

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

VIEW 360 SOLUTIONS LLC and FORD OXAAL,
Plaintiffs,

v.

GOOGLE, INC.,

Defendant,

and

**ONCAM GLOBAL GROUP AG d/b/a ONCAM
GRANDEYE and GRANDEYE LIMITED,**

Defendant Patent Owners,

and

MIND’S-EYE-VIEW, INC.

Defendant.

Case No. 1:12-CV-1352 (GTS/TWD)

PATENT CASE

JURY TRIAL DEMANDED

FIRST AMENDED COMPLAINT

View 360 Solutions LLC (“View 360”) and Ford Oxaal file this Complaint against Google, Inc. (“Google” or “Defendant”) for infringement of U.S. Patent No. 6,157,385 (the “385 patent”), U.S. Patent No. 6,731,284 (the “284 patent”), U.S. Patent No. 6,243,099 (the “099 patent”), U.S. Patent No. 6,271,853 (the “853 patent”), U.S. Patent No. 7,542,035 (the “035 patent”), U.S. Patent No. 6,252,603 (the “603 patent”), U.S. Patent No. 6,323,862 (the “862 patent”) and U.S. Patent No. 8,077,176 (the “176 patent”) (collectively the “Asserted Patents”). Oncam Global Group AG d/b/a Oncam Grandeye and Grandeye Limited, collectively (“Grandeye” or “Defendant Patent Owners”) are named as parties to this litigation and denominated as Defendant Patent Owners. Mind’s-Eye-View, Inc. (“MEV”) is named as a party to this litigation and is denominated as a Defendant.

THE PARTIES

VIEW 360 SOLUTIONS LLC

1. View 360 is a New York limited liability company with its principal place of business at 6136 Frisco Square Blvd., Suite 385, Frisco, Texas 75034.

FORD OXAAL

2. Ford Oxaal is an individual who resides in this district at 48 Western Avenue, Cohoes, New York 12047.

3. Ford Oxaal has been voluntarily joined as a plaintiff in this action. Such joinder will not divest the court of subject matter jurisdiction.

4. As the sole inventor of the Asserted Patents, Ford Oxaal may have an interest therein, and therefore is a party-in-interest.

5. As the owner or former owner of the Asserted Patents, Ford Oxaal may have an interest therein, and therefore is a party-in-interest.

6. Google contends that Mr. Oxaal may have ownership interests in the Asserted Patents.

7. Google contends that Mr. Oxaal's interests in the Asserted Patents may be relevant to this Court's adjudication of standing.

8. Disposing of this action in the absence of Mr. Oxaal may impair or impede Mr. Oxaal's ability to protect his interests relevant to the action.

GOOGLE, INC.

9. Google is a Delaware corporation with its principal place of business located at 1600 Amphitheatre Parkway, Mountain View, California 94043. This Court has personal jurisdiction over Google because Google has committed, and continues to commit, acts of

infringement in the state of New York, has conducted business in the state of New York, and/or has engaged in continuous and systematic activities in the state of New York.

ONCAM GLOBAL GROUP AG and GRANDEYE LIMITED

10. Oncam Global Group AG (“Oncam Global”) is a company existing under the laws of Switzerland with its principal places of business at Poststrasse 14, 6300 Zug, Switzerland and 115 Hammersmith Road, London W14 0QH, United Kingdom.

11. Grandeye Limited is a limited company existing under the laws of the United Kingdom having its principal place of business at 6 Huxley Road, Guildford GU2 7RE, United Kingdom.

12. On information and belief, Grandeye Limited was acquired by Oncam Global in June of 2012, and Oncam Global now does business as “Oncam Grandeye.”

13. Grandeye Limited is the owner of the Asserted Patents.

14. Oncam Global is the owner of the Asserted Patents.

15. Grandeye Limited and Oncam Global are the owners of the Asserted Patents.

16. Oncam Global and Grandeye Limited are collectively referred to herein as “Grandeye.”

17. Grandeye has been joined as a defendant in this action, pursuant to Rule 19(a) of the Federal Rules of Civil Procedure. As the owner of the Asserted Patents, Grandeye may have an interest therein, and is therefore a real party-in-interest. Grandeye was requested to join as a plaintiff in this suit, but declined that request and has refused to voluntarily join as a plaintiff. Without joinder of Grandeye, there may be no other way of securing justice for View 360. Such joinder will not divest the court of subject matter jurisdiction.

MIND’S-EYE-VIEW, INC.

18. Mind’s-Eye-View, Inc. (“MEV”) is a Delaware corporation with a principal place of business in this district at 103 Remsen Street, Suite 201, Cohoes, New York, 12047.

