

1 Alex H. Chan (SBN 278805)
2 DEVLIN LAW FIRM LLC
3 16219 Flamstead Drive
4 Hacienda Heights, CA 91745
5 Telephone: (646) 331-0604
6 Facsimile: (302) 353-4251
7 achan@devlinlawfirm.com

8 James M. Lennon (*pro hac vice* application to be filed)
9 DEVLIN LAW FIRM LLC
10 1526 Gilpin Avenue
11 Wilmington, Delaware 19806
12 Telephone: (302) 449-9010
13 Facsimile: (302) 353-4251
14 jlennon@devlinlawfirm.com

15 *Attorneys for Plaintiff*
16 *Implicit, LLC*

17
18 **UNITED STATES DISTRICT COURT**
19 **CENTRAL DISTRICT OF CALIFORNIA**
20 **WESTERN DIVISION**
21

22 IMPLICIT, LLC,

23 Plaintiff,

24 v.

25 ZIFF DAVIS, INC. and MUDHOOK
26 MARKETING, INC.,

27 Defendants.

Case No. 2:22-cv-9453

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

1 Plaintiff Implicit, LLC (“Implicit” or “Plaintiff”), for its Complaint against
2 Defendants Ziff Davis, Inc. (referred to herein as “Ziff Davis” or Defendant), and
3 Mudhook Marketing, Inc., (referred to herein as “Mudhook Marketing” or
4 “Defendant”) (collectively, “Defendants”), alleges the following:

5 **NATURE OF THE ACTION**

6 1. This is an action for patent infringement arising under the Patent Laws
7 of the United States, 35 U.S.C. § 1 *et seq.*

8 **THE PARTIES**

9 2. Plaintiff Implicit is a limited liability company organized under the
10 laws of the State of Washington with a place of business at 101 E Park Blvd, Suite
11 600, Plano, TX 75074.

12 3. Upon information and belief, Ziff Davis is a corporation organized
13 under the laws of the State of Delaware with a place of business at 2231 South
14 Barrington Avenue, Los Angeles, California, 90064 and at 6922 Hollywood
15 Boulevard, Suite #500, Los Angeles, California, 90028. Upon information and
16 belief, Ziff Davis sells, offers to sell, and/or uses products and services throughout
17 the United States, including in this judicial district, and introduces infringing
18 products and services into the stream of commerce knowing that they would be
19 sold and/or used in this judicial district and elsewhere in the United States.

20 4. Upon information and belief, Mudhook Marketing is a corporation
21 organized under the laws of the State of Florida with a place of business at 700 S.
22 Flower Street, 15th Floor, Los Angeles, California, 90017. Upon information and
23 belief, Mudhook Marketing sells, offers to sell, and/or uses products and services
24 throughout the United States, including in this judicial district, and introduces
25 infringing products and services into the stream of commerce knowing that they
26 would be sold and/or used in this judicial district and elsewhere in the United
27 States.

JURISDICTION AND VENUE

1
2 5. This is an action for patent infringement arising under the Patent Laws
3 of the United States, Title 35 of the United States Code.

4 6. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331
5 and 1338(a).

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

7 8. This Court has personal jurisdiction over Ziff Davis under the laws of
8 the State of California, due at least to its substantial business in California and in
9 this judicial district, directly or through intermediaries, including: (i) at least a
10 portion of the infringements alleged herein; and (ii) regularly doing or soliciting
11 business, engaging in other persistent courses of conduct and/or deriving
12 substantial revenue from goods and services provided to individuals in the State of
13 California. Venue is also proper in this district because Ziff Davis has a regular
14 and established place of business in this district. On information and belief, Ziff
15 Davis has employees in this judicial district and maintains an office located at 2231
16 South Barrington Avenue, Los Angeles, CA 90064 and at 6922 Hollywood
17 Boulevard, Suite #500, Los Angeles, California, 90028. (See
18 <https://www.ziffdavis.com/locations>; <https://www.sugarsync.com/group/contact/>.)

