



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, Inc. 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 LLC 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.

11. Defendant CME Group Inc. is a Delaware corporation, with its principal place of business at 20 South Wacker Drive, Chicago, Illinois 60606, 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. On April 6, 1999, the U.S. Patent and Trademark Office duly and legally issued U.S. Patent No. 5,893,120 (hereinafter "the '120 Patent" or "the Patent-In-Suit"), entitled

“Methods and Apparatus for Information Storage and Retrieval Using a Hashing Technique with External Chaining and On-the-Fly Removal of Expired Data.” A copy of the ‘120 Patent is attached as Exhibit A to this Complaint.

16. Bedrock holds all right, title, and interest in and to the ‘120 Patent. Bedrock also possesses all rights to sue and recover for past and future infringement.

17. The ‘120 Patent is valid and enforceable.

18. In the course of their business operations, Defendants use the method and apparatus falling within one or more claims of the ‘120 Patent.

19. Defendants infringe the Patent-in-Suit directly, contributorily and/or by active inducement by importing, manufacturing, using, marketing, distributing, selling, and/or supporting products and/or services that fall within one or more claims of the ‘120 Patent.

20. At least as early as June 16, 2009, upon commencement of this action, Defendants were made aware of the ‘120 Patent, had knowledge of the infringing nature of their activities, and have nevertheless continued their infringing activities. Defendants’ infringement has been and continues to be willful.

21. An *ex parte* reexamination of the ‘120 Patent was filed with the USPTO on February 9, 2010.

22. An amendment clarifying certain original claims of the ‘120 Patent was filed with the USPTO on November 23, 2010. The amendment clarified independent claims 3 and 4, as well as claims 7 and 8 dependent thereon; claims 1, 2, 5, and 6 remained unchanged.

23. On January 14, 2011, the USPTO issued a Notice of Intent to Issue Ex Parte Reexamination Certificate, allowing the amendments to the ‘120 Patent and confirming the patentability of all claims of the ‘120 Patent. The legal scope of the claims of the ‘120 Patent

remains unchanged. A copy of the USPTO's statements confirming patentability is attached as Exhibit B to this Complaint.

22. At least as early as January 14, 2011, Defendants were aware of the USPTO's statement confirming the validity of the '120 Patent but nevertheless continued their infringing activities. Accordingly, Defendants' infringement has been and continues to be willful.

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

23. Plaintiff repeats and realleges the allegations in paragraphs 1-23 as though fully set forth herein.

24. 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, and their infringing activities have been and continue to be willful under the extenuating circumstances described in *Webmap Technologies, LLC v. Google, Inc.*, 2010 WL 3768097 (E.D. Tex. Sept. 10, 2010).

25. Defendants have contributorily infringed and/or induced others to infringe and continue to contributorily infringe and/or to induce others 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, and their infringing activities have been and continue to be willful.

27. 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 willfully infringe the '120 Patent.

**PRAYER FOR RELIEF**

WHEREFORE, Bedrock requests the following relief:

28. 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 Patent-in-Suit, or otherwise infringing or contributing to or inducing infringement of any claim of the Patent-in-Suit;

29. a finding that Defendants have infringed the Patent-in-Suit;

30. a finding that Defendants have willfully infringed the Patent-in-Suit;

31. that Bedrock be awarded its actual damages;

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

33. that the Court order an accounting for damages;

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

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

36. that the Court award a compulsory future royalty;

37. that Bedrock be awarded costs of court; and

38. 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: January 24, 2010

Respectfully submitted,

**McKOOL SMITH, P.C.**

/s/ Sam F. Baxter  
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**ATTORNEYS FOR PLAINTIFF  
BEDROCK COMPUTER TECHNOLOGIES**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system.

By: /s/ Stacie L. Greskowiak  
Stacie L. Greskowiak