19. MEV has been joined as a defendant in this action, pursuant to Rule 19(a) of the Federal Rules of Civil Procedure. Such joinder will not divest the court of subject matter jurisdiction.

20. As a prior exclusive licensee of the Asserted Patents, MEV may have an interest therein, and therefore is a party-in-interest.

21. Google contends that MEV may have ownership interests in the Asserted Patents.

22. Google contends that MEV’s interests in the Asserted Patents may be relevant to this Court’s adjudication of standing.

23. Google contends that View 360 has no rights in the Asserted Patents, because MEV had no rights in the Asserted Patents at the time of the 13 February 2008 “Grandeye – Mind’s Eye View Termsheet” entered into between Grandeye Limited and MEV.

24. For the Court to determine whether Google’s contention in the above paragraph is correct, the Court must necessarily determine when MEV obtained its rights to the Asserted Patents.

25. Disposing of this action in the absence of MEV may impair or impede MEV’s ability to protect its interests relevant to the action.

JURISDICTION AND VENUE

26. This is an action for patent infringement under Title 35 of the United States Code. View 360 is seeking injunctive relief as well as damages.

27. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patents) because this is a civil action for patent infringement arising under the United States' patent statutes, 35 U.S.C. § 101 *et seq.*

28. Venue is proper under 28 U.S.C. §§ 1391(c) and 1400(b) because Google has committed acts of infringement in this district and/or is deemed to reside in this district.

29. This Court has personal jurisdiction over Google and venue is proper in this district because Google has committed, and continues to commit, acts of infringement in the State of New York, including in this district and/or has engaged in continuous and systematic activities in the State New York, including in this district.

30. This Court has personal jurisdiction over Defendant Patent Owners Oncam Global and Grandeye Limited and venue is proper in this district by virtue of at least Grandeye's business dealings with Mind's-Eye-View and other entities in the Northern District of New York.

31. This Court has personal jurisdiction over Defendant MEV and venue is proper in this district by virtue of at least MEV's principal place of business in this district.

COUNT I
(INFRINGEMENT OF U.S. PATENT NO. 6,157,385)

32. View 360 incorporates paragraphs 1 through 31 herein by reference.

33. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. §§ 271, *et seq.*

34. The '385 patent is entitled "Method of and Apparatus for Performing Perspective Transformation of Visible Stimuli." View 360 has an exclusive license to the '385 patent with rights to enforce the '385 patent and sue infringers. A true and correct copy of the '385 patent is attached as Exhibit 1.

35. The '385 patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

36. View 360 has been damaged as a result of Google's infringing conduct described in this Count. Google is, thus, liable to View 360 in an amount that adequately compensates it for their infringement, which by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

GOOGLE (Direct Infringement)

37. On information and belief, Google has and continues to directly infringe one or more claims of the '385 patent in this judicial district and/or elsewhere in New York and the United States, including at least claims 1, 2, 3, 4, 6, 7, 8, 10, 12 and 13 by, among other things, practicing the patented methods via Google Street View. Google is thereby liable for infringement of the '385 patent pursuant to 35 U.S.C. § 271.

GOOGLE (Joint Infringement)

38. To the extent Google does not directly perform any step or steps of the asserted method claims of the '385 patent, Google is liable for direct infringement of one or more method claims of the '385 patent pursuant to the doctrine of joint infringement, because such steps being performed by third-parties are, on information and belief, performed under the direction and control of Google.

39. On information and belief, Google contends that a third party or third parties perform one or more steps of the asserted method claims of the '385 patent.

40. On information and belief, Google exercises direction or control over any third parties that Google contends performs any step or steps of the asserted method claims of the '385 patent, making every step of the patented method attributable to Google.

41. For example, with respect to claim 1, Google contends that it does not “capture ‘at least two images separately....’” However, Google directs or controls by contractual relationship the third party that Google contends “captured” images for Google Street View

GOOGLE (Indirect Infringement – Inducement)

42. Based on the information presently available to View 360, absent discovery, and in the alternative to direct infringement, View 360 contends that Google has and continues to indirectly infringe one or more claims of the ‘385 patent, including at least claims 1, 2, 3, 4, 6, 7, 8, 10, 12 and 13 by inducing others, including end users of Google Street View to practice the patented methods in violation of one or more claims of the ‘385 patent.

43. Google has been on notice of the ‘385 patent since at least service of this action. In accordance with Fed. R. Civ. P. 11(b)(3), View 360 will likely have additional evidentiary support after a reasonable opportunity for further investigation or discovery on this issue.

44. On information and belief, since Google has been on notice of the ‘385 patent, Google has knowingly induced infringement of the ‘385 patent, including at least claims 1, 2, 3, 4, 6, 7, 8, 10, 12 and 13 of the ‘385 patent, and possessed specific intent to encourage others’ infringement.

