Exhibit 7

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6

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FILED

SEP 18 2000

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

8   UNITED STATES DISTRICT COURT

9   NORTHERN DISTRICT OF CALIFORNIA

10   SAN FRANCISCO DIVISION

11 _____

12 DIGITAL ISLAND, INC.,   )   No. _____ C 00-20958
)
13   Plaintiff,   )
)
14   vs.   )   COMPLAINT FOR DAMAGES
)   AND INJUNCTIVE RELIEF FOR
15 AKAMAI TECHNOLOGIES, INC.,   )   PATENT INFRINGEMENT
)
16   Defendant.   )   DEMAND FOR JURY TRIAL
    _____   )

17

18   ADR

19   Plaintiff, Digital Island, Inc. ("Digital Island") for its complaint

20 avers as follows:

21   **JURISDICTION**

22   1. This is an action for patent infringement arising under 35 U.S.C.

23 §§ 1 *et. seq.*

24   2. This Court has proper subject matter jurisdiction over the present

25 action under the Patent Laws of the United States, Title 35.

26   **VENUE**

27   3. Venue is proper in this judicial district under 28 U.S.C. § 1400(b)

28 because acts of patent infringement by Defendant, Akamai Technologies,

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1   Inc. ("Akamai") occurred within this jurisdiction.

2   <u>**INTRADISTRICT ASSIGNMENT**</u>

3   4.   Intradistrict assignment to the San Francisco Division is

4   appropriate under Civil Local Rule 3-2(d) because the acts of patent

5   infringement complained of occurred and are occurring, and because

6   Plaintiff is located, within the County of San Francisco.

7   <u>**THE PARTIES**</u>

8   5.   Plaintiff, Digital Island, is a corporation organized under the laws

9   of Delaware having its principal place of business at 45 Fremont Street, San

10   Francisco, California.

11   6.   Defendant Akamai is a corporation organized under the laws of

12   Delaware with its principal place of business in at 500 Technology Square,

13   Cambridge, Massachusetts.

14   <u>**COUNT FOR PATENT INFRINGEMENT**</u>

15   7.   United States Letters Patent No. 5,978,791 (the "'791 patent")

16   entitled "Data Processing System Using Substantially Unique Identifiers To

17   Identify Data Items, Whereby Identical Data Items Have The Same

18   Identifiers," duly and lawfully issued on November 2, 1999 on an

19   application filed October 24, 1997. Plaintiff Digital Island is an owner of

20   the '791 patent by assignment. (See Exhibit "A" attached hereto).

21   8.   Among other things, the '791 patent relates to and claims various

22   uses of unique "fingerprints" of content, including detecting unauthorized

23   tampering of data, avoiding using outdated or stale content and enabling

24   networks to optimize content delivery and storage. The patent covers

25   multiple uses of these "fingerprints", e.g., to identify files in data

26   communication applications such as downloading, copying, backup, and

27   caching.

28   9. On information and belief, Akamai, with full knowledge of the

- 2 -   COMPLAINT FOR DAMAGES AND

1 '791 patent, has provided and continues to provide an Internet content

2 delivery service, Akamai's FreeFlow service, that infringes one or more

3 claims of the '791 patent.

<center>**DEMAND FOR JURY TRIAL**</center>

5   10. Plaintiff Digital Island demands a jury trial for all claims as

6 provided for in Rule 38 of the Federal Rules of Civil Procedure.

<center>**RELIEF REQUESTED**</center>

8   WHEREFORE, Digital Island prays for:

9   A. A judgment declaring the '791 patent valid and infringed by

10 Akamai.

11   B. An injunction enjoining Akamai, its officers, agents, servants,

12 employees and others acting for or on its behalf from continuing

13 infringement of the '791 patent.

14   C. Monetary damages adequate to compensate Digital Island for

15 Akamai's infringement of the '791 patent, as authorized by 35 U.S.C. § 284.

16   D. An award trebling the monetary damages as a result of Akamai's

17 willful conduct, pursuant to 35 U.S.C. § 284.

18   E. An award and judgment to Digital Island of its costs and

19 reasonable attorney fees relating to enforcement of the '791 patent in these

20 proceedings, as authorized by 35 U.S.C. § 285.

21 ///

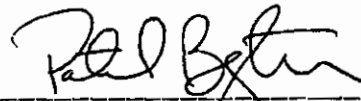22 ///

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COMPLAINT FOR DAMAGES AND

1   F. All such other and further relief as the Court deems just.

2

3   Dated: September 18 , 2000.

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8   By_____

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