1   Steven R. Daniels (Cal. Bar No. 235398)
    Cassandra Klingman (appearing *pro hac vice*)
2   FARNEY DANIELS PC
    800 South Austin Ave., Suite 200
3   Georgetown, Texas 78626
    Telephone: (512) 582-2828
4   Facsimile: (512) 582-2829
    sdaniels@farneydaniels.com
5   cklingman@farneydaniels.com
6
7   Jonathan D. Baker (Cal. Bar No. 196062)
    Michael D. Saunders (Cal. Bar No. 259692)
8   Gurtej Singh (Cal. Bar No. 286547)
    FARNEY DANIELS PC
9   411 Borel Ave., Suite 350
    San Mateo, CA 94402
10 Telephone: (424) 268-5200
11 Facsimile: (424) 268-5219
    jbaker@farneydaniels.com
12 sdaniels@farneydaniels.com
    tsingh@farneydaniels.com
13
14 Attorneys for Plaintiff
    WORD TO INFO, INC.
15
16
17   IN THE UNITED STATES DISTRICT COURT
18   NORTHERN DISTRICT OF CALIFORNIA
19
20 WORD TO INFO, INC.,
21   Case No. 3:15-cv-03486-WHO
              Plaintiff,
22   **FIRST AMENDED COMPLAINT
                                        FOR PATENT INFRINGEMENT**
23 v.
                                        DEMAND FOR JURY TRIAL
24 GOOGLE INC.,
25   Defendant.
26
27
28

1   **COMPLAINT FOR PATENT INFRINGEMENT**

2   Plaintiff Word to Info, Inc. ("Word to Info"), by way of its Complaint against

3   Google, Inc. ("Google" or "Defendant"), alleges the following:

4   **NATURE OF THE ACTION**

5   1.   This is an action for patent infringement arising under the Patent Laws

6   of the United States, Title 35 of the United States Code.

7   **THE PARTIES**

8   2.   Plaintiff Word to Info is a corporation organized under the laws of the

9   State of Texas with a place of business at 1106 Edgewood Dr., Richardson, TX

10 75081.

11   3.   Upon information and belief, Defendant Google Inc. is a corporation

12 organized under the laws of the State of Delaware, with its principal place of

13 business at 1600 Amphitheatre Parkway, Mountain View, California 94043.

14   **JURISDICTION AND VENUE**

15   4.   This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and

16 1338.

17   5.   This Court has personal jurisdiction over Google at least because

18 Google has ongoing and systematic contacts with this District and the United

19 States. In addition, Google has acknowledged that it is subject to the jurisdiction of

20 this Court in the brief Google filed in support of its Motion to Transfer Venue (D.I.

21 35).

22   6.   Venue is proper in this judicial district under 28 U.S.C. §§ 1391(c) and

23 1400(b).

24   **STATEMENT OF FACTS**

25   7.   This is an action for patent infringement of one or more claims of

26 United States U.S. Patent No. 5,715,468 entitled "Memory System for Storing and

27 Retrieving Experience and Knowledge with Natural Language" (the '468 Patent);

28 U.S. Patent No. 6,138,087 entitled "Memory System for Storing and Retrieving

FIRST AMENDED COMPLAINT   - 2 -   Civil Case No. 3:15-CV-03486-WHO

1   Experience and Knowledge with Natural Language Utilizing State Representation

2   Data, Word Sense Numbers, Function Codes and/or Directed Graphs" (the '087

3   Patent); U.S. Patent No. 6,609,091 entitled "Memory System for Storing and

4   Retrieving Experience and Knowledge with Natural Language Utilizing State

5   Representation Data, Word Sense Numbers, Function Codes and/or Directed

6   Graphs" (the '091 Patent); U.S. Patent No. 7,349,840 entitled "Memory System for

7   Storing and Retrieving Experience and Knowledge with Natural Language Utilizing

8   State Representation Data, Word Sense Numbers, Function Codes, Directed Graphs

9   and/or Context Memory" (the '840 Patent); U.S. Patent No. 7,873,509 entitled

10   "Memory System for Storing and Retrieving Experience and Knowledge with

11   Natural Language Utilizing State Representation Data, Word Sense Numbers,

12   Function Codes, Directed Graphs, Context Memory, and/or Purpose Relations" (the

13   '509 Patent); U.S. Patent No. 8,326,603 entitled "Memory System for Storing and

14   Retrieving Experience and Knowledge with Natural Language Queries" (the '603

15   Patent); U.S. Patent No. 8,688,436 entitled "Memory System for Storing and

16   Retrieving Experience and Knowledge by Utilizing Natural Language Responses"

17   (the '436 Patent) (collectively, the "Patents-in-Suit").

