IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

DRM VECTORS, LLC,

       Plaintiff,

  v.

GOOGLE, LLC,

       Defendant.

CIVIL ACTION NO.

JURY TRIAL DEMANDED

PLAINTIFF'S ORIGINAL COMPLAINT

Plaintiff DRM Vectors, LLC ("Plaintiff"), by and through its undersigned counsel, files this Original Complaint against Defendant Barnes & Noble, Inc. ("Defendant") as follows:

NATURE OF THE ACTION

1.   This is a patent infringement action to stop Defendant's infringement of United States Patent No. 9,305,143 ("the '143 patent") entitled "Broadcasting of Electronic Documents Preserving Copyright and Permitting Private Copying". A true and correct copy of the '143 patent is attached hereto as Exhibit A. Plaintiff is the owner by assignment of the '143 patent. Plaintiff seeks monetary damages and injunctive relief.

PARTIES

2.   Plaintiff is a limited liability company having a principal place of business located at 717 North Union St. Wilmington, DE 19805.

3.   Upon information and belief, Defendant is a corporation organized and existing under the laws of the State of Delaware with a principal place of business located at 1600 Amphitheatre Pkwy Mountain View, CA 94043. Defendant can be served with process by serving the Corporation Service Company, 251 Little Falls Drive, Wilmington, DE 19808.

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JURISDICTION AND VENUE

4.   This action arises under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*, including 35 U.S.C. §§ 271, 281, 283, 284, and 285.

5.   This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

6.   The Court has personal jurisdiction over Defendant because Defendant is present within or has minimum contacts within the State of Delaware and the District of Delaware; Defendant has purposefully availed itself of the privileges of conducting business in the State of Delaware and in the District of Delaware; Defendant has sought protection and benefit from the laws of the State of Delaware; Defendant regularly conducts business within the State of Delaware and within the District of Delaware; and Plaintiff's cause of action arises directly from Defendant's business contacts and other activities in the State of Delaware and in the District of Delaware. Further, this Court has personal jurisdiction over Defendant because it is incorporated in Delaware and has purposely availed itself of the privileges and benefits of the laws of the State of Delaware.

7.   More specifically, Defendant, directly and/or through intermediaries, ships, distributes, uses, provides, offers for sale, sells, and/or advertises products and services in the United States, the State of Delaware, and the District of Delaware including but not limited to the Accused Instrumentalities as detailed below. Upon information and belief, Defendant has committed patent infringement in the State of Delaware and in the District of Delaware. Defendant solicits and has solicited customers in the State of Delaware and in the District of Delaware. Defendant has paying customers who are residents of the State of Delaware and the

District of Delaware and who each use and have used the Defendant's products and services in the State of Delaware and in the District of Delaware.

8.   Venue is proper in the District of Delaware pursuant to 28 U.S.C. §§ 1400(b). On information and belief, Defendant is incorporated in this district, or has a regular and established business presence in this district and has transacted business in this district, and has directly and/or indirectly committed acts of patent infringement in this district.

COUNT I – PATENT INFRINGEMENT

9.   Plaintiff refers to and incorporates herein the allegations of Paragraphs 1-8 above.

10.   The '143 patent was duly and legally issued by the United States Patent and Trademark Office on April 5, 2016 after full and fair examination. Plaintiff is the owner by assignment of the '143 patent and possesses all rights of recovery under the '143 patent, including the exclusive right to sue for infringement and recover past damages and obtain injunctive relief.

11.   Defendant owns, uses, operates, advertises, controls, sells, and otherwise provides systems, methods and apparatus that infringe the '143 patent. The '143 patent provides, among other things, "a method of broadcasting electronic documents allowing the protection of copyright and private copying including a network accessible control server taking customer orders, network accessible delivery and control servers, and equipment supporting a display for consulting the document."

Defendant has been and is now infringing the '143 patent in the State of Delaware, in this judicial district, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, importing, testing, providing, supplying, distributing, selling, and/or offering for sale, methods (including, without limitation, the Defendant's products