45. On information and belief, since Google has been on notice of the ‘385 patent, Google knew or should have known that its action would induce actual infringement of the ‘385 patent, including at least claims 1, 2, 3, 4, 6, 7, 8, 10, 12 and 13 of the ‘385 patent.

46. Google has not produced or relied upon an opinion of counsel related to the ‘385 patent. In accordance with Fed. R. Civ. P. 11(b)(3), View 360 will likely have additional evidentiary support after a reasonable opportunity for discovery on this issue.

47. Google provides support to users of Google Street View.

48. Google has not produced any evidence as to any investigation, design around or that any remedial action was taken with respect to the '385 patent. In accordance with Fed .R. Civ. P. 11(b)(3), View 360 will likely have additional evidentiary support after a reasonable opportunity for discovery on this issue.

COUNT II
(INFRINGEMENT OF U.S. PATENT NO. 6,731,284)

49. View 360 incorporates paragraphs 1 through 48 herein by reference.

50. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. §§ 271, *et seq.*

51. The '284 patent is entitled "Method of and Apparatus for Performing Perspective Transformation of Visible Stimuli." View 360 has an exclusive license to the '284 patent with rights to enforce the '284 patent and sue infringers. A true and correct copy of the '284 patent is attached as Exhibit 2.

52. The '284 patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

53. View 360 has been damaged as a result of Google's infringing conduct described in this Count. Google is, thus, liable to View 360 in an amount that adequately compensates it for their infringement, which by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

GOOGLE (Direct Infringement)

54. On information and belief, Google has and continues to directly infringe one or more claims of the '284 patent in this judicial district and/or elsewhere in New York and the United States, including at least claims 1, 2, 5, 6, 9, 10, 11, 12, 15, 16, 19, 20, 21, 22, 23, 24, 26

and 27 by, among other things, practicing the patented methods via Google Street View. Google is thereby liable for infringement of the '284 patent pursuant to 35 U.S.C. § 271.

55. To the extent Google does not directly perform each step of the asserted method claims of the '284 patent, Google is still liable for direct infringement pursuant to the doctrine of joint infringement, because such steps being performed by third-parties are, on information and belief, performed under the direction and control of Google.

GOOGLE (Joint Infringement)

56. To the extent Google does not directly perform any step or steps of the asserted method claims of the '284 patent, Google is liable for direct infringement of one or more method claims of the '284 patent pursuant to the doctrine of joint infringement, because such steps being performed by third-parties are, on information and belief, performed under the direction and control of Google.

57. On information and belief, Google contends that a third party or third parties perform one or more steps of the asserted method claims of the '284 patent.

58. On information and belief, Google exercises direction or control over any third parties that Google contends performs any step or steps of the asserted method claims of the '284 patent, making every step of the patented method attributable to Google.

59. For example, with respect to claim 1, Google contends that it does not “acquire a substantially seamless data set....” However, Google directs or controls by contractual relationship the third party that Google contends “acquires” the data utilized by Google Street View.

GOOGLE (Indirect Infringement – Inducement)

60. Based on the information presently available to View 360, absent discovery, and in the alternative to direct infringement, View 360 contends that Google has and continues to indirectly infringe one or more claims of the '284 patent, including at least claims 1, 2, 5, 6, 9, 10, 11, 12, 15, 16, 19, 20, 21, 22, 23, 24, 26 and 27 by, by inducing others, including end users of Google Street View to use infringing devices in violation of one or more claims of the '284 patent.

61. Google has been on notice of the '284 patent since at least service of this action. In accordance with Fed. R. Civ. P. 11(b)(3), View 360 will likely have additional evidentiary support after a reasonable opportunity for further investigation or discovery on this issue.

62. On information and belief, since Google has been on notice of the '284 patent, Google has knowingly induced infringement of the '284 patent, including at least claims 1, 2, 5, 6, 9, 10, 11, 12, 15, 16, 19, 20, 21, 22, 23, 24, 26 and 27 by of the '284 patent, and possessed specific intent to encourage others' infringement.

63. On information and belief, since Google has been on notice of the '284 patent, Google knew or should have known that its action would induce actual infringement of the '284 patent, including at least claims 1, 2, 5, 6, 9, 10, 11, 12, 15, 16, 19, 20, 21, 22, 23, 24, 26 and 27 by of the '284 patent.

64. Google has not produced or relied upon an opinion of counsel related to the '284 patent. In accordance with Fed .R. Civ. P. 11(b)(3), View 360 will likely have additional evidentiary support after a reasonable opportunity for discovery on this issue.