18   8.   Word to Info is the assignee and owner of the right, title and interest in

19   and to, including the right to assert all causes of action arising under said patents

20   and the right to any remedies for infringement of them. The Patents-in-Suit were

21   previously owned by their sole inventor, Robert L. Budzinski, who is the owner of

22   Word to Info. At least one of the Patents-in-Suit has been cited during prosecution

23   of approximately 158 issued United States Patents relating to natural language

24   processing.

25   9.   On February 3, 1998, the '468 Patent, was duly and legally issued by

26   the United States Patent and Trademark Office. A true and correct copy of the '468

27   Patent is attached as Exhibit A to this Complaint.

28   10.   On October 24, 2000, the '087 Patent was duly and legally issued by

1 the United States Patent and Trademark Office. A true and correct copy of the '087

2 Patent is attached as Exhibit B to this Complaint.

3   11.   On August 19, 2003, the '091 Patent was duly and legally issued by

4 the United States Patent and Trademark Office. A true and correct copy of the '091

5 Patent is attached as Exhibit C to this Complaint.

6   12.   On March 25, 2008, the '840 Patent was duly and legally issued by the

7 United States Patent and Trademark Office. A true and correct copy of the '840

8 Patent is attached as Exhibit D to this Complaint.

9   13.   On January 18, 2011, the '509 Patent was duly and legally issued by

10 the United States Patent and Trademark Office. A true and correct copy of the '509

11 Patent is attached as Exhibit E to this Complaint.

12   14.   On December 4, 2012, the '603 Patent was duly and legally issued by

13 the United States Patent and Trademark Office. A true and correct copy of the '603

14 Patent is attached as Exhibit F to this Complaint.

15   15.   On April 1, 2014, the '436 Patent was duly and legally issued by the

16 United States Patent and Trademark Office. A true and correct copy of the '436

17 Patent is attached as Exhibit G to this Complaint.

18   16.   In connection with its products or services, Google infringes one or

19 more claims of each of the Patents-in-Suit.

20   17.   On December 30, 2013, U.S. Application No. 14/143,161 was filed on

21 behalf of Google listing Simon Tong, Uri Lerner, Amit Singhal, Paul Haahr, and

22 Steven Baker as the inventors and Google, Inc. as the Original Assignee.

23   18.   On October 10, 2014, the examiner for U.S. Application No.

24 14/143,161 mailed a Notice of Allowability which stated: "The following is the

25 Examiner's statement of reasons for allowance: In an effort of searching prior art

26 for rejecting the instant application, two references were considered close to the

27 teaching of the instant application and obtained after a lengthy searching on EAST

28 database. The two references are: [1] . . . [2] Budzinski, Robert L.: "MEMORY

FIRST AMENDED COMPLAINT   - 4 -   Civil Case No. 3:15-CV-03486-WHO

1 SYSTEM FOR STORING AND RETRIEVING EXPERIENCE AND

2 KNOWLEDGE WITH NATURAL LANGUAGE UTILIZING STATE

3 REPRESENATION DATA, WORD SENSE NUMBERS, FUNCTION CODES,

4 DIRECTED GRAPHS AND/OR CONTEXT MEMORY", U.S. Patent Application

5 Publication 2004/0107088 A1, filed August 8, 2003 and published June 3, 2004." A

6 true and correct copy of the Notice of Allowability for the 14/143,161 application is

7 attached as Exhibit H to this Complaint.