including Google Play and Google Play Books and its copyright protection functionality identified herein as the "Accused Instrumentality") that provide methods for accessing an order server containing models of documents to distribute, an item database, a customer database with the emails of customers, an order database containing references of the works ordered, and digital rights associated with the works ordered, said digital rights comprising controlled consultation rights as constraints, and permanently acquired digital rights, the order server configured for handling an order received from the customer on the network accessing a delivery server via the network, the delivery server configured for generating a specific copy of a document ordered by a customer from the model of the document ordered, the order server sending order information to the delivery server, the order information comprising, at least the reference to the work, customer contact information, the controllable consultation rights,and other digital rights ordered, the delivery server creating a delivery record of the work ordered containing the unique identifier to control the said work ordered, the order server responding to the customer's order by sending the customer a URL link towards the delivery server, the URL link comprising, as a parameter, at least the unique identifier of the copy ordered; responsive to an activation of the URL link by the customer, the delivery server generating a specific copy of the work ordered, by a library used for creation of documents on the fly containing the unique identifier, a supervision agent for the document, and the other permanently acquired digital rights relating to the document, the supervision agent designed to verify the controlled digital rights of each copy of the ordered work; accessing a control server via the network, the control server configured to verify digital rights acquired by the customer using the unique identifier of the ordered document copy; when delivering the ordered document copy to the customer, the delivery server sending to the control server the controlled information containing at least the

unique identifier of the ordered document copy and the set of digital rights controlled; and operating a customer computing device, supporting a viewer, to allow the customer, via the viewer, to consult

the ordered document, previously downloaded from the delivery server, said viewer designed to allow the customer to consult the ordered document; and a verification step comprising the sub-steps of when opening the specific copy on the customer computing device, the supervision agent of the specific copy causing the customer computing device to connect to the control server, and the supervision agent of the specific copy sending a query containing at least the unique identifier of the specific copy, in response to receiving the query, the control server returning a response comprised of one of i) an authorization to consult the specific copy, and ii) a consultation refusal, according to the specific copy's controlled digital rights as stored by the control server, and when the customer computing device receives the response from the control server, the supervision agent of the specific copy allowing the consultation of the specific copy when the response comprises the authorization to consult the specific copy and prohibiting the consultation of the specific copy when the response comprises the consultation refusal covered by at least claim 1 of the '143 patent to the injury of DRM Vectors, LLC. Defendant is directly infringing, literally infringing, and/or infringing the '143 patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '143 patent pursuant to 35 U.S.C. § 271.

15.   Defendant has induced and continues to induce infringement of the '143 patent by intending that others use, offer for sale, or sell in the United States, products and/or methods covered by one or more claims of the '143 patent, including, but not limited to, methods, and products comprising methods that broadcast electronic documents which preserve copyrights

and premite private copying that infringe one or more claims of the '143 patent.

16.   Defendant indirectly infringes the '143 patent by inducing infringement by others, such as resellers, customers and end-use consumers, in accordance with 35 U.S.C. § 271(b) in this District and elsewhere in the United States. Direct infringement is a result of the activities performed by the resellers, customers and end-use consumers of the broadcasting of electronic documents which preserve copyrights and permit private copying, including methods, and products comprising methods for broadcasting electronic documents which preserve copyrights and permit private copying.

17.   Defendant received notice of the '143 patent at least as of the date this lawsuit was filed.

18.   Defendant's affirmative acts of providing and/or selling the methods, and products comprising methods for broadcasting electronic documents which preserve copyrights and permit private copying, including manufacturing and distributing, and providing instructions for using the methods, and products comprising methods for broadcasting electronic documents which preserve copyrights and permit private copying in their normal and customary way to infringe one or more claims of the '143 patent. Defendant performs the acts that constitute induced infringement, and induce actual infringement, with the knowledge of the '143 patent and with the knowledge or willful blindness that the induced acts constitute infringement.

19.   Defendant specifically intends for others, such as resellers, customers and end-use consumers, to directly infringe one or more claims of the '143 patent, or, alternatively, has been willfully blind to the possibility that its inducing acts would cause infringement. By way of example, and not as limitation, Defendant induces such infringement by its affirmative action

by, among other things: (a) providing advertising on the benefits of using the Accused Instrumentalities' functionality; (b) providing information regarding how to use the Accused Instrumentalities' functionality; (c) providing instruction on how to use the Accused Instrumentalities' functionality; and (d) providing hardware and/or software components required to infringe the claims of the '143 patent.

20.   Accordingly, a reasonable inference is that Defendant specifically intends for others, such as resellers, customers and end-use consumers, to directly infringe one or more claims of the '143 patent in the United States because Defendant has knowledge of the '143 patent at least as of the date this lawsuit was filed and Defendant actually induces others, such as resellers, customers and end-use consumers, to directly infringe the '143 patent by using, selling, and/or distributing, within the United States, methods, and products comprising methods for broadcasting electronic documents which preserve copyrights and permit private copying.

21.   As a result of Defendant's acts of infringement, Plaintiff has suffered and will continue to suffer damages in an amount to be proved at trial.