19 9. This Court has personal jurisdiction over Mudhook Marketing under
20 the laws of the State of California, due at least to its substantial business in
21 California and in this judicial district, directly or through intermediaries, including:
22 (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or
23 soliciting business, engaging in other persistent courses of conduct and/or deriving
24 substantial revenue from goods and services provided to individuals in the State of
25 California. Venue is also proper in this district because Mudhook Marketing has a
26 regular and established place of business in this district. On information and
27 belief, Mudhook Marketing has employees in this judicial district and maintains an

1 office located at 700 S. Flower Street, 15th Floor, Los Angeles, California, 90017.
2 (See <https://support.sugarsync.com/hc/en-us>;
3 [https://start.cortera.com/company/research/m2o8qvm7s/mudhook-marketing-inc/.](https://start.cortera.com/company/research/m2o8qvm7s/mudhook-marketing-inc/))

4 **BACKGROUND**

5 **The Invention**

6 10. Edward Balassanian is the inventor of U.S. Patent No. 7,778,966 (“the
7 ’966 patent”). A true and correct copy of the ’966 patent is attached as Exhibit A.

8 11. The ’966 patent resulted from the pioneering efforts of Mr. Edward
9 Balassanian (hereinafter “the Inventor”) in the area of computer systems and
10 methods to manage access to information using object attributes. These efforts
11 resulted in the development of a method for managing attributes of objects in a
12 namespace and for allowing multiple views into the namespace in the early 2000s.
13 At the time of these pioneering efforts, the most widely implemented technology
14 used to access various data structures to locate the object and return its reference
15 relied on namespaces utilizing predefined attributes associated with their objects
16 and logical views of objects that corresponded to the physical organization of the
17 namespace. The Inventor conceived of the inventions claimed in the ’966 patent as
18 a way to improve upon these shortcomings and allow for more flexible handling of
19 object attributes and more flexible views into the namespace.

20 12. For example, as recited in claim 1 of the ’966 patent, the Inventor
21 developed a method in a computer system for synchronizing a duplicate namespace
22 with an original namespace, the method comprising:

23 receiving a query specification and a view specification
24 for one or more objects in the namespace, the view
25 specification indicating how objects satisfying the query
26 specification are to be organized;

27 identifying from the original namespace the objects that
match the query specification;

- 1 generating a duplicate namespace using the identified
- 2 objects and the view specification;
- 3
- 4 associating the query specification and view specification
- 5 with the duplicate namespace;
- 6
- 7 modifying one or more objects so that the original
- 8 namespace and duplicate namespace are not
- 9 synchronized;
- 10
- 11 re-identifying from the original those objects that match
- 12 the query specification; and
- 13
- 14 modifying one or more objects so that the original
- 15 namespace and duplicate namespace are synchronized.

16 13. Because of the aforementioned advantages that can be achieved
17 through the use of the patented invention, the '966 patent presents significant
18 commercial value for companies like Defendants. Indeed, Defendants' product
19 SugarSync has at least 112,000 monthly users in 186 countries. (See, e.g.,
20 [https://www.ziffdavis.com/brands/security/sugarsync.](https://www.ziffdavis.com/brands/security/sugarsync))

21 14. The patented invention disclosed in the '966 patent resolves technical
22 problems related to managing access to data structures to locate the object,
23 particularly problems related to flexibility in the handling of object attributes and
24 views into the namespace.

25 15. The claims of the '966 patent do not merely recite the performance of
26 some well-known business practice from the pre-Internet world along with the
27 requirement to perform it on the Internet. Instead, the claims of the '966 patent
recite inventive concepts that are deeply rooted in engineering technology, and
overcome problems specifically arising out of how to manage attributes for and
views of objects within a namespace wherein multiple queries may be used to
access a data structure in a computer system at various levels of hierarchy.

 16. The claims of the '966 patent recite inventive concepts that are not

1 merely routine or conventional use of the aforementioned computer systems, but
2 provide a new and novel solution to specific problems related to improving data
3 management and access therein.

4 17. And finally, the patented invention disclosed in the '966 patent does
5 not preempt all the ways that computer systems may be organized to improve data
6 access, nor does the '966 patent preempt any other well-known or prior art
7 technology.

