

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

Bedrock Computer Technologies LLC, §  
§  
Plaintiff, §  
§  
v. §  
§  
1. Softlayer Technologies, Inc., §  
2. CitiWare Technology Solutions, LLC, §  
3. Google Inc., §  
4. Yahoo! Inc., §  
5. MySpace Inc., §  
6. Amazon.com Inc., §  
7. PayPal Inc., §  
8. Match.com, LLC, and §  
9. AOL Inc., §  
Defendants. §  
§

Case No. 6:09-cv-269

Jury Trial Demanded

**SECOND AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Bedrock Computer Technologies LLC (“Bedrock”) files this Second Amended Complaint for patent Infringement in accordance with the Court’s Memorandum and Order (Dkt. No. 189).

**PARTIES**

1. Plaintiff Bedrock is a Texas corporation with its principal place of business at 100 E. Ferguson Street, Suite 712, Tyler, Texas 75702.

2. Defendant Softlayer Technologies, Inc. is a Texas corporation, with its principal place of business at 6400 International Pkwy., Suite 2000, Plano, Texas 75093, which is doing business and infringing Bedrock’s patent in the Eastern District of Texas and elsewhere in the United States.

3. Defendant CitiWare Technology Solutions, LLC is, upon information and belief, a limited liability Texas corporation, with its principal place of business at 819 Pinegrove Lane, Longview, Texas 75604, which is doing business and infringing Bedrock's patent in the Eastern District of Texas and elsewhere in the United States.

4. Defendant Google Inc. is a Delaware corporation, with its principal place of business at 1600 Amphitheatre Pkwy., Mountain View, California 94043-1351, which is doing business and infringing Bedrock's patent in the Eastern District of Texas and elsewhere in the United States.

5. Defendant Yahoo! Inc. is a Delaware corporation, with its principal place of business at 701 First Avenue, Sunnyvale, California 94089-1019, which is doing business and infringing Bedrock's patent in the Eastern District of Texas and elsewhere in the United States.

6. Defendant MySpace Inc. is a Delaware corporation, with its principal place of business at 1223 Wilshire Boulevard, Suite 402, Santa Monica, California 90403-5400, which is doing business and infringing Bedrock's patent in the Eastern District of Texas and elsewhere in the United States.

7. Defendant Amazon.com Inc. is a Delaware corporation, with its principal place of business at 1200 12th Avenue S, Suite 1200, Seattle, Washington 98144-2734, which is doing business and infringing Bedrock's patent in the Eastern District of Texas and elsewhere in the United States.

8. Defendant PayPal Inc. is a Delaware corporation, with its principal place of business at 2211 N. 1st Street, San Jose, California 95131-2021, which is doing business and infringing Bedrock's patent in the Eastern District of Texas and elsewhere in the United States.

9. Defendant Match.com, LLC is a Delaware corporation, with its principal place of business at 8300 Douglas Avenue, Suite 800, Dallas, Texas 75225, which is doing

business and infringing Bedrock's patent in the Eastern District of Texas and elsewhere in the United States.

10. Defendant AOL, Inc. is a Delaware corporation, with its principal place of business at 770 Broadway, New York, New York 10003, which is doing business and infringing Bedrock's patent in the Eastern District of Texas and elsewhere in the United States.

### **JURISDICTION AND VENUE**

12. This is a civil action for patent infringement arising under the patent laws of the United States, Title 35, United States Code, including 35 U.S.C. §§ 271 and 281-285. Jurisdiction is conferred on this Court pursuant to 28 U.S.C. §§ 1331 and 1338(a).

13. Venue is proper in the Tyler Division of the Eastern District of Texas pursuant to 28 U.S.C. § 1391 and 28 U.S.C. § 1400(b).

14. Defendants are transacting business within the State of Texas and this District. Defendants are operating and/or supporting products or services that fall within one or more claims of Bedrock's patent in this District. Defendants are therefore subject to the personal jurisdiction of this Court.

### **GENERAL ALLEGATIONS**

15. Bedrock holds all right, title, and interest in and to United States patent No. 5,893,120, entitled "Methods and Apparatus for Information Storage and Retrieval Using a Hashing Technique with External Chaining and On-the-Fly Removal of Expired Data," (hereinafter the "'120 patent"). A copy of the '120 patent is attached as Exhibit A to this Complaint.

