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Filed

MAR 15 2013

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

9 Attorneys for Plaintiff
 PRAGMATUS AV, LLC

Fee paid
 ST (14)

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA

13 PRAGMATUS AV, LLC,

14 Plaintiff,

15 v.

16 YAHOO! INC.,

17 Defendant.

CV 13-1176
CASE NO.

COMPLAINT FOR PATENT
INFRINGEMENT

DEMAND FOR JURY TRIAL

MEJ

18
 19 Plaintiff Pragmatu AV, LLC ("Pragmatu") complains and alleges as follows against
 20 Defendant Yahoo! Inc. ("Yahoo!"): *E-filing*

21 THE PARTIES

22 1. Pragmatu is a limited liability company organized and existing under the laws of
 23 the Commonwealth of Virginia with its principal place of business at 601 North King Street,
 24 Alexandria, Virginia 22314.

25 2. Pragmatu is the owner by assignment of all right, title and interest in and to
 26 United States Patent No. 7,421,470 ("the '470 patent").

27 3. Pragmatu is the owner by assignment of all right, title and interest in and to
 28 United States Patent No. 7,433,921 ("the '921 patent")

1 4. Pragmatus is informed and believes that Yahoo! is a corporation organized and
2 existing under the laws of the State of Delaware with its principal place of business at 701 First
3 Avenue, Sunnyvale, California 94089.

4 **JURISDICTION AND VENUE**

5 5. This is an action for patent infringement arising under the patent laws of the
6 United States, United States Code, 35 U.S.C. § 271 et seq. This Court has subject matter
7 jurisdiction over this action under Title 28 United States Code, §§ 1331 and 1338.

8 6. Pragmatus is informed and believes that this Court has personal jurisdiction over
9 Yahoo! because Yahoo! is headquartered within this district, and because Yahoo! has committed,
10 and continues to commit, acts of infringement in the Northern District of California.

11 7. Venue is proper under 28 U.S.C. §§ 1391 and 1400 because Yahoo! has
12 committed acts of infringement in this district, and/or is deemed to reside in this district.

13 **INTRADISTRICT ASSIGNMENT**

14 8. Pursuant to Local Rule 3-2(c), this case is subject to district-wide assignment
15 because it is an Intellectual Property Action.

16 **THE PATENTS-IN-SUIT**

17 9. On September 2, 2008, the United States Patent and Trademark Office duly and
18 legally issued the '470 patent, entitled "Method for Real-Time Communication Between Plural
19 Users" to Lester F. Ludwig, J. Chris Lauwers, Keith A. Lantz, Gerald J. Burnett and Emmett R.
20 Burns. A true and correct copy of the '470 patent is attached as Exhibit A.

21 10. On October 7, 2008, the United States Patent and Trademark Office duly and
22 legally issued the '921 patent, entitled "System for Real-Time Communication Between Plural
23 Users" to Lester F. Ludwig, J. Chris Lauwers, Keith A. Lantz, Gerald J. Burnett and Emmett R.
24 Burns. A true and correct copy of the '921 patent is attached as Exhibit B.

25 **FIRST CLAIM FOR RELIEF**

26 **(Infringement of the '470 Patent by Yahoo!)**

27 11. Pragmatus incorporates by reference herein the averments set forth in paragraphs 1
28 through 10 above.

1 articles of commerce and have no substantial non-infringing use other than to perform the method
2 of at least claim 1 of the '921 patent.

3 18. As a result of Yahoo!'s acts of infringement, Pragmatus has suffered and will
4 continue to suffer damages in an amount to be proven at trial.

5 PRAYER

6 WHEREFORE, Pragmatus respectfully requests the following relief:

7 A. A judgment that Yahoo! has infringed one or more claims of the '470 patent;

8 B. A judgment that Yahoo! has infringed one or more claims of the '921 patent;

9 C. A judgment that the '470 patent is valid and enforceable;

10 D. A judgment that the '921 patent is valid and enforceable;

11 E. Pragmatus be awarded damages adequate to compensate Pragmatus for Yahoo!'s
12 infringement of the '470 patent up until the date such judgment is entered, including pre-
13 judgment and post-judgment interest, costs, and disbursements as justified under 35 U.S.C. § 284
14 and, if necessary, to adequately compensate Pragmatus for Yahoo!'s infringement, an accounting;

15 F. Pragmatus be awarded damages adequate to compensate Pragmatus for Yahoo!'s
16 infringement of the '921 patent up until the date such judgment is entered, including pre-
17 judgment and post-judgment interest, costs, and disbursements as justified under 35 U.S.C. § 284
18 and, if necessary, to adequately compensate Pragmatus for Yahoo!'s infringement, an accounting;
19 and

20 G. A judgment that Pragmatus be awarded such further relief at law or in equity as the
21 Court deems just and proper.

22 Dated: March 15, 2013

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23 By 

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25 Ian Feinberg
26 David Alberti
27 Sal Lim
28 Yakov Zolotorev
Marc Belloli

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PRAGMATUS AV, LLC

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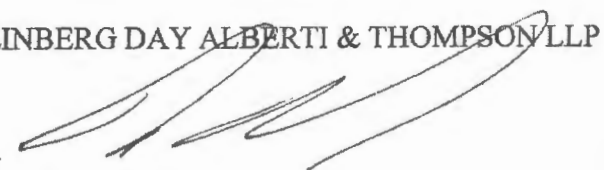
DEMAND FOR JURY TRIAL

Pragmatius demands trial by jury for all issues so triable pursuant to Fed. R. Civ. Pro.
38(b) and Civil L.R. 3-6(a).

Dated: March 15, 2013

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