8   19.   U.S. Patent Application Publication 2004/0107088 A1, which was

9 cited in the Notice of Allowability of the 14/143,161 application included the

10 priority claim: "Continuation of application No. 08/315,691, filed on Sep. 30,

11 1994, now Pat. No. 5,715,468." A true and correct copy of U.S. Patent Application

12 Publication 2004/0107088 A1 is attached as Exhibit I to this Complaint.

13   20.   U.S. Patent Application Publication 2004/0107088 A1 issued as the

14 '840 Patent on March 25, 2008, before the Notice of Allowability for the

15 14/143,161 application was mailed.

16   21.   At least one of the inventors on the 14/143,161 application, Amit

17 Singhal, was involved with the launch, development and/or maintenance of the

18 Knowledge Graph feature of Google's internet search engine product. *See*

19 https://googleblog.blogspot.com/2012/05/introducing-knowledge-graph-things-

20 not.html (Last visited November 5, 2015).

21   22.   On February 23, 2015, U.S. Patent Application No. 14/628,692 was

22 filed on behalf of Google claiming the benefit of the 14/143,161 application.

23   23.   On information and belief, the 14/628,692 application is a continuation

24 of the 14/143,161 application.

25   **FIRST CLAIM FOR RELIEF**

26   **INFRINGEMENT OF U.S. PATENT NO. 5,715,468**

27   24.   Plaintiff repeats and re-alleges the allegations of paragraphs 1 through

28 23 as though fully set forth herein.

FIRST AMENDED COMPLAINT   - 5 -   Civil Case No. 3:15-CV-03486-WHO

1   25.   Defendant Google has been directly infringing and continues to

2   directly infringe one or more claims of the '468 Patent in the United States through

3   at least its operation of the Knowledge Graph feature of its internet search engine

4   product and/or its Google Now product throughout the United States in violation of

5   35 U.S.C. § 271 (a).

6   26.   Google infringes the '468 Patent by, at least, providing a system that

7   electronically encodes data representative of natural language, includes a database

8   containing a plurality of a syntax usage data entries, associated word sense numbers

9   having associated state representation data, and/or function codes, lexically

10   processing the electronically encoded data and accessing the dictionary data base,

11   providing a grammar specification, and uses the syntax usage data from the

12   database with reference to the grammar specification to produce output

13   representative of a grammatical parse of the natural language, wherein the output

14   data includes syntax usage.

15   27.   Google also infringes the '468 Patent by, at least, providing a system

16   that processes experience and knowledge that uses an experience and knowledge

17   data base which is comprised of directed graphs comprised of nodes with associated

18   clause implying word sense numbers organized into paths of said nodes such that

19   said nodes have access conditions which determine the zero or more next said

20   nodes on the zero or more said paths that are accessible, and finding zero or more

21   paths between the nodes with reference to the experience and knowledge data base

22   such that access conditions of the nodes on the found paths are met.

23   28.   Google also infringes the '468 Patent by, at least, providing a system

24   that generates natural language by providing one or more word sense numbers,

25   providing a dictionary data base wherein the dictionary data base contains a

26   plurality of entries which are comprised of syntax usage data, associated word sense

27   numbers having associated state representation data and/or function codes,

28   accessing the natural language word which is associated with said dictionary data

1   base with the word sense number, providing a grammar specification, utilizing the

2   syntax usage data and natural language words which are from the dictionary data

3   base entries and which are associated with the word sense numbers with reference

4   to the grammar specification to generate outgoing natural language.

5   29.   Because of Google's infringement of the '468 Patent, Plaintiff has

6   suffered damages and will continue to suffer damages in the future. Plaintiff is

7   entitled to an award of such damages, but in no event less than a reasonable royalty,

8   the precise amount to be determined at trial.

9   30.   On information and belief, Google was made aware of the '468 Patent

10 and its infringement thereof at least as early as its receipt of the Notice of

11 Allowability of U.S. Patent Application 14/143,161, which was mailed on October

12 10, 2014.

13   31.   In the alternative, on information and belief, Google was made aware

14 of the '468 Patent and its infringement thereof at least as early as the filing of U.S.

15 Patent Application No. 14/628,692 on February 23, 2015, which claims priority to

16 U.S. Patent Application 14/143,161.

17   32.   On information and belief, therefore, Google's continued infringement

18 of the '468 Patent is willful and deliberate, entitling Plaintiff to enhanced damages

19 under 35 U.S.C. § 284 and attorneys' fees and non-taxable costs under 35 U.S.C. §

20 285.

