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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

IN RE GOOGLE LITIGATION

Case No. CV 08-3172-RMW

**SOFTWARE RIGHTS ARCHIVE, LLC'S
AMENDED COMPLAINT**

For its Amended Complaint, Software Rights Archive, LLC ("SRA") alleges as follows:

I. THE PARTIES

1. Plaintiff SRA is a limited liability company organized and existing under the laws of the State of Delaware with a principal place of business at 104 E. Houston Street, Suite 160, Marshall, Texas 75670.

2. Upon information and belief, Defendant Google Inc. ("Google") is a corporation organized and existing under the laws of the State of Delaware with a principal place of business at 1600 Amphitheatre Parkway, Mountain View, California 94043.

1 as Exhibit A. SRA is the assignee of all right, title and interest in and to the '352 Patent, and
2 holds the right to sue and recover for past, present, and future infringement thereof.

3 10. Defendants have directly infringed and continue to infringe directly the '352
4 Patent by their use, offer for sale, and sale of search engines, systems and services covered by the
5 claims of the '352 Patent. Defendants have also infringed and continue to infringe the '352
6 Patent by jointly infringing with others and/or contributing to and/or inducing infringement by
7 others. Defendants are therefore liable to Plaintiff for infringement of the '352 Patent under 35
8 U.S.C. § 271.

9 11. Acts of infringement by Defendants have damaged SRA. Defendants'
10 infringement of SRA's rights under the '352 Patent will continue to damage SRA. SRA is
11 entitled to recover from Defendants the damages sustained by SRA as a result of Defendants'
12 wrongful acts in an amount subject to proof at trial, but not less than a reasonable royalty.

13 12. Upon information and belief, Defendants' infringement of the '352 Patent is
14 willful and deliberate, entitling SRA to enhanced damages under 35 U.S.C. § 284. Upon
15 information and belief, Defendants have demonstrated at least objective recklessness in
16 connection with their willful infringement.

17 13. This case is exceptional, entitling SRA to recover attorneys' fees and costs
18 incurred in prosecuting this action under 35 U.S.C. § 285.

19 **IV. THE '494 PATENT**

20 14. On November 3, 1998, United States Patent No. 5,832,494 (the "'494 Patent"),
21 entitled "Method and Apparatus for Indexing, Searching and Displaying Data" was duly and
22 lawfully issued by the United States Patent and Trademark Office naming Daniel Egger, Shawn
23 Cannon, and Ronald D. Sauers as inventors, and Libertech, Inc. as assignee. A true and correct
24 copy of the '494 Patent is attached as Exhibit B. SRA is the assignee of the '494 Patent and
25 holds the right to sue and recover for past, present, and future infringement thereof.

26 15. Defendants have directly infringed and continue to infringe directly the '494
27 Patent by their use, offer for sale, and sale of search engines, systems and services covered by the
28 claims of the '494 Patent. Defendants have also infringed and continue to infringe the '494

1 Patent by jointly infringing with others and/or contributing to and/or inducing others to infringe.
2 Defendants are therefore liable to Plaintiff for infringement of the '494 Patent under 35 U.S.C. §
3 271.

4 16. Defendants' acts of infringement have damaged SRA. Defendants' infringement
5 of SRA's rights under the '494 Patent will continue to damage SRA. SRA is entitled to recover
6 from Defendants the damages sustained by SRA as a result of Defendants' wrongful acts in an
7 amount subject to proof at trial, but in no event less than a reasonable royalty.

8 17. Upon information and belief, Defendants' infringement of the '494 Patent is
9 willful and deliberate, entitling SRA to enhanced damages under 35 U.S.C. § 284. Upon
10 information and belief, Defendants have demonstrated at least objective recklessness in
11 connection with their willful infringement.

12 18. This case is exceptional, entitling SRA to recover attorneys' fees and costs
13 incurred in prosecuting this action under 35 U.S.C. § 285.

14 V. THE '571 PATENT

15 19. On May 15, 2001, United States Patent No. 6,233,571 (the "'571 Patent'"), entitled
16 "Method and Apparatus for Indexing, Searching and Displaying Data" was duly and lawfully
17 issued by the United States Patent and Trademark Office naming Daniel Egger, Shawn Cannon,
18 and Ronald D. Sauers as inventors, and Daniel Egger as assignee. A true and correct copy of the
19 '571 Patent is attached hereto as Exhibit C. SRA is the assignee of the '571 Patent and holds the
20 right to sue and recover for past, present, and future infringement thereof.

21 20. Defendants have directly infringed and continue to infringe directly the '571
22 Patent by their use, offer for sale, and sale of search engines, systems and services covered by the
23 claims of the '571 Patent. Defendants have also infringed and continue to infringe the '571
24 Patent by jointly infringing with others and/or contributing to infringement and/or inducing
25 others to infringe. Defendants are therefore liable to Plaintiff for infringement of the '571 Patent
26 under 35 U.S.C. § 271.

27 21. Defendants' acts of infringement have damaged SRA. Defendants' infringement
28 of SRA's rights under the '571 Patent will continue to damage SRA. SRA is entitled to recover

1 from Defendants the damages sustained by SRA as a result of Defendants' wrongful acts in an
2 amount subject to proof at trial, but in no event less than a reasonable royalty.

3 22. Upon information and belief, Defendants' infringement of the '571 Patent is
4 willful and deliberate, entitling SRA to enhanced damages under 35 U.S.C. § 284. Upon
5 information and belief, Defendants have demonstrated at least objective recklessness in
6 connection with their willful infringement.

7 23. This case is exceptional, entitling SRA to recover attorneys' fees and costs
8 incurred in prosecuting this action under 35 U.S.C. § 285.

9 **VI. JURY DEMAND**

10 24. SRA demands a trial by jury.

11 **VII. PRAYER FOR RELIEF**

12 WHEREFORE, SRA prays for relief against Defendants as follows:

- 13 a. Judgment that Defendants have directly infringed, jointly infringed, induced
14 others to infringe, and/or committed acts of contributory infringement with
15 respect to the claims of the '352, '494 and '571 Patents;
- 16 b. Judgment that Defendants' patent infringement has been, and continues to be,
17 willful;
- 18 c. Awarding SRA damages adequate to compensate for the infringement by
19 Defendants, past, present, and future, but in no event less than a reasonable
20 royalty for the use made of the inventions by Defendants, together with interest
21 and costs under 35 U.S.C. § 284;
- 22 d. Enhancing the foregoing damages due to Defendants' willful infringement,
23 pursuant to 35 U.S.C. § 284;
- 24 e. Awarding pre- and post-judgment interest on the damages assessed;
- 25 f. Declaring this case exceptional pursuant to 35 U.S.C. § 285, and awarding SRA
26 its reasonable attorney fees and costs;
- 27 g. SRA's costs of court; and
- 28 h. Awarding to SRA such other and further relief as the Court deems just.

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Respectfully submitted,



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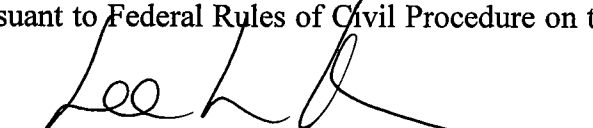
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Attorneys for Software Rights Archive, LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing instrument has been forwarded to all counsel of record pursuant to Federal Rules of Civil Procedure on this the 6th day of January, 2011.



Lee L. Kaplan