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WORD TO INFO, INC.

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16

17   IN THE UNITED STATES DISTRICT COURT

18   NORTHERN DISTRICT OF CALIFORNIA

19

20 WORD TO INFO, INC.,

21   Plaintiff,   Case Nos. 3:15-cv-03485-WHO

22 v.   **FIRST AMENDED COMPLAINT
FOR PATENT INFRINGEMENT**

23

24 FACEBOOK, INC.   **DEMAND FOR JURY TRIAL**

25   Defendants.

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FIRST AMENDED COMPLAINT FOR PATENT
INFRINGEMENT   - 1 -   Civil Case Nos. 3:15-cv-03485-WHO

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Word to Info, Inc. ("Word to Info"), by way of its Complaint against Facebook, Inc. ("Facebook" or "Defendant"), alleges the following:

NATURE OF THE ACTION

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

THE PARTIES

2.   Plaintiff Word to Info is a corporation organized under the laws of the State of Texas with a place of business at 1106 Edgewood Dr., Richardson, TX 75081.

3.   On information and belief, Facebook, Inc. is a corporation organized under the laws of the State of Delaware with its principal place of business at 1 Hacker Way, Bldg 10, Menlo Park, California 94025. On information and belief, Facebook, Inc., itself or through its subsidiaries and agents, has conducted and does conduct business in this judicial district.

JURISDICTION AND VENUE

4.   This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338.

5.   This Court has personal jurisdiction over Facebook at least because Facebook has ongoing and systematic contacts with this District and the United States. In addition, Facebook has acknowledged that it is subject to the jurisdiction of this Court in the brief Facebook filed in support of its Motion to Transfer Venue (D.I. 19).

6.   Venue is proper in this judicial district under 28 U.S.C. §§ 1391(c) and 1400(b).

STATEMENT OF FACTS

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

1   United States U.S. Patent No. 5,715,468 entitled "Memory system for storing and

2   retrieving experience and knowledge with natural language" (the '468 Patent); U.S.

3   Patent No. 6,138,087 entitled "Memory system for storing and retrieving

4   experience and knowledge with natural language utilizing state representation data,

5   word sense numbers, function codes and/or directed graphs" (the '087 Patent); U.S.

6   Patent No. 6,609,091 entitled "Memory system for storing and retrieving

7   experience and knowledge with natural language utilizing state representation data,

8   word sense numbers, function codes and/or directed graphs" (the '091 Patent); U.S.

9   Patent No. 7,349,840 entitled "Memory system for storing and retrieving

10   experience and knowledge with natural language utilizing state representation data,

11   word sense numbers, function codes, directed graphs and/or context memory" (the

12   '840 Patent); U.S. Patent No. 7,873,509 entitled "Memory system for storing and

13   retrieving experience and knowledge with natural language utilizing state

14   representation data, word sense numbers, function codes, directed graphs, context

15   memory, and/or purpose relations" (the '509 Patent); U.S. Patent No. 8,326,603

16   entitled "Memory system for storing and retrieving experience and knowledge with

17   natural language queries" (the '603 Patent); U.S. Patent No. 8,688,436 entitled

18   "Memory system for storing and retrieving experience and knowledge by utilizing

19   natural language responses" (the '436 Patent) (collectively, the "Patents-in-Suit").

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

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

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

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

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

25   of approximately 158 United States patents relating to natural language processing.

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

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

28   Patent is attached as Exhibit A to this Complaint.

FIRST AMENDED COMPLAINT FOR PATENT
INFRINGEMENT   - 3 -   Civil Case Nos. 3:15-cv-03485-WHO

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

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

3   Patent is attached as Exhibit B to this Complaint.

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

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

6   Patent is attached as Exhibit C to this Complaint.

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

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

9   Patent is attached as Exhibit D to this Complaint.

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

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

12   Patent is attached as Exhibit E to this Complaint.

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

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

15   Patent is attached as Exhibit F to this Complaint.

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

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

18   Patent is attached as Exhibit G to this Complaint.

19   16.   In connection with its products or services, Facebook infringes one or

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

21   **FIRST CLAIM FOR RELIEF**

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

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

24   16 as though fully set forth herein.

25   18.   Defendant Facebook has been directly infringing and continues to

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

27   at least its operation of the Graph Search feature of its Facebook product throughout

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

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1   19.   Facebook infringes the '468 Patent by, at least, providing a system that

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

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

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

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

6 providing a grammar specification, and using the syntax usage data from the

7 database with reference to the grammar specification to produce output

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

9 data includes syntax usage.

10   20.   Facebook also infringes the '468 Patent by, at least, providing a system

11 that processes experience and knowledge that uses an experience and knowledge

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

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

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

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

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

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

18   21.   Facebook also infringes the '468 Patent by, at least, providing a system

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

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

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

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

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

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

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

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

27 to the grammar specification to generate outgoing natural language.

