

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ORTIZ & ASSOCIATES CONSULTING, LLC

Plaintiff,

v.

GOOGLE LLC

Defendant.

Case No. _____

Patent Case

Jury Trial Demanded

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Ortiz & Associates Consulting, LLC (“Ortiz”), through its attorney, complains of Google LLC (“Google”), and alleges the following:

PARTIES

1. Plaintiff Ortiz & Associates Consulting, LLC is a limited liability company organized and existing under the laws of New Mexico that maintains its principal place of business at 117 Bryn Mawr Drive SE, Albuquerque, NM 87106.
2. Defendant Google LLC is a corporation organized and existing under the laws of Delaware that maintains its principal place of business at 1600 Ampitheatre Parkway, Mountain View, CA 94043.

JURISDICTION

3. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.
4. This Court has exclusive subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Google because it has engaged in systematic and continuous business activities in the Northern District of Illinois. Specifically, Google provides its full range of services to residents in this District. As described below, Google has committed acts of patent infringement giving rise to this action within this District.

VENUE

6. Venue is proper in this District under 28 U.S.C. § 1400(b) because Google has committed acts of patent infringement in this District and has a regular and established place of business in this District. Specifically, Google provides its full range of services to residents in this District. In addition, Ortiz has suffered harm in this District.

PATENTS-IN-SUIT

7. Ortiz is the assignee of assignee of all right, title and interest in United States Patent Nos. 9,380,414 (the “’414 Patent”) and 8,971,914 (the “’914 Patent) including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the Patents-in-Suit. Accordingly, Ortiz possesses the exclusive right and standing to prosecute the present action for infringement of the Patents-in-Suit by Google.

The ’414 Patent

8. On June 28, 2016, the United States Patent and Trademark Office issued the ’414 Patent. The ’414 Patent is titled “Systems, Methods and Apparatuses for Brokering Data Between Two Wireless Devices, Servers and Data Rendering Devices.” The application leading to the ’414 Patent was filed on February 26, 2013 and is a continuation of application number 12/569,739 filed on September 29, 2009, which was a continuation of application number 09/887,492 filed on June 22, 2001, which claimed priority from provisional application

60/214,339, which was filed on June 27, 2000. A true and correct copy of the '414 Patent is attached hereto as Exhibit A and incorporated herein by reference.

9. The '414 Patent is valid and enforceable.
10. The invention in the '414 Patent relates to the use and management of data retained over wireless networks, and more particularly, to systems, methods, and apparatuses for providing data, such as documents and video, to data rendering devices (DRDs) including networked printers capable of printing documents and multimedia devices such as televisions, video monitors, and projectors, capable of displaying video data at the request of wireless devices. Ex. A at 1:25-34.
11. The inventor recognized that wireless device users were generally restricted in all data use by small device-based viewers, limited GUI functionality and unavailable or inconveniently located rendering resources to utilize data retrieved through networks. *Id.* at 4:25-30.

The '914 Patent

12. On June 28, 2016, the United States Patent and Trademark Office issued the '914 Patent. The '914 Patent is titled "Systems, Methods and Apparatuses for Brokering Data Between Two Wireless Devices, Servers and Data Rendering Devices." The application leading to the '914 Patent was filed on February 26, 2013 and is a continuation of application number 12/569,739 filed on September 29, 2009, which was a continuation of application number 09/887,492 filed on June 22, 2001, which claimed priority from provisional application 60/214,339, which was filed on June 27, 2000. A true and correct copy of the '914 Patent is attached hereto as Exhibit B and incorporated herein by reference.
13. The '914 Patent is valid and enforceable.

14. The invention in the '914 Patent relates to the use and management of data retained over wireless networks, and more particularly, to systems, methods, and apparatuses for providing data, such as documents and video, to data rendering devices (DRDs) including networked printers capable of printing documents and multimedia devices such as televisions, video monitors, and projectors) capable of displaying video data at the request of wireless devices. Ex. B at 1:25-34.

15. The inventors recognized that wireless device users were generally restricted in all data use by small device-based viewers, limited GUI functionality and unavailable or inconveniently located rendering resources to utilize data retrieved through networks. *Id.* at 4:25-30.