22.   Defendant continues advising, encouraging, or otherwise inducing others to use the methods, and products comprising the methods claimed by the '143 patent to the injury of Plaintiff. Since at least the filing date of the Original Complaint, Defendant has had knowledge of the '143 patent, and by continuing the actions described above, has specific intent to induce infringement of the '143 patent pursuant to 35 U.S.C. § 271(b), and has further contributed to said infringement of the '143 patent by their customers by providing them with the Accused Instrumentalities so that their customers could directly infringe the '143 patent.

23.   Claim 1 of the '143 patent, claims:

24.   An electronic document creation method protecting copyrights and allowing private copying, comprising the steps of:

accessing an order server containing models of documents
   to distribute, an item database, a customer database with the emails of customers, an order database containing references of the works ordered, and digital rights associated with the works ordered, said digital rights comprising controlled consultation rights as constraints, and permanently acquired digital rights, the order server configured for handling an order received from the customer on the network;

accessing a delivery server via the network, the delivery server configured for generating a specific copy of a document ordered by a customer from the model of the document ordered, the order server sending order information to the delivery server, the order information comprising, at least the reference to the work, customer contact information, the controllable consultation rights,and other digital rights ordered;

the delivery server creating a delivery record of the work ordered containing the unique identifier to control the said work ordered;

the order server responding to the customer's order by sending the customer a URL link towards the delivery server, the URL link comprising, as a parameter, at least the unique identifier of the copy ordered;

responsive to an activation of the URL link by the customer, the delivery server generating a specific copy of the work ordered, by a library used for creation of documents on the fly containing the unique identifier, a supervision agent for the document, and the other permanently acquired digital rights relating to the document, the supervision agent designed to verify the controlled digital rights of each copy of the ordered work;

accessing a control server via the network, the control server configured to verify digital rights acquired by the customer using the unique identifier of the ordered document copy;

when delivering the ordered document copy to the customer, the delivery server sending to the control server the controlled information containing at least the unique identifier of the ordered document copy and the set of digital rights controlled; and

operating a customer computing device, supporting a viewer, to allow the customer, via the viewer, to consult the ordered document, previously downloaded from the delivery server, said viewer designed to allow the customer to consult the ordered document; and

a verification step comprising the sub-steps of

when opening the specific copy on the customer computing device, the supervision agent of the specific copy causing the customer computing device to connect to the control server, and the supervision agent of the specific copy sending a query containing at least the unique identifier of the specific copy;

in response to receiving the query, the control server returning a response comprised of one of i) an authorization to consult the specific copy, and ii) a consultation refusal, according to the specific copy's controlled digital rights as stored by the control server, and

when the customer computing device receives the response from the control server, the supervision agent of the specific copy allowing the consultation of the specific copy when the response comprises the authorization to consult the specific copy and prohibiting the consultation of the specific copy when the response comprises the consultation refusal.

25.   An electronic document creation method protecting copyrights and allowing private copying, comprising the steps of:

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* Take notes that sync with your Google Drive and share them with a group for easy collaboration.
* Use the Night Light setting to automatically adjust the background color and brightness to make it easier for you to fall asleep

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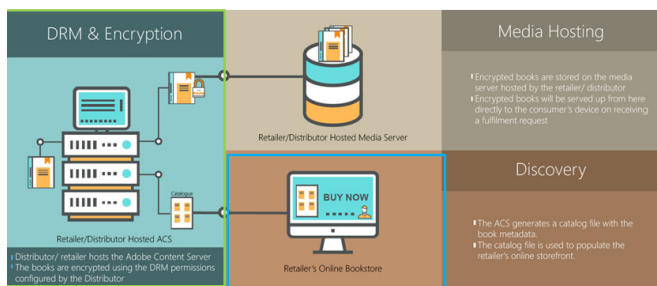- Supports multiple business models including purchase, lending, rentals, classroom scenarios and more

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accessing an order server containing models of documents to distribute, an item database, a customer database with the emails of customers, an order database containing references of the works ordered, and digital rights associated with the works ordered, said digital rights comprising
controlled consultation rights as constraints, and permanently acquired digital rights, the order server configured for handling an order received from the customer on the network;

