: U.S. Patent Nos. 6,928,442, 7,802,310, 7,945,544,
10 and 8,099,420 (“Patents-in-Suit”). Level 3 has joined in this Complaint pursuant to its contractual
11 obligations under the Agreement, at the request of PersonalWeb.

12 2. Pursuant to the Agreement, Level 3 has, among other rights, certain defined rights to
13 use, practice, license, sublicense and enforce and/or litigate the Patents-in-Suit in connection with a
14 particular field of use (“Level 3 Exclusive Field”). Pursuant to the Agreement PersonalWeb has,
15 among other rights, certain defined rights to use, practice, license, sublicense, enforce and/or litigate
16 the Patents-in-Suit in fields other than the Level 3 Exclusive Field (the “PersonalWeb Patent Field”).

17 3. All infringement allegations, statements describing PersonalWeb, statements
18 describing any Defendant (or any Defendant’s products) and any statements made regarding
19 jurisdiction and venue are made by PersonalWeb alone, and not by Level 3. PersonalWeb alleges that
20 the infringements at issue in this case all occur within, and are limited to, the PersonalWeb Patent
21 Field. Accordingly, PersonalWeb has not provided notice to Level 3—under Section 6.4.1 of the
22 Agreement or otherwise—that PersonalWeb desires to bring suit in the Level 3 Exclusive Field in its
23 own name on its own behalf or that PersonalWeb knows or suspects that Defendant is infringing or
24 has infringed any of Level 3’s rights in the patents.
25
26
27
28

THE PARTIES

1
2 4. Plaintiff PersonalWeb Technologies, LLC is a limited liability company duly organized
3 and existing under the laws of Texas with its principal place of business at 112 E. Line Street, Suite
4 204, Tyler, TX 75702.

5 5. Plaintiff Level 3 Communications, LLC is a limited liability company organized under
6 the laws of Delaware with its principal place of business at 100 CenturyLink Drive, Monroe,
7 Louisiana, 71203.

8 6. PersonalWeb’s infringement claims asserted in this case are asserted by PersonalWeb
9 and all fall outside the Level 3 Exclusive Field. Level 3 is currently not asserting patent infringement
10 in this case in the Level 3 Exclusive Field against any Defendant.

11 7. Defendant Match Group, LLC is, upon information and belief, a Delaware limited
12 liability company with a principal place of business or regular and established place of business at
13 8750 North Central Expressway, Suite 1400, Dallas, Texas 75231.

14 8. Defendant Match Group, Inc. is, upon information and belief, a Delaware corporation
15 having a principal place of business or regular and established place of business at 8750 North Central
16 Expressway, Suite 1400, Dallas, Texas 75231. Upon information and belief, Match Group, Inc. is
17 commonly owned or controlled with Match Group, LLC

18
19 **JURISDICTION AND VENUE**

20 9. The court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a)
21 because this action arises under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.*

22 10. Venue is proper in this federal district pursuant to 28 U.S.C. §§ 1391(b)–(c) and
23 1400(b) because, on information and belief, Defendant Match Group, LLC is a Delaware limited
24 liability company and Defendant Match Group, Inc. is incorporated in the State of Delaware and thus
25 both are residents of the District of Delaware.

26 11. Venue is also proper in this Court because this action has been transferred to this
27 District by the Judicial Panel on Multidistrict Litigation for consolidated pretrial proceedings pursuant
28 to 28 U.S.C. § 1407.

1 17. Lachman and Farber developed a solution: replacing conventional naming and storing
2 conventions with system-wide “substantially unique,” content-based identifiers. Their approach
3 assigned substantially unique identifiers to “data items” of any type: “the contents of a file, a portion
4 of a file, a page in memory, an object in an object-oriented program, a digital message, a digital
5 scanned image, a part of a video or audio signal, or any other entity which can be represented by a
6 sequence of bits.” Applied system-wide, this invention would permit any data item to be stored,
7 located, managed, synchronized, and accessed using its content-based identifier.

8 18. To create a substantially unique, content-based identifier, Lachman and Farber turned
9 to cryptography. Cryptographic hash functions, including MD4, MD5, and SHA, had been used in
10 computer systems to verify the integrity of retrieved data—a so-called “checksum.” Lachman and
11 Farber recognized that these same hash functions could be devoted to a vital new purpose: if a
12 cryptographic hash function was applied to a sequence of bits (a “data item”), it would produce a
13 substantially unique result value, one that: (1) virtually guarantees a different result value if the data
14 item is changed; (2) is computationally difficult to reproduce with a different sequence of bits; and
15 (3) cannot be used to recreate the original sequence of bits.

16 19. These cryptographic hash functions would thus assign any sequence of bits, based on
17 content alone, with a substantially unique identifier. Lachman and Farber estimated that the odds of
18 these hash functions producing the same identifier for two different sequences of bits (i.e., the
19 “probability of collision”) would be about 1 in 2 to the 29th power. Lachman and Farber dubbed their
20 content-based identifier a “True Name.”

21 20. Using a True Name, Lachman and Farber conceived various data structures and
22 methods for managing data (each data item correlated with a single True Name) within a network—
23 no matter the complexity of the data or the network. These data structures provide a key-map
24 organization, allowing for a rapid identification of any particular data item anywhere in a network by
25 comparing a True Name for the data item against other True Names for data items already in the
26 network. In operation, managing data using True Names allows a user to determine the location of
27 any data in a network, determine whether access is authorized, and to selectively provide access to
28 specific content not possible using the conventional naming arts.

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