I. Infringement of the '414 Patent

16. Ortiz incorporates the above paragraphs herein by reference.

17. **Direct Infringement.** Google has been and continues to directly infringe at least claim 1 of the '414 Patent in this District and elsewhere in the United States by providing a device, for example, Google's Chromecast that performs the steps of brokering data between a wireless device (WD) and a data rendering device (DRD). For example, Google's Chromecast allows users to cast television shows, movies and music from mobile devices to a television. *See* Figure 1; https://www.google.com/intl/en_us/chromecast/tv/#?discover.

Chromecast is a media streaming device that plugs into the HDMI port on your TV. Simply use your mobile device and the TV you already own to cast your favorite TV shows, movies, music, sports, games and more. Chromecast works with iPhone®, iPad®, Android phone and tablet, Mac® and Windows® laptop, and Chromebook.



Figure 1. Google's Chromecast allows users to cast television shows, movies and music from mobile devices to a television.

18. Google provides a device performing the step of identifying data through a WD to render a DRD. For example, Google's Chromecast allows users to choose the app they want to be streamed to a television. *See Figure 2.*

Cast from your phone

Enjoy your favorite apps and entertainment on the big screen.

Open a Cast-enabled app, like YouTube, on your phone.

Find a video to play.

Tap the Cast button and select your Chromecast.

Play, pause, and adjust the volume, right from your phone

Figure 2. Google's Chromecast allows users to choose the app they want to be streamed to a television.

19. Google provides a device performing the step of providing a DRD locator request from the WD through a wireless communications network to a network resource to find at least one DRD located near the WD, where the WD location is first determined by at least one of a GPS module included in the WD and connection of the WD to the wireless communications network. For example, Google's Chromecast allows users to select a specific Chromecast device through a menu. *See Figure 3.*

From your Android phone or tablet, open the Google Cast app.

Tap the left hand navigation to open the menu.

Tap Cast screen / audio and select your Chromecast device

Figure 3. Google's Chromecast allows users to select a specific Chromecast device through a menu.

20. Google provides a device performing the step of receiving location information and rendering capabilities through the wireless communications network for at least one DRD located near the WD. For example, Google's Chromecast receives location information by connecting to devices near the Cast-enabled app. *See Figure 4.*

Using guest mode

Guest mode makes it even easier for your friends to cast to your TV using their phones without first having to connect to your WiFi.

Open a Cast-enabled app from a phone or tablet, without connecting to your WiFi. The Cast button will automatically appear, even though you're not connected to the WiFi.

Tap the Cast button and select "**Nearby device**".

Follow the prompts to connect automatically.

If the phone can't automatically connect, you can enter the **4-digit PIN** displayed on the

TV screen or on the "Devices" tab of the owner's Google Cast app.

Figure 4. Google's Chromecast receives location information by connecting to devices near the Cast-enabled app.

21. Google provides a device performing the step of selecting a DRD from discovering at least one DRD based on location information with respect to the WD and rendering capabilities and identifying data for the DRD. For example, Google's Chromecast allows users to select videos from an app such as YouTube and cast it to a television. *See Figure 5.*

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Open a Cast-enabled app, like YouTube, on your phone.

Find a video to play.

Tap the Cast button and select your Chromecast.

Play, pause, and adjust the volume, right from your phone

Figure 5. Google's Chromecast allows users to select videos from an app such as YouTube and cast it to a television.

22. Google provides a device performing the step of sending the data for rendering by the DRD.

For example, Google's Chromecast allows users to send data directly from a smartphone or tablet to a television. See Figure 6.

Mirror your Android screen

Cast exactly what you see on your Android phone or tablet screen to the TV. Your vacation photos and videos, favorite social media sites, presentations and more—now bigger than ever

Figure 6. Google's Chromecast allows users to send data directly from a smartphone or tablet to a television.

23. Google provides a device performing the step of receiving a passcode to provide to the DRD

once the DRD is physically located. For example, Google's Chromecast requires users to enter their personal identification number or personal identification code. See Figure 7.

Open a Cast-enabled app from a phone or tablet, without connecting to your WiFi.

The Cast button will automatically appear, even though you're not connected to the WiFi.

Tap the Cast button and select "**Nearby device**".