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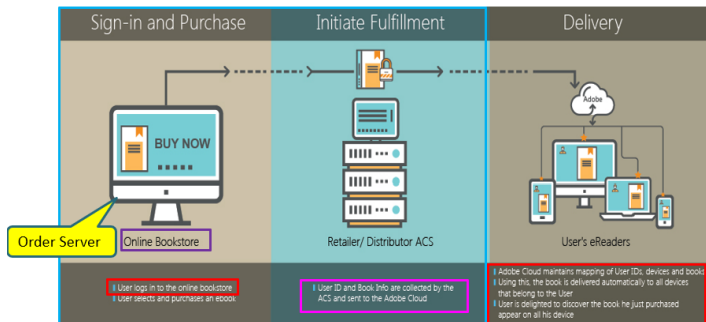
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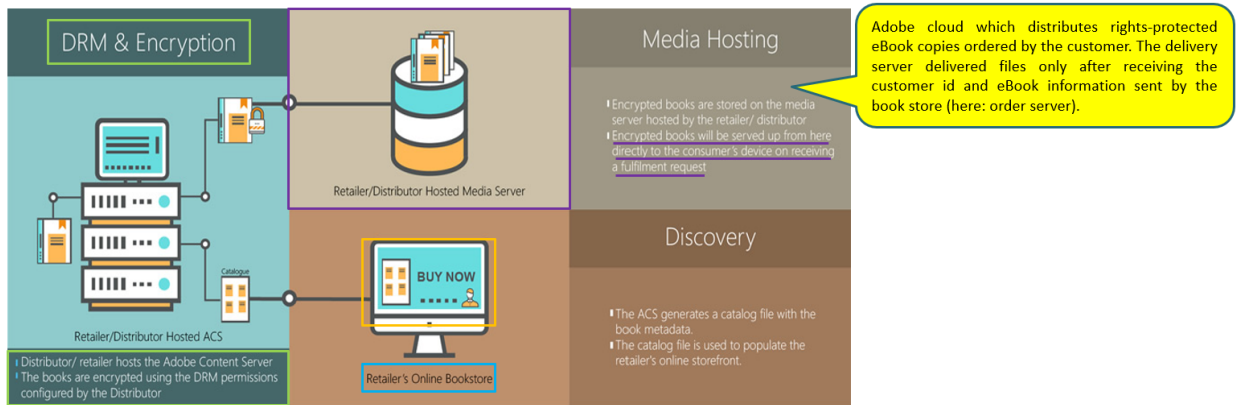- You can use your Adobe ID and Adobe password immediately after you've created it.

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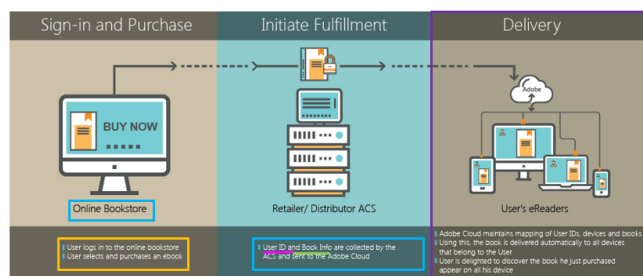
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accessing a delivery server via the network, the delivery server configured for generating a specific copy of a document ordered by a customer from the model of the document ordered, the

order server sending order information to the delivery server, the order information comprising, at least the reference to the work, customer contact information, the controllable consultation rights,and other digital rights ordered;

Adobe cloud which distributes rights-protected eBook copies ordered by the customer. The delivery server delivered files only after receiving the customer id and eBook information sent by the book store (here: order server).

SOURCE: https://www.adobe.com/in/solutions/ebook/content-server.html

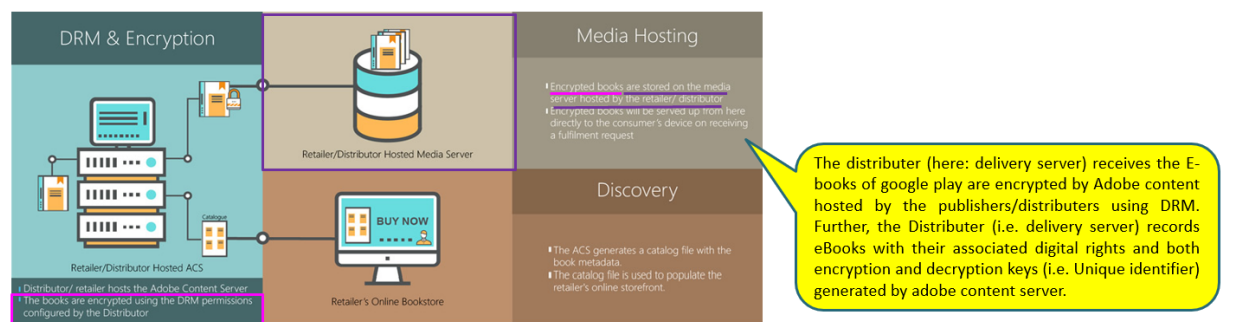**SOURCE:** https://www.adobe.com/in/solutions/ebook/content-server.html

Adobe Content Server 6

Adobe Content Server allows publishers, retailers, distributors, and libraries to host and manage eBook distribution. This server software encrypts PDF and EPUB eBook files and allows publishers and retailers to manage the rights on the eBook files they distribute. At the outset, Content Server allows publishers to monetize their content. It also enables them to innovate on their business model without being locked into a specific distributor's terms. This reduces the "walled garden" scenario and helps publishers avoid disintermediation by dominant technology players.