16. As a part of Defendants' business operations, Defendants create, assemble, import, manufacture, use, market, distribute, sell, and/or offer for sell computer equipment configured with or utilizing software based on one or more of the following versions of Linux:

2.4.22.x, 2.4.23.x, 2.4.24.x, 2.4.25.x, 2.4.26.x, 2.4.27.x, 2.4.28.x, 2.4.29.x, 2.4.30.x, 2.4.31.x, 2.4.32.x, 2.4.33.x, 2.4.37.x, 2.6.0.x, 2.6.1.x, 2.6.2.x, 2.6.3.x, 2.6.4.x, 2.6.5.x, 2.6.6.x, 2.6.7.x, 2.6.8.x, 2.6.9.x, 2.6.10.x, 2.6.11.x, 2.6.12.x, 2.6.13.x, 2.6.14.x, 2.6.15.x, 2.6.16.x, 2.6.17.x, 2.6.18.x, 2.6.19.x, 2.6.20.x, 2.6.21.x, 2.6.22.x, 2.6.23.x, 2.6.24.x, 2.6.25.x, 2.6.26.x, 2.6.27.x, 2.6.28.x, 2.6.29.x, 2.6.30.x, 2.6.31.x, or versions beyond 2.6.31.x.

17. Defendants directly infringe the '120 patent by making, using, selling, offering for sell or importing computer equipment configured with or utilizing software based on one or more of the following versions of Linux: 2.4.22.x, 2.4.23.x, 2.4.24.x, 2.4.25.x, 2.4.26.x, 2.4.27.x, 2.4.28.x, 2.4.29.x, 2.4.30.x, 2.4.31.x, 2.4.32.x, 2.4.33.x, 2.4.37.x, 2.6.0.x, 2.6.1.x, 2.6.2.x, 2.6.3.x, 2.6.4.x, 2.6.5.x, 2.6.6.x, 2.6.7.x, 2.6.8.x, 2.6.9.x, 2.6.10.x, 2.6.11.x, 2.6.12.x, 2.6.13.x, 2.6.14.x, 2.6.15.x, 2.6.16.x, 2.6.17.x, 2.6.18.x, 2.6.19.x, 2.6.20.x, 2.6.21.x, 2.6.22.x, 2.6.23.x, 2.6.24.x, 2.6.25.x, 2.6.26.x, 2.6.27.x, 2.6.28.x, 2.6.29.x, 2.6.30.x, 2.6.31.x, or versions beyond 2.6.31.x. *See* Exhibits B-J to this Complaint.

**COUNT I**  
**Infringement of the '120 Patent**

18. Plaintiff repeats and realleges the allegations in paragraphs 1-17 as though fully set forth herein.

19. Defendants have infringed and continue to infringe the '120 patent in this District and elsewhere in the United States by their manufacture, importation, sale, offering for sale, and/or use of the claimed method and apparatus of the '120 patent without authority or license of Bedrock.

21. Defendants' acts have caused, and unless restrained and enjoined, will continue to cause, irreparable injury and damage to Bedrock and its affiliates for which there is no adequate remedy at law. Unless enjoined by this Court, Defendants will continue to infringe the '120 patent.

### **PRAYER FOR RELIEF**

WHEREFORE, Bedrock requests the following relief:

22. that Defendants and their parents, affiliates, subsidiaries, officers, agents, servants, employees, attorneys, successors, and assigns, and all those persons in active concert or participation with them, or any of them, be enjoined from making, importing, using, offering for sale, selling, or causing to be sold any product or service falling within the scope of any claim of the '120 patent, or otherwise infringing or contributing to or inducing infringement of any claim of the '120 patent;

23. a finding that Defendants have infringed the '120 patent;

24. that Bedrock be awarded its actual damages;

25. that Bedrock be awarded pre-judgment interest and post-judgment interest at the maximum rate allowed by law;

26. that the Court order an accounting for damages;

27. that the Court declare this to be an exceptional case pursuant to 35 U.S.C. § 285 and award Bedrock its attorneys' fees;

28. that the Court award enhanced damages pursuant to 35 U.S.C. § 284;

29. that the Court award a compulsory future royalty;

30. that Bedrock be awarded costs of court; and

31. that Bedrock be awarded such other and further relief as the Court deems just and proper.

### **DEMAND FOR A JURY TRIAL**

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Bedrock demands a trial by jury on all issues triable of right by a jury.

DATED: April 13, 2010

Respectfully submitted,  
**McKOOL SMITH, P.C.**

/s/ Douglas Cawley

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**ATTORNEYS FOR PLAINTIFF  
BEDROCK COMPUTER  
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## **CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who have consented to electronic service on April 13, 2010. Local Rule CV-5(a)(3)(A).

/s/ J. Austin Curry  
J. Austin Curry