Follow the prompts to connect automatically.

If the phone can't automatically connect, you can enter the **4-digit PIN** displayed on the TV screen or on the "Devices" tab of the owner's Google Cast app.

Figure 7. Google's Chromecast requires users to enter their personal identification number or personal identification code.

24. Google provides a device performing the step of providing the passcode to the DRD by at

least entering the passcode at a user interface associated with the DRD and entering the

passcode at a user interface on the WD while the WD is in wireless communication with the

DRD. For example, Google's Chromecast allows the user to enter the passcode at an interface such as a smart phone, while the WD is in wireless communication with the DRD.

See Figure 8.

If the phone can't automatically connect, you can enter the **4-digit PIN** displayed on the TV screen or on the "Devices" tab of the owner's Google Cast app.

Figure 8. Google's Chromecast allows the user to enter the passcode at an interface such as a smart phone, while the WD is in wireless communication with the DRD.

25. Google provides a device performing the step of having the DRD retrieve the data and rendering the data after the passcode is entered by the user and verified by the DRD. For example, Google's Chromecast displays data on the television after a user enters a 4-digit PIN number. *See Figure 9.*

Data is mirrored on the TV via Chromecast after devices are connected to network with passwords, or by entry of 4-digit PIN.

Figure 9. Google's Chromecast displays data on the television after a user enters a 4-digit PIN number.

26. **Induced Infringement.** Google has also actively induced, and continues to induce, the infringement of at least claim 1 of the '414 Patent by actively inducing its customers, including merchants and end-users to use Google's products in an infringing manner as described above. Upon information and belief, Google has specifically intended that its customers use its products that infringe at least claim 1 of the '414 Patent by, at a minimum, providing access to support for, training and instructions for, its system to its customers to enable them to infringe at least claim 1 of the '414 Patent, as described above. Even where performance of the steps required to infringe at least claim 1 of the '414 Patent is accomplished by Google and Google's customer jointly, Google's actions have solely caused all of the steps to be performed.

27. Ortiz is entitled to recover damages adequate to compensate it for such infringement in an amount no less than a reasonable royalty under 35 U.S.C. § 284.

28. Ortiz will continue to be injured, and thereby caused irreparable harm, unless and until this Court enters an injunction prohibiting further infringement.

II. Infringement of the '914 Patent

29. Ortiz incorporates the above paragraphs herein by reference.

30. **Direct Infringement.** Google has been and continues to directly infringe at least claim 1 of the '914 Patent in this District and elsewhere in the United States by providing a device, for example, Google's Chromecast ("Chromecast"), that performs the steps of brokering video data between handheld wireless devices and video-enabled data rendering devices. For example, Google's Chromecast allows users to use their mobile devices to cast television shows, movies, and games to their television. *See* Figure 1;

https://www.google.com/intl/en_us/chromecast/tv/#?discover.

Chromecast is a media streaming device that plugs into the HDMI port on your TV. Simply use your mobile device and the TV you already own to cast your favorite TV shows, movies, music, sports, games and more. Chromecast works with iPhone®, iPad®, Android phone and tablet, Mac® and Windows® laptop, and Chromebook.



Figure 1. Google's Chromecast allows users to use their mobile devices to cast television shows, movies, and games to their television.

31. Google provides a device performing the step of selecting video data from a handheld wireless device (WD) for rendering by a video-enabled data rendering device (DRD). For example, Google's Chromecast allows users to select video data by finding a video to play from their phones. *See* Figure 2.

“selecting video data” is implied by, and inherent given the following:

Mirror your Android screen

Cast exactly what you see on your Android phone or tablet screen to the TV. Your vacation photos and videos, favorite social media sites, presentations and more—now bigger than ever.

Cast from your phone

Enjoy your favorite apps and entertainment on the big screen.

Open a Cast-enabled app, like YouTube, on your phone.

Find a video to play.

Tap the Cast button and select your Chromecast.

Play, pause, and adjust the volume, right from your phone

Figure 2. Google's Chromecast allows users to select video data by finding a video to play from their phones.

