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

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

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

FIRST AMENDED COMPLAINT

DEMAND FOR JURY TRIAL

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20 _____
21 PERSONALWEB TECHNOLOGIES, LLC,
ET AL.,

Case No.: 5:18-cv-03577-BLF

22 Plaintiffs,

23 v.

24 CENTAUR MEDIA USA, INC., a Delaware
corporation, and E-CONSULTANCY.COM
25 LIMITED, a United Kingdom limited company,

26 Defendant.
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1 Plaintiff PersonalWeb Technologies, LLC (“Plaintiff” or “PersonalWeb”) files this First
2 Amended Complaint (“Complaint”) for patent infringement against Defendants Centaur Media USA,
3 Inc. and E-consultancy.com Limited (collectively “Defendant”). Plaintiff PersonalWeb Technologies,
4 LLC alleges:

5
6 **PRELIMINARY STATEMENT**

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

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

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

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THE PARTIES

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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 E-consultancy.com Limited is, upon information and belief, a United
12 Kingdom limited company having a principal place of business or regular and established place of
13 business at Wells Point, 79 Wells Street, London W1T 3QN, United Kingdom and/or 4th Floor,
14 Farringdon Point, 29-35 Farringdon Road, London, EC1M3F, United Kingdom.

15 8. Defendant Centaur Media USA Inc. is, upon information and belief, a Delaware
16 corporation having a principal place of business and regular and established place of business at 205
17 Hudson Street, 7th Floor, New York, New York 10013 and/or 350 7th Avenue, Suite 307, New York,
18 NY 10001.

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JURISDICTION AND VENUE

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

23 10. Venue is proper in this federal district pursuant to 28 U.S.C. §§ 1391(b)–(c) and
24 1400(b) because, on information and belief, Defendant Centaur Media USA Inc. has a regular and
25 established place of business in the Southern District of New York and has committed acts of
26 infringement in such District.
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1 11. Defendant E-consultancy.com Limited, on information and belief, is not a resident of
2 the United States and thus may be sued in any judicial district. Alternatively, on information and
3 belief, Defendant E-consultancy.com Limited has a regular and established place of business in the
4 Southern District of New York and has committed acts of infringement in such District.

5 12. Venue is also proper in this Court because this action has been transferred to this
6 District by the Judicial Panel on Multidistrict Litigation for coordinated or consolidated pretrial
7 proceedings pursuant to 28 U.S.C. § 1407.

8 13. This court has personal jurisdiction over Defendant Centaur Media USA Inc. because,
9 in addition to the allegations in above paragraphs, on information and belief, Defendant Centaur Media
10 USA Inc. is domiciled in the Southern District of New York. Further, Defendant Centaur Media USA
11 Inc. purposefully directed activities at residents of New York, the claims herein arise out of and relate
12 to those activities, and assertion of personal jurisdiction over Defendant would be fair.

13 14. This court has personal jurisdiction over Defendant E-consultancy.com Limited
14 pursuant to Rule 4(k)(2) of the Federal Rules of Civil Procedure because, on information and belief,
15 Defendant E-consultancy.com Limited, a United Kingdom limited company, is not incorporated in the
16 United States and Defendant E-consultancy.com Limited's principal place of business is not in the
17 United States. Defendant E-consultancy.com Limited has sufficient contacts with the United States
18 such that exercise of jurisdiction over Defendant FanDuel Limited comports with due process.

19 15. On information and belief, Defendant is subject to this Court's jurisdiction because this
20 action has been transferred to this District by the Judicial Panel on Multidistrict Litigation for
21 coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407.

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23 **PERSONALWEB BACKGROUND**

24 16. The Patents-in-Suit cover fundamental aspects of cloud computing, including the
25 identification of files or data and the efficient retrieval thereof in a manner which reduces bandwidth
26 transmission and storage requirements.

27 17. The ability to reliably identify and access specific data is essential to any computer
28 system or network. On a single computer or within a small network, the task is relatively easy: simply

1 name the file, identify it by that name and its stored location on the computer or within the network,
2 and access it by name and location. Early operating systems facilitated this approach with standardized
3 naming conventions, storage device identifiers, and folder structures.

4 18. Ronald Lachman and David Farber, the inventors of the Patents-in-Suit, recognized
5 that the conventional approach for naming, locating, and accessing data in computer networks could
6 not keep pace with ever-expanding, global data processing networks. New distributed storage systems
7 use files that are stored across different devices in dispersed geographic locations. These different
8 locations could use dissimilar conventions for identifying storage devices and data partitions.
9 Likewise, different users could give identical names to different files or parts of files—or unknowingly
10 give different names to identical files. No solution existed to ensure that identical file names referred
11 to the same data, and conversely, that different file names referred to different data. As a result,
12 expanding networks could not only become clogged with duplicate data, they also made locating and
13 controlling access to stored data more difficult.

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

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

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