28   22.   Because of Facebook's infringement of the '468 Patent, Plaintiff has

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Civil Case Nos. 3:15-cv-03485-WHO

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

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

3 the precise amount to be determined at trial.

4 ### SECOND CLAIM FOR RELIEF

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

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

7 24 as though fully set forth herein.

8   24.   Defendant Facebook has been directly infringing one or more claims

9 of the '087 Patent in the United States through at least its operation of the Graph

10 Search feature of its Facebook product throughout the United States in violation of

11 35 U.S.C. § 271 (a).

12   25.   Facebook infringes the '087 patent by, at least, providing a system that

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

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

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

16 numbers of said experience and knowledge database.

17   26.   Because of Facebook's infringement of the '087 Patent, Plaintiff has

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

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

20 ### THIRD CLAIM FOR RELIEF

21 ### INFRINGEMENT OF U.S. PATENT NO. 6,609,091

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

23 28 as though fully set forth herein.

24   28.   Defendant Facebook has been directly infringing and continues to

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

26 at least its operation of the Graph Search feature of its Facebook product throughout

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

28   29.   Facebook infringes the '091 patent by, at least, providing a system that

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

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

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

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

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

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

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

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

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

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

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

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

13 syntax usage.

14   30.   Because of Facebook's infringement of the '091 Patent, Plaintiff has

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

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

17 the precise amount to be determined at trial.

18   **FOURTH CLAIM FOR RELIEF**

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

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

21 34 as though fully set forth herein.

22   32.   Defendant Facebook has been directly infringing and continues to

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

24 at least its operation of the Graph Search feature of its Facebook product throughout

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

26   33.   Facebook infringes the '840 patent by, at least, providing a system that

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

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

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

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

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

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

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

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

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

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

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

10   natural language words.

11   34.   Because of Facebook's infringement of the '840 Patent, Plaintiff has

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

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

14   the precise amount to be determined at trial.

15   **FIFTH CLAIM FOR RELIEF**

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

17   35.   Plaintiff repeats and re-alleges the allegations of paragraphs 1 through

18   40 as though fully set forth herein.

19   36.   Defendant Facebook has been directly infringing one or more claims

20   of the '509 Patent in the United States through at least its operation of the Graph

21   Search feature of its Facebook product throughout the United States in violation of

22   35 U.S.C. § 271 (a).

23   37.   Facebook infringes the '509 patent by, at least, providing a system that

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

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

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

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

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

FIRST AMENDED COMPLAINT FOR PATENT
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1 associated clause implying word sense numbers, purpose relation path identification

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

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

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

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

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

7 select one or more of said found paths.

8   38.   Because of Facebook's infringement of the '509 Patent, Plaintiff has

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

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

11   **SIXTH CLAIM FOR RELIEF**

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

13   39.   Plaintiff repeats and re-alleges the allegations of paragraphs 1 through

14 44 as though fully set forth herein.

15   40.   Defendant Facebook has been directly infringing one or more claims

16 of the '603 Patent in the United States through at least its operation of the Graph

17 Search feature of its Facebook product throughout the United States in violation of

18 35 U.S.C. § 271 (a).

19   41.   Facebook infringes the '603 patent by, at least, providing a system that

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

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

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

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

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

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

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

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

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

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

2   found paths are met.

3   42.   Because of Facebook's infringement of the '603 Patent, Plaintiff has

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

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

6   **SEVENTH CLAIM FOR RELIEF**

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

8   43.   Plaintiff repeats and re-alleges the allegations of paragraphs 1 through

9   48 as though fully set forth herein.

10   44.   Defendant Facebook has been directly infringing one or more claims

11   of the '436 Patent in the United States through at least its operation of the Graph

12   Search feature of its Facebook product throughout the United States in violation of

13   35 U.S.C. § 271 (a).

14   45.   Facebook infringes the '436 patent by, at least, providing a system in

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

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

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

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

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

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

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

22   plausibility and expectedness processor, utilizing said natural language plausibility

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

24   which are associated with words of said natural language.

25   46.   Because of Facebook's infringement of the '436 Patent, Plaintiff has

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

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

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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 Facebook as follows:

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

B.   awarding Plaintiff damages to be paid by Facebook adequate to compensate Plaintiff for Facebook'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;

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

D.   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

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

1   Dated: November 23, 2015

2   Respectfully submitted,

3   /s/ *Steven R. Daniels*

4   Steven R. Daniels (CA Bar 235398)
                                               Cassandra Klingman (appearing *pro hac*
5   *vice*)

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19   *Attorneys for Plaintiff*
                                               WORD TO INFO, INC.
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FIRST AMENDED COMPLAINT FOR PATENT
INFRINGEMENT   - 12 -   Civil Case Nos. 3:15-cv-03485-WHO

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CERTIFICATE OF SERVICE

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I hereby certify that on November 23, 2015, I electronically filed the above

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

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notification of such filing to all registered counsel.

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7
                                    /s/ Steven R. Daniels
                                    Steven R. Daniels

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