SECOND CLAIM FOR RELIEF

INFRINGEMENT OF U.S. PATENT NO. 6,138,087

23   33.   Plaintiff repeats and re-alleges the allegations of paragraphs 1 through

24 32 as though fully set forth herein.

25   34.   Defendant Google has been directly infringing one or more claims of

26 the '087 Patent in the United States through at least its operation of the Knowledge

27 Graph feature of its internet search engine product and/or its Google Now product

28 throughout the United States in violation of 35 U.S.C. § 271 (a).

1   35.   Google infringes the '087 patent by, at least, providing a system that

2 uses an experience and knowledge data base which is comprised of directed graphs

3 comprised of nodes with associated clause implying word sense numbers organized

4 into paths of said nodes, and processing said associated clause implying word sense

5 numbers of said experience and knowledge database.

6   36.   Because of Google's infringement of the '087 Patent, Plaintiff has

7 suffered damages. Plaintiff is entitled to an award of such damages, but in no event

8 less than a reasonable royalty, the precise amount to be determined at trial.

9 **THIRD CLAIM FOR RELIEF**

10 **INFRINGEMENT OF U.S. PATENT NO. 6,609,091**

11   37.   Plaintiff repeats and re-alleges the allegations of paragraphs 1 through

12 36 as though fully set forth herein.

13   38.   Defendant Google has been directly infringing and continues to

14 directly infringe one or more claims of the '091 Patent in the United States through

15 at least its operation of the Knowledge Graph feature of its internet search engine

16 product and/or its Google Now product throughout the United States in violation of

17 35 U.S.C. § 271 (a).

18   39.   Google infringes the '091 patent by, at least, providing a system that

19 electronically encodes data which is representative of said natural language,

20 includes a dictionary data base wherein said dictionary data base contains a

21 plurality of entries which are comprised of one or more of syntax usage data,

22 associated word sense numbers having associated state representation data and/or

23 function codes, lexically processes said electronically encoded data to access said

24 dictionary data base, includes a grammar specification and a data base of

25 requirements such that said requirements must be met by said associated state

26 representation data of said word sense numbers for said word sense numbers to be

27 selected, and utilizes said syntax usage data which are from entries of said

28 dictionary data base and which are associated with words of said natural language

FIRST AMENDED COMPLAINT   - 8 -   Civil Case No. 3:15-CV-03486-WHO

1   with reference to said grammar specification to produce output data representative

2   of a grammatical parse of said natural language, said output data including selected

3   syntax usage.

4   40.   Because of Google's infringement of the '091 Patent, Plaintiff has

5   suffered damages and will continue to suffer damages in the future. Plaintiff is

6   entitled to an award of such damages, but in no event less than a reasonable royalty,

7   the precise amount to be determined at trial.

8   **FOURTH CLAIM FOR RELIEF**

9   **INFRINGEMENT OF U.S. PATENT NO. 7,349,840**

10   41.   Plaintiff repeats and re-alleges the allegations of paragraphs 1 through

11   40 as though fully set forth herein.

12   42.   Defendant Google has been directly infringing and continues to

13   directly infringe one or more claims of the '840 Patent in the United States through

14   at least its operation of the Knowledge Graph feature of its internet search engine

15   product and/or its Google Now product throughout the United States in violation of

16   35 U.S.C. § 271 (a).

17   43.   Google infringes the '840 patent by, at least, providing a system that

18   lexically processes electronically encoded data, accesses a dictionary database that

19   contains a plurality of entries which are comprised of one or more of syntax usage

20   data, associated word sense numbers having associated state representation data,

21   and/or functions codes, includes a grammar specification and a context data base

22   wherein said context data base contains a plurality of entries which are comprised

23   of one or more of word sense numbers having associated state representation data,

24   and/or function codes, and utilizing one or more of said syntax usage data, said

25   word sense numbers, and/or said function codes which are from entries of said

26   dictionary data base and which are associated with words of said natural language

27   with reference to said grammar specification and with reference to said context data

28   base to select word sense numbers and/or function codes associated with said

FIRST AMENDED COMPLAINT   - 9 -   Civil Case No. 3:15-CV-03486-WHO

1   natural language words.