65. Google provides support to users of Google Street View.

66. Google has not produced any evidence as to any investigation, design around or that any remedial action was taken with respect to the '284 patent. In accordance with Fed .R. Civ. P. 11(b)(3), View 360 will likely have additional evidentiary support after a reasonable opportunity for discovery on this issue.

COUNT III
(INFRINGEMENT OF U.S. PATENT NO. 6,243,099)

67. View 360 incorporates paragraphs 1 through 66 herein by reference.

68. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. §§ 271, *et seq.*

69. The '099 patent is entitled "Method for Interactive Viewing Full-Surround Image Data and Apparatus Therefor." View 360 has an exclusive license to the '099 patent with rights to enforce the '099 patent and sue infringers. A true and correct copy of the '099 patent is attached as Exhibit 3.

70. The '099 patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

71. View 360 has been damaged as a result of Google's infringing conduct described in this Count. Google is, thus, liable to View 360 in an amount that adequately compensates it for their infringement, which by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

GOOGLE (Direct Infringement)

72. On information and belief, Google has and continues to directly infringe one or more claims of the '099 patent in this judicial district and/or elsewhere in New York and the United States, including at least claims 1, 3, 4, 5, 11, 13, 18, 19, 21 and 22, by, among other things, making, offering for sale, selling, importing and/or using the patented systems and

methods via Google Street View. Google is thereby liable for infringement of the '099 patent pursuant to 35 U.S.C. § 271.

GOOGLE (Indirect Infringement – Inducement)

73. Based on the information presently available to View 360, absent discovery, and in the alternative to direct infringement, View 360 contends that Google has and continues to indirectly infringe one or more claims of the '099 patent, including at least claims 1, 3, 4, 5, 11, 13, 18, 19, 21 and 22, by inducing others, including end users of Google Street View to use infringing devices in violation of one or more claims of the '099 patent.

74. Google has been on notice of the '099 patent since at least service of this action. In accordance with Fed. R. Civ. P. 11(b)(3), View 360 will likely have additional evidentiary support after a reasonable opportunity for further investigation or discovery on this issue.

75. On information and belief, since Google has been on notice of the '099 patent, Google has knowingly induced infringement of the '099 patent, including at least claims 1, 3, 4, 5, 11, 13, 18, 19, 21 and 22 of the '099 patent, and possessed specific intent to encourage others' infringement.

76. On information and belief, since Google has been on notice of the '099 patent, Google knew or should have known that its action would induce actual infringement of the '099 patent, including at least claims 1, 3, 4, 5, 11, 13, 18, 19, 21 and 22 of the '099 patent.

77. Google has not produced or relied upon an opinion of counsel related to the '099 patent. In accordance with Fed .R. Civ. P. 11(b)(3), View 360 will likely have additional evidentiary support after a reasonable opportunity for discovery on this issue.

78. Google provides support to users of Google Street View.

79. Google has not produced any evidence as to any investigation, design around or that any remedial action was taken with respect to the '099 patent. In accordance with Fed .R. Civ. P. 11(b)(3), View 360 will likely have additional evidentiary support after a reasonable opportunity for discovery on this issue.

COUNT IV
(INFRINGEMENT OF U.S. PATENT NO. 6,271,853)

80. View 360 incorporates paragraphs 1 through 79 herein by reference.

81. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. §§ 271, *et seq.*

82. The '853 patent is entitled "Method for Generating and Interactively Viewing Spherical Image Data." View 360 has an exclusive license to the '853 patent with rights to enforce the '853 patent and sue infringers. A true and correct copy of the '853 patent is attached as Exhibit 4.

83. The '853 patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

84. View 360 has been damaged as a result of Google's infringing conduct described in this Count. Google is, thus, liable to View 360 in an amount that adequately compensates it for their infringement, which by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

GOOGLE (Direct Infringement)

85. On information and belief, Google has and continues to directly infringe one or more claims of the '853 patent in this judicial district and/or elsewhere in New York and the United States, including at least claims 1, 3, 4, 5, 11, 13, 18, 19 and 22, by, among other things,

practicing the patented methods via Google Street View. Google is thereby liable for infringement of the '853 patent pursuant to 35 U.S.C. § 271.

86. To the extent Google does not directly perform each step of the asserted method claims of the '853 patent, Google is still liable for direct infringement pursuant to the doctrine of joint infringement, because such steps being performed by third-parties are, on information and belief, performed under the direction and control of Google.

GOOGLE (Joint Infringement)

87. To the extent Google does not directly perform any step or steps of the asserted method claims of the '853 patent, Google is liable for direct infringement of one or more method claims of the '853 patent pursuant to the doctrine of joint infringement, because such steps being performed by third-parties are, on information and belief, performed under the direction and control of Google.