32. Google provides a device performing the step of requesting assistance from a wireless data communications network supporting wireless communications of said WD to locate the video-enabled DRD for display of said video data. For example, Google's Chromecast allows users to connect their devices to the Cast app, without needing another user's WiFi. *See* Figure 3.

Using guest mode

Guest mode makes it even easier for your friends to cast to your TV using their phones without first having to connect to your WiFi.

Open a Cast-enabled app from a phone or tablet, without connecting to your WiFi.

The Cast button will automatically appear, even though you're not connected to the WiFi.

Tap the Cast button and select “**Nearby device**”.

Follow the prompts to connect automatically.

If the phone can't automatically connect, you can enter the **4-digit PIN** displayed on the TV screen or on the "Devices" tab of the owner's Google Cast app.

Figure 3. Google's Chromecast allows users to connect their devices to the Cast app, without needing another user's WiFi.

33. Google provides a device performing the step of selecting at least one video-enabled DRD identified by said wireless data communications network for rendering of said video data from at least one of said WD or a remote server associated with said WD. For example, Google's Chromecast allows users to choose the Chromecast device through a menu. *See Figure 4.*

From your Android phone or tablet, open the Google Cast app.

Tap the left hand navigation to open the menu.

Tap Cast screen / audio and select your Chromecast device.

Figure 4. Google's Chromecast allows users to choose the Chromecast device through a menu.

34. Google provides a device performing the step of providing the video data to the video-enabled DRD, after an authorization code provided by the WD is verified by the DRD, from at least one of: the WD via RF or IR transmission and the remote server via a data network supporting communication with the video-enabled DRD. For example, Google's Chromecast allows users to connect the Cast app with a television by entering a 4-digit pin number. *See Figure 5.*

Open a Cast-enabled app from a phone or tablet, without connecting to your WiFi. The Cast button will automatically appear, even though you're not connected to the WiFi.

Tap the Cast button and select "**Nearby device**".

Follow the prompts to connect automatically.

If the phone can't automatically connect, you can enter the **4-digit PIN** displayed on the TV screen or on the "Devices" tab of the owner's Google Cast app.

Mirror your Android phone or tablet screen to the TV
See exactly what's on your Android device by casting your screen to the TV.

Figure 5. Google's Chromecast allows users to connect the Cast app with a television by entering a 4-digit pin number.

35. **Induced Infringement.** Google has also actively induced, and continues to induce, the infringement of at least claim 1 of the '414 Patent by actively inducing its customers, including merchants and end-users to use Google's products in an infringing manner as described above. Upon information and belief, Google has specifically intended that its customers use its products that infringe at least claim 1 of the '414 Patent by, at a minimum, providing access to support for, training and instructions for, its system to its customers to enable them to infringe at least claim 1 of the '414 Patent, as described above. Even where performance of the steps required to infringe at least claim 1 of the '414 Patent is accomplished by Google and Google's customer jointly, Google's actions have solely caused all of the steps to be performed.
36. Ortiz is entitled to recover damages adequate to compensate it for such infringement in an amount no less than a reasonable royalty under 35 U.S.C. § 284.
37. Ortiz will continue to be injured, and thereby caused irreparable harm, unless and until this Court enters an injunction prohibiting further infringement.
- JURY DEMAND**
38. Under Rule 38(b) of the Federal Rules of Civil Procedure, Ortiz respectfully requests a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Ortiz asks this Court to enter judgment against Google, granting the following relief:

- A. A declaration that Google has infringed the Patents-in-Suit;
- B. An award of damages to compensate Ortiz for Google's direct infringement of the Patents-in-Suit;
- C. An order that Google and its officers, directors, agents, servants, employees, successors, assigns, and all persons in active concert or participation with them, be preliminarily and permanently enjoined from infringing the Patents-in-Suit under 35 U.S.C. § 283;
- D. An award of damages, including trebling of all damages, sufficient to remedy Google's willful infringement of the Patents-in-Suit under 35 U.S.C. § 284;
- E. A declaration that this case is exceptional, and an award to Ortiz of reasonable attorneys' fees, expenses and costs under 35 U.S.C. § 285;
- F. An award of prejudgment and post-judgment interest; and
- G. Such other relief as this Court or jury may deem proper and just.

Respectfully submitted,
/s/ Kenneth Matuszewski
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