2   44.   Because of Google's infringement of the '840 Patent, Plaintiff has

3   suffered damages and will continue to suffer damages in the future. Plaintiff is

4   entitled to an award of such damages, but in no event less than a reasonable royalty,

5   the precise amount to be determined at trial.

6   45.   On information and belief, Google was made aware of the '840 Patent

7   and its infringement thereof at least as early as its receipt of the Notice of

8   Allowability of U.S. Patent Application 14/143,161, which was mailed on October

9   10, 2014.

10   46.   In the alternative, on information and belief, Google was made aware

11 of the '840 Patent and its infringement thereof at least as early as the filing of U.S.

12 Patent Application No. 14/628,692 on February 23, 2015, which claims priority to

13 U.S. Patent Application 14/143,161.

14   47.   On information and belief, therefore, Google's continued infringement

15 of the '840 Patent is willful and deliberate, entitling Plaintiff to enhanced damages

16 under 35 U.S.C. § 284 and attorneys' fees and non-taxable costs under 35 U.S.C. §

17 285.

18   **FIFTH CLAIM FOR RELIEF**

19   **INFRINGEMENT OF U.S. PATENT NO. 7,873,509**

20   48.   Plaintiff repeats and re-alleges the allegations of paragraphs 1 through

21 47 as though fully set forth herein.

22   49.   Defendant Google has been directly infringing one or more claims of

23 the '509 Patent in the United States through at least its operation of the Knowledge

24 Graph feature of its internet search engine product and/or its Google Now product

25 throughout the United States in violation of 35 U.S.C. § 271 (a).

26   50.   Google infringes the '509 patent by, at least, providing a system that

27 includes an experience and knowledge data base which is comprised of directed

28 graphs comprised of nodes with associated clause implying word sense numbers

1   organized into paths of said nodes such that said nodes have access conditions

2   which determine zero or more next said nodes on zero or more said paths that are

3   accessible, utilizes a natural language processor to provide natural language with

4   associated clause implying word sense numbers, purpose relation path identification

5   processes to find zero or more said paths from said nodes associated with said

6   clause implying word sense numbers associated with said natural language with

7   reference to said experience and knowledge database such that said access

8   conditions of said nodes on said found paths are met, and provides criteria for

9   selecting said found experience and knowledge paths, and utilizing said criteria to

10 select one or more of said found paths.

11   51.   Because of Google's infringement of the '509 Patent, Plaintiff has

12 suffered damages. Plaintiff is entitled to an award of such damages, but in no event

13 less than a reasonable royalty, the precise amount to be determined at trial.

SIXTH CLAIM FOR RELIEF

INFRINGEMENT OF U.S. PATENT NO. 8,326,603

16   52.   Plaintiff repeats and re-alleges the allegations of paragraphs 1 through

17 51 as though fully set forth herein.

18   53.   Defendant Google has been directly infringing one or more claims of

19 the '603 Patent in the United States through at least its operation of the Knowledge

20 Graph feature of its internet search engine product and/or its Google Now product

21 throughout the United States in violation of 35 U.S.C. § 271 (a).

22   54.   Google infringes the '603 patent by, at least, providing a system that

23 utilizes a natural language processor to provide natural language with associated

24 clause implying word sense numbers in memory associated with an apparatus,

25 includes an experience and knowledge data base which is comprised of directed

26 graphs comprised of nodes with associated clause implying word sense numbers

27 organized into paths of said nodes such that said nodes have access conditions

28 which determine zero or more next said nodes on zero or more said paths that are

1   accessible, utilizes a purpose relation path identification processor to identify zero

2   or more said paths from said nodes associated with said clause implying word sense

3   numbers associated with said natural language with reference to said experience

4   and knowledge database such that said access conditions of said nodes on said

5   found paths are met.

6   55.   Because of Google's infringement of the '603 Patent, Plaintiff has

7   suffered damages. Plaintiff is entitled to an award of such damages, but in no event

8   less than a reasonable royalty, the precise amount to be determined at trial.