88. On information and belief, Google contends that a third party or third parties perform one or more steps of the asserted method claims of the '853 patent.

89. On information and belief, Google exercises direction or control over any third parties that Google contends performs any step or steps of the asserted method claims of the '853 patent, making every step of the patented method attributable to Google.

90. For example, with respect to claim 1, Google contends that it does not “digitize[] ‘N circular images....’” However, Google directs or controls by contractual relationship the third party that Google contends “digitized” the images for Google Street View.

GOOGLE (Indirect Infringement – Inducement)

91. Based on the information presently available to View 360, absent discovery, and in the alternative to direct infringement, View 360 contends that Google has and continues to

indirectly infringe one or more claims of the '853 patent, including at least claims 1, 3, 4, 5, 11, 13, 18, 19 and 22, by inducing others, including end users of Google Street View to use infringing devices in violation of one or more claims of the '853 patent.

92. Google has been on notice of the '853 patent since at least service of this action. In accordance with Fed. R. Civ. P. 11(b)(3), View 360 will likely have additional evidentiary support after a reasonable opportunity for further investigation or discovery on this issue.

93. On information and belief, since Google has been on notice of the '853 patent, Google has knowingly induced infringement of the '853 patent, including at least claims 1, 3, 4, 5, 11, 13, 18, 19 and 22 of the '853 patent, and possessed specific intent to encourage others' infringement.

94. On information and belief, since Google has been on notice of the '853 patent, Google knew or should have known that its action would induce actual infringement of the '853 patent, including at least claims 1, 3, 4, 5, 11, 13, 18, 19 and 22 of the '853 patent.

95. Google has not produced or relied upon an opinion of counsel related to the '853 patent. In accordance with Fed .R. Civ. P. 11(b)(3), View 360 will likely have additional evidentiary support after a reasonable opportunity for discovery on this issue.

96. Google provides support to users of Google Street View.

97. Google has not produced any evidence as to any investigation, design around or that any remedial action was taken with respect to the '853 patent. In accordance with Fed .R. Civ. P. 11(b)(3), View 360 will likely have additional evidentiary support after a reasonable opportunity for discovery on this issue.

COUNT V
(INFRINGEMENT OF U.S. PATENT NO. 7,542,035)

98. View 360 incorporates paragraphs 1 through 97 herein by reference.

99. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. §§ 271, *et seq.*

100. The '035 patent is entitled "Method for Interactively Viewing Full-Surround Image Data and Apparatus Therefor." View 360 has an exclusive license to the '035 patent with rights to enforce the '035 patent and sue infringers. A true and correct copy of the '035 patent is attached as Exhibit 5.

101. The '035 patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

102. View 360 has been damaged as a result of Google's infringing conduct described in this Count. Google is, thus, liable to View 360 in an amount that adequately compensates it for their infringement, which by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

GOOGLE (Direct Infringement)

103. On information and belief, Google has and continues to directly infringe one or more claims of the '035 patent in this judicial district and/or elsewhere in New York and the United States, including at least claims 53, 54, 69, 73, 78, 80, 82, 83, 84, 86, 89, 98, 102, 105, 113, 115, 118, 119, 120, 121 and 123, by, among other things, practicing the patented methods via Google Street View. Google is thereby liable for infringement of the '035 patent pursuant to 35 U.S.C. § 271.

104. To the extent Google does not directly perform each step of the asserted method claims of the '035 patent, Google is still liable for direct infringement pursuant to the doctrine of joint infringement, because such steps being performed by third-parties are, on information and belief, performed under the direction and control of Google.

GOOGLE (Joint Infringement)

105. To the extent Google does not directly perform any step or steps of the asserted method claims of the '035 patent, Google is liable for direct infringement of one or more method claims of the '035 patent pursuant to the doctrine of joint infringement, because such steps being performed by third-parties are, on information and belief, performed under the direction and control of Google.

106. On information and belief, Google contends that a third party or third parties perform one or more steps of the asserted method claims of the '035 patent.

107. On information and belief, Google exercises direction or control over any third parties that Google contends performs any step or steps of the asserted method claims of the '035 patent, making every step of the patented method attributable to Google.

108. For example, with respect to claim 86, Google contends that it “does not ‘independently cause to be displayed [...] any selected portion of the texture-mapped p-surface....’” However, Google directs or controls by contractual relationship the third party Google contends does cause or contributes to causing the display for Google Street View.

GOOGLE (Indirect Infringement – Inducement)

109. Based on the information presently available to View 360, absent discovery, and in the alternative to direct infringement, View 360 contends that Google has and continues to indirectly infringe one or more claims of the '035 patent, including at least claims 53, 54, 69, 73, 78, 80, 82, 83, 84, 86, 89, 98, 102, 105, 113, 115, 118, 119, 120, 121 and 123, by inducing others, including end users of Google Street View to use infringing devices in violation of one or more claims of the '035 patent.

