

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

**DATA ENGINE TECHNOLOGIES
LLC.**

Plaintiff,

v.

GOOGLE INC.

Defendant.

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Civil Action No.:

JURY TRIAL DEMANDED

PLAINTIFF’S ORIGINAL COMPLAINT

Plaintiff Data Engine Technologies LLC (“Data Engine”) files this Original Complaint for patent infringement against Defendant Google Inc. (“Google”).

PARTIES

1. Plaintiff Data Engine Technologies LLC is a limited liability company existing under the laws of Texas with its principal place of business at 2400 Dallas Parkway., Suite 200, Plano, Texas 75093.

2. Defendant Google Inc. is a corporation existing under the laws of Delaware with its principal place of business located at 1600 Amphitheatre Parkway, Mountain View, CA 94043.

JURISDICTION AND VENUE

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

4. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and 1400(b). Defendant is incorporated in Delaware and, upon information and belief, has transacted business in this district and has committed and/or participated in the commission of acts within this judicial district giving rise to this action.

FACTS

6. On April 12, 1994, the USPTO duly and legally issued United States Patent No. 5,303,146 (“the ‘146 patent”), entitled “System and Methods for Improved Scenario Management in an Electronic Spreadsheet.” Data Engine holds all right, title, and interest in and to the ‘146 patent, attached as Exhibit A.

7. On May 16, 1995, the USPTO duly and legally issued United States Patent No. 5,416,895 (“the ‘895 patent”), entitled “System and Methods for Improved Spreadsheet Interface with User-Familiar Objects.” Data Engine holds all right, title, and interest in and to the ‘895 patent, attached as Exhibit B.

8. On December 31, 1996, the USPTO duly and legally issued United States Patent No. 5,590,259 (“the ‘259 patent”), entitled “System and Methods for Improved Spreadsheet Interface with User-Familiar Objects.” Data Engine holds all right, title, and interest in and to the ‘259 patent, attached as Exhibit C.

9. On April 22, 1997, the USPTO duly and legally issued United States Patent No. 5,623,591 (“the ‘591 patent”), entitled “System and Methods for Building Spreadsheet Applications.” Data Engine holds all right, title, and interest in and to the ‘591 patent, attached as Exhibit D.

10. On July 21, 1998, the USPTO duly and legally issued United States Patent No. 5,784,545 (“the ‘545 patent”), entitled “System and Methods for Improved Spreadsheet Interface

with User-Familiar Objects.” Data Engine holds all right, title, and interest in and to the ’545 patent, attached as Exhibit E.

11. On August 28, 2001, the USPTO duly and legally issued United States Patent No. 6,282,551 (“the ’551 patent”), entitled “System and Methods for Improved Spreadsheet Interface with User-Familiar Objects.” Data Engine holds all right, title, and interest in and to the ’551 patent, attached as Exhibit F.

COUNT I: INFRINGEMENT OF THE ’146 PATENT

12. Data Engine incorporates the foregoing paragraphs as if fully set forth here.

13. Google has directly infringed method claims of the ’146 patent in this judicial district, and elsewhere within the United States by, among other things, using software, including the software application Google Docs Spreadsheet and Google Sheets, covered by one or more method claims of the ’146 patent, all to the injury of Data Engine.

14. Data Engine intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement of the ’146 patent.

15. Data Engine has been damaged by Google’s infringement of method claims of the ’146 patent in an amount to be determined at trial.

16. At least as early as its receipt of this Original Complaint, Google has had knowledge of the ’146 patent and written notice of the infringement.

COUNT II: INFRINGEMENT OF THE ’895 PATENT

17. Data Engine incorporates the foregoing paragraphs as if fully set forth here.

18. On information and belief, as a sophisticated user of the patent system, Google had actual knowledge of the ’895 patent no later than December 29, 2009. On December 29, 2009, the USPTO issued United States Patent No. 7,639,898 (“the ’898 patent”). Google was the assignee at issuance of the ’898 patent and received that assignment prior to or on December 29,

2009. The '898 patent cites to U.S. Patent No. 6,230,170, which cites the '895 patent. In addition to the forgoing, no fewer than 6 other Google patents or patent applications cite the '170 patent as a reference: United States Patent No. 7,657,520; United States Patent No. 7,697,791; United States Patent No. 7,725,502; United States Patent No. 7,752,073; United States Patent No. 7,757,080; and United States Patent No. 7,801,738.