9   **SEVENTH CLAIM FOR RELIEF**

10   **INFRINGEMENT OF U.S. PATENT NO. 8,688,436**

11   56.   Plaintiff repeats and re-alleges the allegations of paragraphs 1 through

12   55 as though fully set forth herein.

13   57.   Defendant Google has been directly infringing one or more claims of

14   the '436 Patent in the United States through at least its operation of the Knowledge

15   Graph feature of its internet search engine product and/or its Google Now product

16   throughout the United States in violation of 35 U.S.C. § 271 (a).

17   58.   Google infringes the '436 patent by, at least, providing a system in

18   which natural language is processed by an apparatus to provide electronically

19   encoded data which is representative of said natural language, providing a

20   dictionary data base in memory associated with said apparatus wherein said

21   dictionary data base contains a plurality of entries which are comprised of one or

22   more of syntax usage data, associated word sense numbers with associated state

23   representation data and/or function codes, lexically processing said electronically

24   encoded data to access said dictionary data base, providing a natural language

25   plausibility and expectedness processor, utilizing said natural language plausibility

26   and expectedness processor to initiate accessing entries of said dictionary data base

27   which are associated with words of said natural language.

28   59.   Because of Google's infringement of the '436 Patent, Plaintiff has

suffered damages. Plaintiff is entitled to an award of such damages, but in no event less than a reasonable royalty, the precise amount to be determined at trial.

JURY DEMAND

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

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Word to Info, Inc. respectfully demands entry of judgment against Google as follows:

A.   finding that Google has infringed one or more claims of the Patents-in-Suit;

B.   finding Google's infringement of at least one of the Patents-in-Suit to be willful;

C.   awarding Plaintiff damages to be paid by Google adequate to compensate Plaintiff for Google's past infringement of the Patents-in-Suit and any continuing or future infringement of the Patents-in-Suit through the date such judgment is entered, together with pre-judgment and post-judgment interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial as justified under 35 U.S.C. § 284;

D.   a declaration that this case is exceptional under 35 U.S.C. § 285, and an award of Plaintiff's reasonable attorneys' fees;

E.   ordering an accounting of all infringing acts including, but not limited to, those acts not presented at trial and an award of damages to Plaintiff for any such acts; and

F.   awarding such other and further relief at law or in equity as the Court deems just and proper.

FIRST AMENDED COMPLAINT   - 13 -   Civil Case No. 3:15-CV-03486-WHO

1   Dated: November 9, 2015

2   Respectfully submitted,

3   */s/ Steven R. Daniels*
                                                     Steven R. Daniels, Bar No. 235398
4   Cassandra Klingman (appearing *pro hac*
                                                     vice)
5   FARNEY DANIELS PC
                                                     800 South Austin Ave., Suite 200
6   Georgetown, Texas 78626
                                                     Telephone: (512) 582-2828
7   Facsimile: (512) 582-2829
                                                     sdaniels@farneydaniels.com
8   cklingman@farneydaniels.com
9
10

11   Jonathan D. Baker, No. 196062
                                                     Michael D. Saunders, Bar No. 259692
12   Gurtej Singh, Bar No. 286547
                                                     FARNEY DANIELS PC
13   411 Borel Ave., Suite 350
                                                     San Mateo, CA 94402
14   Telephone: (424) 268-5200
                                                     Facsimile: (424) 268-5219
15   jbaker@farneydaniels.com
                                                     sdaniels@farneydaniels.com
16   tsingh@farneydaniels.com
                                                     msaunders@farneydaniels.com
17
18
19   Attorneys for Plaintiff
                                                     Word to Info, Inc.
20

21

22

23

24

25

26

27

28

FIRST AMENDED COMPLAINT   - 14 -   Civil Case No. 3:15-CV-03486-WHO

1

CERTIFICATE OF SERVICE

2   I hereby certify that on November 9, 2015, I electronically filed the above

3 document with the Clerk of Court using CM/ECF which will send electronic

4 notification of such filing to all registered counsel.

5

6   */s/ Steven R. Daniels*
                                               Steven R. Daniels

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

FIRST AMENDED COMPLAINT   - 15 -   Civil Case No. 3:15-CV-03486-WHO