

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

SRC LABS, LLC & SAINT REGIS
MOHAWK TRIBE,

Plaintiffs,

v.

AMAZON WEB SERVICES, INC.,
AMAZON.COM, INC., &
VADATA, INC.,

Defendants.

Case No. 2:17cv547
JURY TRIAL DEMANDED

PLAINTIFFS' ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

TABLE OF CONTENTS

I. NATURE OF THE ACTION 4

II. JURISDICTION 5

III. VENUE 5

IV. THE PARTIES 9

 A. Saint Regis Mohawk Tribe 9

 B. SRC Labs, LLC 11

 C. Defendants’ Elastic Compute Cloud (EC2)..... 12

V. DEFENDANTS RECEIVED ACTUAL AND CONSTRUCTIVE NOTICE 16

 A. Constructive Notice to Defendants 16

 B. Actual Notice to Defendants. 19

VI. THE PATENTS 22

 A. All Asserted Patents are owned by the Tribe and Licensed by SRC. 22

 B. Description of the Asserted Patents..... 23

 1. U.S. Patent 6,434,687 (the “’687 patent”)..... 23

 2. U.S. Patent 7,149,867 (the “’867 patent”)..... 23

 3. U.S. Patent 7,225,324 (the “’324 patent”)..... 23

 4. U.S. Patent 7,620,800 (the “’800 patent”)..... 24

 5. U.S. Patent 9,153,311 (the “’311 patent”)..... 24

VII. COUNT ONE: Direct INFRINGEMENT OF THE ’687 patent 24

VIII. COUNT TWO: INDIRECT INFRINGEMENT OF ’687 PATENT 25

IX. COUNT THREE: WILLFUL INFRINGEMENT OF THE ’687 PATENT 25

X. COUNT FOUR: DIRECT INFRINGEMENT OF THE ’867 PATENT 26

XI. COUNT FIVE: WILLFUL INFRINGEMENT OF THE ’867 PATENT 27

XII.	COUNT SIX: DIRECT INFRINGEMENT OF THE '324 PATENT	28
XIII.	COUNT SEVEN: INDIRECT INFRINGEMENT OF THE '324 PATENT	28
XIV.	COUNT EIGHT: WILLFUL INFRINGEMENT OF THE '324 PATENT	29
XV.	COUNT NINE: DIRECT INFRINGEMENT OF THE '800 PATENT	30
XVI.	COUNT TEN: INDIRECT INFRINGEMENT OF THE '800 PATENT	30
XVII.	COUNT ELEVEN: WILLFUL INFRINGEMENT OF THE '800 PATENT	31
XVIII.	COUNT TWELVE: DIRECT INFRINGEMENT OF THE '311 PATENT	32
XIX.	JURY DEMAND	32
XX.	PRAYER FOR RELIEF	32

Plaintiffs SRC Labs, LLC and Saint Regis Mohawk Tribe file this Original Complaint for Patent Infringement (“Complaint”) against Defendants Amazon Web Services, Inc., Amazon.com, Inc. and VADATA, Inc. (collectively “Defendants”). Plaintiffs allege as follows:

I. NATURE OF THE ACTION

1. This is an action for infringement of U.S. Patent Nos. 6,434,687, 7,149,867, 7,225,324, 7,620,800 and 9,153,311.

2. SRC Labs, LLC is a Texas limited liability company and its parent is the successor to SRC Computers.

3. Saint Regis Mohawk Tribe (the “Tribe”) is a federally recognized, sovereign American Indian Tribe located in upstate New York.

4. Amazon.com, Inc. (“Amazon”) is a Delaware corporation with its principal place of business at 410 Terry Avenue North, Seattle, Washington 98109. Amazon may be served through its registered agent for service of process at Corporation Service Company, 271 Centerville Rd., Suite 300, Wilmington, Delaware 19808.

5. Amazon Web Services, Inc. (“AWS”) is a Delaware corporation headquartered at 410 Terry Avenue North, Seattle Washington 98109. AWS is a wholly-owned subsidiary of Amazon. AWS has been registered to do business in Virginia since January 25, 2013 (SCC ID F1918947). AWS’s Registered Agent/Registered Office is Corporation Service Company, Bank of America Center 16th Floor, 1111 East Main Street, Richmond Virginia, 23219.

6. VADATA, Inc. (“VADATA”) is a Delaware corporation with offices and employees in the Commonwealth of Virginia. VADATA is a wholly-owned subsidiary of Amazon.

VADATA's Registered Agent/Registered Office is Corporation Service Company, Bank of America Center 16th Floor, 1111 East Main Street, Richmond Virginia, 23219.

II. JURISDICTION

7. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1, *et seq.*, including 35 U.S.C. §§ 271, 281, 283, 284, and 285. This is a patent infringement lawsuit, over which this Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

8. This Court has general and specific personal jurisdiction over Defendants because they are present in and transact and conduct business in and with residents of this District and the Commonwealth of Virginia.

9. Plaintiffs' causes of action arise, at least in part, from Defendants' contacts with and activities in the Commonwealth of Virginia and this District.

10. In addition, upon information and belief, Defendants have committed acts of infringement within this District and this State by, *inter alia*, making, selling, offering for sale, importing, and/or using products that infringe one or more claims of the patents-in-suit.

11. Defendants, directly and through intermediaries, use, sell, ship, distributes offer for sale, and/or advertise or otherwise promote products in the Commonwealth of Virginia and this District. Defendants regularly conduct and solicit business in, engage in other persistent courses of conduct in, and/or derive substantial revenue from goods and services provided to residents of the Commonwealth of Virginia and this judicial District.

III. VENUE

12. Venue is proper in this District because Defendants meet all three general requirements relevant to the inquiry: (1) Defendants have multiple physical places in the District (2) they are

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.