110. Google has been on notice of the '035 patent since at least service of this action. In accordance with Fed. R. Civ. P. 11(b)(3), View 360 will likely have additional evidentiary support after a reasonable opportunity for further investigation or discovery on this issue.

111. On information and belief, since Google has been on notice of the '035 patent, Google has knowingly induced infringement of the '035 patent, including at least claims 53, 54, 69, 73, 78, 80, 82, 83, 84, 86, 89, 98, 102, 105, 113, 115, 118, 119, 120, 121 and 123 of the '035 patent, and possessed specific intent to encourage others' infringement.

112. On information and belief, since Google has been on notice of the '035 patent, Google knew or should have known that its action would induce actual infringement of the '035 patent, including at least claims 53, 54, 69, 73, 78, 80, 82, 83, 84, 86, 89, 98, 102, 105, 113, 115, 118, 119, 120, 121 and 123 of the '035 patent.

113. Google has not produced or relied upon an opinion of counsel related to the '035 patent. In accordance with Fed .R. Civ. P. 11(b)(3), View 360 will likely have additional evidentiary support after a reasonable opportunity for discovery on this issue.

114. Google provides support to users of Google Street View.

115. Google has not produced any evidence as to any investigation, design around or that any remedial action was taken with respect to the '035 patent. In accordance with Fed .R. Civ. P. 11(b)(3), View 360 will likely have additional evidentiary support after a reasonable opportunity for discovery on this issue.

COUNT VI
(INFRINGEMENT OF U.S. PATENT NO. 6,252,603)

116. View 360 incorporates paragraphs 1 through 115 herein by reference.

117. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. §§ 271, *et seq.*

118. The '603 patent is entitled "Processes for Generating Spherical Image Data Sets and Products Made Thereby." View 360 has an exclusive license to the '603 patent with rights to enforce the '603 patent and sue infringers. A true and correct copy of the '603 patent is attached as Exhibit 6.

119. The '603 patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

120. View 360 has been damaged as a result of Google's infringing conduct described in this Count. Google is, thus, liable to View 360 in an amount that adequately compensates it for their infringement, which by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

GOOGLE (Direct Infringement)

121. On information and belief, Google has and continues to directly infringe one or more claims of the '603 patent in this judicial district and/or elsewhere in New York and the United States, including at least claims 1, 12, 14, 17 and 18, by, among other things, practicing the patented methods via Google Street View. Google is thereby liable for infringement of the '603 patent pursuant to 35 U.S.C. § 271.

122. To the extent Google does not directly perform each step of the asserted method claims of the '603 patent, Google is still liable for direct infringement pursuant to the doctrine of joint infringement, because such steps being performed by third-parties are, on information and belief, performed under the direction and control of Google.

GOOGLE (Joint Infringement)

123. To the extent Google does not directly perform any step or steps of the asserted method claims of the ‘603 patent, Google is liable for direct infringement of one or more method claims of the ‘603 patent pursuant to the doctrine of joint infringement, because such steps being performed by third-parties are, on information and belief, performed under the direction and control of Google.

124. On information and belief, Google contends that a third party or third parties perform one or more steps of the asserted method claims of the ‘603 patent.

125. On information and belief, Google exercises direction or control over any third parties that Google contends performs any step or steps of the asserted method claims of the ‘603 patent, making every step of the patented method attributable to Google.

126. For example, with respect to claim 1, Google contends that it does not “capture ‘at least two circular images....’” However, Google directs or controls by contractual relationship the third party that Google contends “captured” images for Google Street View.

GOOGLE (Indirect Infringement – Inducement)

127. Based on the information presently available to View 360, absent discovery, and in the alternative to direct infringement, View 360 contends that Google has and continues to indirectly infringe one or more claims of the ‘603 patent, including at least claims 1, 12, 14, 17 and 18, by inducing others, including end users of Google Street View to use infringing devices in violation of one or more claims of the ‘603 patent.

128. Google has been on notice of the ‘603 patent since at least service of this action. In accordance with Fed. R. Civ. P. 11(b)(3), View 360 will likely have additional evidentiary support after a reasonable opportunity for further investigation or discovery on this issue.

129. On information and belief, since Google has been on notice of the '603 patent, Google has knowingly induced infringement of the '603 patent, including at least claims 1, 12, 14, 17 and 18 of the '603 patent, and possessed specific intent to encourage others' infringement.

130. On information and belief, since Google has been on notice of the '603 patent, Google knew or should have known that its action would induce actual infringement of the '603 patent, including at least claims 1, 12, 14, 17 and 18 of the '603 patent.