8 18. Accordingly, the claims in the '966 patent recite a combination of
9 elements sufficient to ensure that the claim in substance and in practice amounts to
10 significantly more than a patent-ineligible abstract idea.

11 **COUNT I – INFRINGEMENT OF U.S. PATENT NO. 7,778,966**

12 19. The allegations set forth in the foregoing paragraphs 1 through 18 are
13 incorporated into this First Claim for Relief.

14 20. On August 17, 2010, the '966 patent was duly and legally issued by
15 the United States Patent and Trademark Office under the title “Method and System
16 for Attribute Management in a Namespace.”

17 21. Implicit is the assignee and owner of the right, title and interest in and
18 to the '966 patent, including the right to assert all causes of action arising under
19 said patent and the right to any remedies for infringement of it.

20 22. Upon information and belief, Defendants have and continue to
21 directly infringe one or more claims of the '966 patent by selling, offering to sell,
22 making, using, and/or providing and causing to be used products, specifically one
23 or more data synchronization platforms, which by way of example includes
24 SugarSync (the “Accused Instrumentalities”).

25 23. Upon information and belief, the Accused Instrumentalities perform a
26 method in a computer system for synchronizing a duplicate namespace with an
27 original namespace. Exemplary infringement analysis showing infringement of all

1 elements of the method recited in claim 1 of the '966 patent is set forth in Exhibit
2 B. This infringement analysis is necessarily preliminary, as it is provided in
3 advance of any discovery provided by Defendants with respect to the '966 patent.
4 Implicit reserves all rights to amend, supplement and modify this preliminary
5 infringement analysis. Nothing in the attached chart should be construed as any
6 express or implied contention or admission regarding the construction of any term
7 or phrase of the claims of the '966 patent.

8 24. The Accused Instrumentalities infringed and continue to infringe
9 claim 1 of the '966 patent during the pendency of the '966 patent.

10 25. Upon information and belief, Defendant Ziff Davis has been aware of
11 the '966 patent and its infringement thereof at least as early as May 6, 2022, upon
12 the filing of the complaint for patent infringement in Civil Action No. 6:22-cv-
13 00460.

14 26. Defendant Ziff Davis's infringement of the '966 patent is willful and
15 deliberate, entitling Implicit to enhanced damages and attorneys' fees.

16 27. Implicit has been harmed by Defendants' infringing activities.

17 **JURY DEMAND**

18 Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Implicit
19 demands a trial by jury on all issues triable as such.

20 **PRAYER FOR RELIEF**

21 WHEREFORE, Plaintiff Implicit demands judgment for itself and against
22 Defendants as follows:

23 A. An adjudication that Defendants have infringed the '966 patent;

24 B. An award of damages to be paid by Defendants adequate to
25 compensate Implicit for Defendants' past infringement of the '966
26 patent, and any continuing or future infringement through the date
27 such judgment is entered, including interest, costs, expenses and an

- 1 accounting of all infringing acts including, but not limited to, those
2 acts not presented at trial;
- 3 C. Enhanced damages for willful infringement;
- 4 D. A declaration that this case is exceptional under 35 U.S.C. § 285, and
5 an award of Implicit’s reasonable attorneys’ fees; and
- 6 E. An award to Implicit of such further relief at law or in equity as the
7 Court deems just and proper.

8
9 Dated: December 30, 2022

By: /s/ Alex H. Chan
Alex H. Chan (SBN 278805)
DEVLIN LAW FIRM LLC
16219 Flamstead Drive
Hacienda Heights, CA 91745
Telephone: (646) 331-0604
Facsimile: (302) 353-4251
achan@devlinlawfirm.com

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19 Telephone: (302) 449-9010
20 Facsimile: (302) 353-4251
jlennon@devlinlawfirm.com

21 *Attorneys for Plaintiff*
22 *Implicit, LLC*

- 23 Exhibits:
- 24 • Ex. A – ’966 Patent
 - 25 • Ex. B – ’966 Claim Chart
- 26
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