

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

William Grecia,

Plaintiff,

v.

Google Inc.

Defendant.

Case No.

Judge:

Magistrate Judge:

JURY TRIAL DEMANDED

COMPLAINT

William Grecia brings this patent-infringement action against Google Inc.

Parties

1. William Grecia lives in Brooklyn, New York.
2. Google is a corporation organized under the laws of Delaware, with its principal place of business located at 1600 Amphitheatre Parkway, Mountain View, California 95043.

Jurisdiction and Venue

3. This action arises under the patent laws of the United States, 35 U.S.C. §§ 101 *et seq.*
4. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a).
5. This Court may exercise personal jurisdiction over Google. Google conducts continuous and systematic business in Illinois and this District. For example, Google designs and manufactures computer software, consumer electronic products, and

computers that Google licenses and sells in this District. Google maintains a corporate office in this District. Google uses a cloud-computing system that in this District authorizes users access to digital content such as movies, music, television shows, photos, documents, and other electronic files. This patent-infringement claim arises directly from Google's continuous and systematic activity in this District. In short, this Court's exercise of jurisdiction over Google would be consistent with the Illinois long-arm statute, 735 ILCS 5/2-209, and traditional notions of fair play and substantial justice.

6. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b)(2) and 1400(b).

Background

7. William Grecia owns United States Patent 8,533,860 (the "'860 patent") and at least one continuing application claiming back to the original priority date of March 21, 2010. William Grecia invented the methods and products claimed in the '860 patent.

8. The field of the invention of the '860 patent is digital rights management, commonly referred to as "DRM." The movement of books, movies, and music to digital form has presented a challenge to the copyright owners of the content. The owners wish to sell the content in a digital form and transfer all attributes of ownership to the buyer, and yet the owners of the content must protect value by preventing "pirating" of the content through illicit copying.

9. DRM schemes to date had locked the purchased content, a movie for example, to specific devices and in some cases limited playback rights to a single device. These prior art DRM methods required the content providers (a movie studio in the

example) to maintain computer servers to receive and send session authorization keys to clients, and the prior DRM methods required that the client reconnect with the servers to obtain reauthorization. These DRM schemes may be characterized by limiting acquired content to a specific device that the client continually had to reauthorize to enjoy the acquired content.

10. The '860 invention provides a solution. With this invention, a consumer of digital content may enjoy the content on a multiple number of the consumer's devices and share the content with the consumer's friends and family, all while protecting against unlicensed use of the digital content.

Claim of Patent Infringement

11. William Grecia is the exclusive owner of the '860 patent, which is attached as Exhibit 1.

12. The '860 patent is valid and enforceable.

13. Google has and is directly infringing claims of the '860 patent. Google makes, uses, sells, and offers for sale products, methods, equipment, and services that practice claims 1, 2, 3, 4, 5, 9, 10, 21, 22, 25, 28, and 29 of the '860 patent.

14. For example, and without limiting the '860 patent claims that will be asserted in this action or the Google devices and services accused of infringing the '860 patent claims, Google's cloud computing service Google Play directly infringes claim 1 of the '860 patent.

15. Claim 1 is "[a] method for authorizing access to digital content using a cloud system" Google Play practices a method of authorizing access to digital

content—such as music, movies, photos, and calendars—using a cloud computing system.

16. The method of claim 1 is one “facilitating access rights between a plurality of devices” Google describes Google Play as follows: “Google Play comes with the power of the cloud, so your music, movies, books, magazines and TV shows are always available on the web and your Android devices.” <http://www.play.google.com>.

17. According to the method of claim 1, a read or write request of metadata of the digital content is received. This request comprises a verification token of a user, such as, for example, the user’s email address and password. A Google Play user requests access to her digital content by requesting that Google write her email address and password to metadata of the digital content: “You haven’t accessed the Google Play Store app on your device with this email account.”

<https://support.google.com/googleplay/answer/1141080>. Google Play servers receive a digital content access request from the communications console (e.g., Google Play app running on an Android mobile device) the first time that the user tries to access Google Play with the device.

18. In claim 1, after the verification token has been authenticated, a connection is established between a communications console and a server. The connection is established through a web service capable of facilitating a two-way exchange between the console and the server relaying the unique identity of the devices for which access to the digital content is sought. Google establishes a connection between the communications console (e.g., Google Play app running on an Android mobile device) and the Google Play servers. The Google Play web service is capable of

facilitating a two-way exchange to complete the verification process: “The Google Play services APK contains the individual Google services and runs as a background service in the Android OS. . . . The Google Play services APK on user devices receives regular updates for new APIs, features, and bug fixes.”

<http://developer.android.com/google/play-services/index.html>.

19. Next, claim 1 involves the step of requesting an identification reference, such as a unique identifier associated with a device for which the user wishes access to digital content. The Google Play service requests at least one identification reference (e.g., the user’s Android device’s serial number) from the communications console (e.g., Google Play app running on an Android mobile device) in order to connect the device to the Google Play content associated with the user’s account information.

20. Next, according to claim 1, the identification reference is received from the communications console. The Google Play service receives an identification reference from the Google Play app, as the user’s device is linked to the Google Play account:



21. Finally, claim 1 involves writing either the verification token or the identification reference into the metadata. Google Play writes, among other things, the user's device information into the metadata stored on Google Play servers, authorizing the user access to the content stored on the servers: "Google Play comes with the power of the cloud, so your music, movies, books, magazines and TV shows are always available on the web and your Android devices." <http://www.play.google.com>.

22. Google knows of the '860 patent and nonetheless willfully infringes the claims, contributes to the infringement of the claims, and induces the infringement of the claims. Google actually knows of the '860 patent. Google disclosed the '860 patent as prior art in the following patent application: 13/248,804.

23. Google sells devices that contain components for use in practicing the steps of the claims of the '860 patent. These components within these devices (e.g., Google Play app running on a Chromebook) perform a material part of claims of the '860 patent. Google knows that these components on these devices are especially adapted for use in infringement of the '860 patent claims. These components on these devices are not suitable for a substantial non-infringing use.

24. Google induces consumers of telephones, tablet computers, laptop computers, and desktop computers to infringe the '860 patent claims.

Prayer for Relief

WHEREFORE, William Grecia prays for the following relief against Google:

- (a) Judgment that Google has directly infringed claims of the '860 patent claims;

- (b) Judgment that Google has contributed to the infringement of the '860 patent claims;
- (c) Judgment that Google has induced the infringement of the '860 patent claims;
- (d) For a fair and reasonable royalty;
- (e) For treble damages based on a finding that the infringement of the '860 patent claims was willful;
- (f) For pre-judgment interest and post-judgment interest at the maximum rate allowed by law;
- (g) For such other and further relief as the Court may deem just and proper.

Demand for Jury Trial

William Grecia demands a trial by jury on all matters and issues triable by jury.

Date: December 6, 2013

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