131. Google has not produced or relied upon an opinion of counsel related to the '603 patent. In accordance with Fed .R. Civ. P. 11(b)(3), View 360 will likely have additional evidentiary support after a reasonable opportunity for discovery on this issue.

132. Google provides support to users of Google Street View.

133. Google has not produced any evidence as to any investigation, design around or that any remedial action was taken with respect to the '603 patent. In accordance with Fed .R. Civ. P. 11(b)(3), View 360 will likely have additional evidentiary support after a reasonable opportunity for discovery on this issue.

COUNT VII
(INFRINGEMENT OF U.S. PATENT NO. 6,323,862)

134. View 360 incorporates paragraphs 1 through 133 herein by reference.

135. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. §§ 271, *et seq.*

136. The '862 patent is entitled "Apparatus for Generating and Interactively Viewing Spherical Image Data and Memory Thereof." View 360 has an exclusive license to the '862 patent with rights to enforce the '862 patent and sue infringers. A true and correct copy of the '862 patent is attached as Exhibit 7.

137. The '862 patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

138. View 360 has been damaged as a result of Google's infringing conduct described in this Count. Google is, thus, liable to View 360 in an amount that adequately compensates it for their infringement, which by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

GOOGLE (Direct Infringement)

139. On information and belief, Google has and continues to directly infringe one or more claims of the '862 patent in this judicial district and/or elsewhere in New York and the United States, including at least claims 5, 6, 9, 10, 11, 14, 15, 16, 17, 20, 21, 22, 26, 27, 28, 37 and 43, by, among other things, making, using, offering for sale, selling and/or importing Google Street View. Google is thereby liable for infringement of the '862 patent pursuant to 35 U.S.C. § 271.

140. To the extent Google does not directly perform each step of the asserted method claims of the '862 patent, Google is still liable for direct infringement pursuant to the doctrine of joint infringement, because such steps being performed by third-parties are, on information and belief, performed under the direction and control of Google.

GOOGLE (Joint Infringement)

141. To the extent Google does not directly perform any step or steps of the asserted method claims of the '862 patent, Google is liable for direct infringement of one or more method claims of the '862 patent pursuant to the doctrine of joint infringement, because such steps being performed by third-parties are, on information and belief, performed under the direction and control of Google.

142. On information and belief, Google contends that a third party or third parties perform one or more steps of the asserted method claims of the ‘862 patent.

143. On information and belief, Google exercises direction or control over any third parties that Google contends performs any step or steps of the asserted method claims of the ‘862 patent, making every step of the patented method attributable to Google.

144. For example, with respect to claim 1, Google contends that it does not “acquire ‘a substantially seamless spherical dataset....’” However, Google directs or controls by contractual relationship the third party that Google contends “acquired” the dataset for Google Street View.

GOOGLE (Indirect Infringement – Inducement)

145. Based on the information presently available to View 360, absent discovery, and in the alternative to direct infringement, View 360 contends that Google has and continues to indirectly infringe one or more claims of the ‘862 patent, including at least claims 5, 6, 9, 10, 11, 14, 15, 16, 17, 20, 21, 22, 26, 27, 28, 37 and 43, by inducing others, including end users of Google Street View to use infringing devices in violation of one or more claims of the ‘862 patent.

146. Google has been on notice of the ‘862 patent since at least service of this action. In accordance with Fed. R. Civ. P. 11(b)(3), View 360 will likely have additional evidentiary support after a reasonable opportunity for further investigation or discovery on this issue.

147. On information and belief, since Google has been on notice of the ‘862 patent, Google has knowingly induced infringement of the ‘862 patent, including at least claims 5, 6, 9, 10, 11, 14, 15, 16, 17, 20, 21, 22, 26, 27, 28, 37 and 43 of the ‘862 patent, and possessed specific intent to encourage others’ infringement.

148. On information and belief, since Google has been on notice of the ‘862 patent, Google knew or should have known that its action would induce actual infringement of the ‘862 patent, including at least claims 5, 6, 9, 10, 11, 14, 15, 16, 17, 20, 21, 22, 26, 27, 28, 37 and 43 of the ‘862 patent.

149. Google has not produced or relied upon an opinion of counsel related to the ‘862 patent. In accordance with Fed .R. Civ. P. 11(b)(3), View 360 will likely have additional evidentiary support after a reasonable opportunity for discovery on this issue.

150. Google provides support to users of Google Street View.

151. Google has not produced any evidence as to any investigation, design around or that any remedial action was taken with respect to the ‘862 patent. In accordance with Fed .R. Civ. P. 11(b)(3), View 360 will likely have additional evidentiary support after a reasonable opportunity for discovery on this issue.