19. Google has directly infringed method claims of the '895 patent in this judicial district, and elsewhere within the United States by, among other things, using software, including the software application Google Docs Spreadsheet and Google Sheets covered by one or more method claims of the '895 patent, all to the injury of Data Engine.

20. Data Engine intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement of the '895 patent.

21. Data Engine has been damaged by Google's infringement of method claims of the '895 patent in an amount to be determined at trial.

22. At least as early as its receipt of this Original Complaint, Google has had knowledge of the '895 patent and written notice of the infringement.

COUNT III: INFRINGEMENT OF THE '259 PATENT

23. Data Engine incorporates the foregoing paragraphs as if fully set forth here.

24. On information and belief, as a sophisticated user of the patent system, Google had actual knowledge of the '259 patent no later than June 28, 2011. On June 28, 2011, the USPTO issued United States Patent No. 7,970,766 ("the '766 patent"). Google was the assignee at issuance of the '766 patent and received that assignment prior to or on June 28, 2011. The '766 patent cites to U.S. Patent No. 7,174,504, which cites the '259 patent. In addition to the forgoing, no fewer than 2 other Google patents or patent applications cite the '504 patent as a reference: United States Patent No. 8,078,573 and United States Patent No. 8,122,026.

25. Google has directly infringed method claims of the '259 patent in this judicial district, and elsewhere within the United States by, among other things, using software, including the software application Google Docs Spreadsheet and Google Sheets, covered by one or more method claims of the '259 patent, all to the injury of Data Engine.

26. Data Engine intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement of the '259 patent.

27. Data Engine has been damaged by Google's infringement of method claims of the '259 patent in an amount to be determined at trial.

28. At least as early as its receipt of this Original Complaint, Google has had knowledge of the '259 patent and written notice of the infringement.

COUNT IV: INFRINGEMENT OF THE '591 PATENT

29. Data Engine incorporates the foregoing paragraphs as if fully set forth here.

30. Google has directly infringed method claims of the '591 patent in this judicial district, and elsewhere within the United States by, among other things, using software, including the software application Google Docs Spreadsheet and Google Sheets, covered by one or more method claims of the '591 patent, all to the injury of Data Engine.

31. Data Engine intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement of the '591 patent.

32. Data Engine has been damaged by Google's infringement of method claims of the '591 patent in an amount to be determined at trial.

33. At least as early as its receipt of this Original Complaint, Google has had knowledge of the '591 patent and written notice of the infringement.

COUNT V: INFRINGEMENT OF THE '545 PATENT

34. Data Engine incorporates the foregoing paragraphs as if fully set forth here.

35. Google has directly infringed method claims of the '545 patent in this judicial district, and elsewhere within the United States by, among other things, using software, including the software application Google Docs Spreadsheet and Google Sheets, covered by one or more method claims of the '545 patent, all to the injury of Data Engine.

36. Data Engine intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement of the '545 patent.

37. Data Engine has been damaged by Google's infringement of method claims of the '545 patent in an amount to be determined at trial.

38. At least as early as its receipt of this Original Complaint, Google has had knowledge of the '545 patent and written notice of the infringement.

COUNT VI: INFRINGEMENT OF THE '551 PATENT

39. Data Engine incorporates the foregoing paragraphs as if fully set forth here.

40. Google has directly infringed method claims of the '551 patent in this judicial district, and elsewhere within the United States by, among other things, using software, including the software application Google Docs Spreadsheet and Google Sheets, covered by one or more method claims of the '551 patent, all to the injury of Data Engine.

41. Data Engine intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement of the '551 patent.

42. Data Engine has been damaged by Google's infringement of method claims of the '551 patent in an amount to be determined at trial.

43. At least as early as its receipt of this Original Complaint, Google has had knowledge of the '551 patent and written notice of the infringement.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Data Engine Technologies LLC prays for the following relief against Defendant Google Inc.

A. A judgment in favor of Data Engine that Google has infringed Data Engine's '146, '895, '259, '591, '545, and '551 patents;

B. A judgment and order requiring Google to pay Data Engine damage for Google's infringement of the claims of Data Engine's '146, '895, '259, '591, '545, and '551 patents, together with interest (both pre- and post-judgment), costs and disbursements as fixed by this Court under 35 U.S.C. § 284;

C. Such other and further relief in law or in equity to which Data Engine may be justly entitled.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury of any and all issues triable of right before a jury.

Dated: September 2, 2014

Respectfully submitted,

Of Counsel:

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