COUNT VIII
(INFRINGEMENT OF U.S. PATENT NO. 8,077,176)

152. View 360 incorporates paragraphs 1 through 151 herein by reference.

153. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. §§ 271, *et seq.*

154. The ‘176 patent is entitled “Method for Interactively Viewing Full-Surround Image Data and Apparatus Therefor.” View 360 has an exclusive license to the ‘176 patent with rights to enforce the ‘176 patent and sue infringers. A true and correct copy of the ‘176 patent is attached as Exhibit 8.

155. The ‘176 patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

156. View 360 has been damaged as a result of Google's infringing conduct described in this Count. Google is, thus, liable to View 360 in an amount that adequately compensates it for their infringement, which by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

GOOGLE (Direct Infringement)

157. On information and belief, Google has and continues to directly infringe one or more claims of the '176 patent in this judicial district and/or elsewhere in New York and the United States, including at least claims 1, 4, 12, 16, 17, 19, 20 and 21, by, among other things, practicing the patented methods via Google Street View. Google is thereby liable for infringement of the '176 patent pursuant to 35 U.S.C. § 271.

GOOGLE (Indirect Infringement – Inducement)

158. Based on the information presently available to View 360, absent discovery, and in the alternative to direct infringement, View 360 contends that Google has and continues to indirectly infringe one or more claims of the '176 patent, including at least claims 1, 4, 12, 16, 17, 19, 20 and 21, by inducing others, including end users of Google Street View to use infringing devices in violation of one or more claims of the '176 patent.

159. Google has been on notice of the '176 patent since at least service of this action. In accordance with Fed. R. Civ. P. 11(b)(3), View 360 will likely have additional evidentiary support after a reasonable opportunity for further investigation or discovery on this issue.

160. On information and belief, since Google has been on notice of the '176 patent, Google has knowingly induced infringement of the '176 patent, including at least claims 1, 4, 12, 16, 17, 19, 20 and 21 of the '176 patent, and possessed specific intent to encourage others' infringement.

161. On information and belief, since Google has been on notice of the '176 patent, Google knew or should have known that its action would induce actual infringement of the '176 patent, including at least claims 1, 4, 12, 16, 17, 19, 20 and 21 of the '176 patent.

162. Google has not produced or relied upon an opinion of counsel related to the '176 patent. In accordance with Fed .R. Civ. P. 11(b)(3), View 360 will likely have additional evidentiary support after a reasonable opportunity for discovery on this issue.

163. Google provides support to users of Google Street View.

164. Google has not produced any evidence as to any investigation, design around or that any remedial action was taken with respect to the '176 patent. In accordance with Fed .R. Civ. P. 11(b)(3), View 360 will likely have additional evidentiary support after a reasonable opportunity for discovery on this issue.

ADDITIONAL ALLEGATIONS

165. View 360 has been damaged as a result of Defendants' infringing conduct described herein. Defendants are, thus, liable to View 360 in an amount that adequately compensates View 360 for Defendants' infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by the Court under 35 U.S.C. § 284.

166. Defendants' actions complained of herein will continue unless Defendants are enjoined by this Court.

167. This case is exceptional pursuant to the provisions of 35 U.S.C. § 285.

168. View 360 has complied with 35 U.S.C. § 287.

JURY DEMAND

View 360 hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

View 360 requests that this Court find in its favor and against Defendant, and that this Court grant View 360 the following relief:

- a. Enter judgment for Plaintiff on this Complaint;
- b. Enter judgment that one or more claims of the '385, '284, '099, '853, '035, '603, '862 and '176 patents have been infringed, either directly or indirectly by Defendant;
- c. Enter judgment that Defendant accounts for and pays to View 360 all damages to and costs incurred by View 360 because of Defendant's infringing activities and other conduct complained of herein;
- d. Award Plaintiff damages resulting from Defendant's infringement in accordance with 35 U.S.C. § 284;
- e. Enter judgment that Defendant account for and pay to View 360 a reasonable royalty and an ongoing post judgment royalty because of Defendant's past, present and future infringing activities and other conduct complained of herein;
- f. Award View 360 pre-judgment and post-judgment interest on the damages caused by Defendants' infringing activities and other conduct complained of herein;
- g. Treble the damages in accordance with the provisions of 35 U.S.C. § 284;
- h. Find the case to be exceptional under the provisions of 35 U.S.C. § 285;
- i. That View 360 be granted such other and further relief as the Court may deem just and proper under the circumstances.

DATED: February 21, 2014

Respectfully submitted,

/s/ Benjamin R. Askew

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OXAAL**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was served on counsel of record for Defendants via CM/ECF on February 21, 2014.

/s/ Benjamin R. Askew
Benjamin R. Askew