SOURCE:
https://www.adobe.com/content/dam/acom/en/solutions/ebook/adobe_ebook_platform_whitepaper.pdf

the delivery server creating a delivery record of the work ordered containing the unique identifier to control the said work ordered;

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Adobe Content Server 6

Adobe Content Server allows publishers, retailers, distributors, and libraries to host and manage eBook distribution. This server software encrypts PDF and EPUB eBook files and allows publishers and retailers to manage the rights on the eBook files they distribute. At the outset, Content Server allows publishers to monetize their content. It also enables them to innovate on their business model without being locked into a specific distributor's terms. This reduces the "walled garden" scenario and helps publishers avoid disintermediation by dominant technology players.
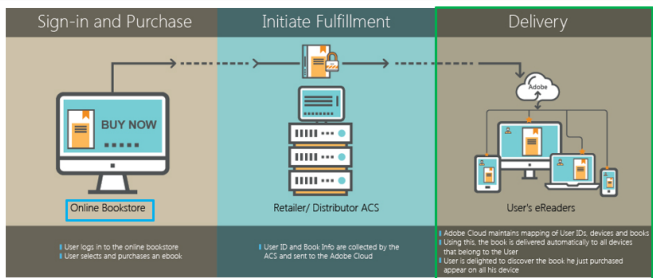
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the order server responding to the customer's order by sending the customer a URL link towards the delivery server, the URL link comprising, as a parameter, at least the unique identifier of the copy ordered;

When the customer buys an e-book from the online e-book store, the e-book store acting as the order server provides the customer an urllink.acsm file which contains the encrypted key, and this file also redirects the customer to the delivery server.

SOURCE: https://www.adobe.com/in/solutions/ebook/content-server.html

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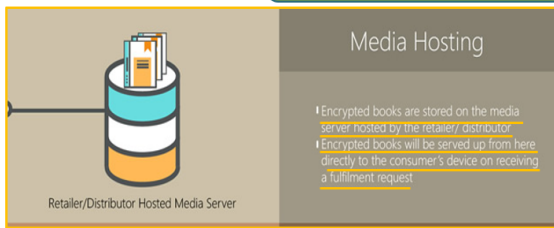Source:http://www.odysseybks.com/google-ebooks

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SOURCE: http://www.ukessays.com/essays/computer-science/ebook-security-adobe-adapt-drm-1911.php

responsive to an activation of the URL link by the customer, the delivery server generating a specific copy of the work ordered, by a library used for creation of documents on the fly containing the unique identifier, a supervision agent for the document, and the other permanently acquired digital rights relating to the document, the supervision agent designed to verify the controlled digital rights of each copy of the ordered work;
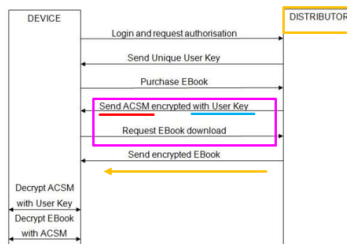

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SOURCE: https://www.adobe.com/in/solutions/ebook/content-server.html

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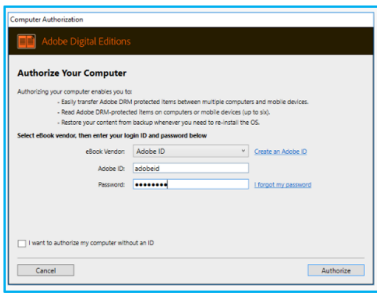
SOURCE: https://www.epubor.com/how-to-convert-google-acsm-files.html#2

When the user is redirected towards the delivery server, the server generates a specific copy as per user requirement and send it in the form of .acsm file which contains the encrypted key (Here: unique identifier) and the supervision agent (here: ACS Manager).

When users purchase an eBook that has been secured using the method described here, they will receive a .acsm file (Adobe Content Server Manager file)—the newly secured Adobe PDF eBook file that will be opened in Adobe Digital Editions for access and use.

SOURCE: https://static1.squarespace.com/static/50b7766ce4b04580b679404e/t/57ed301ae4fcb5fad2f23fda/1475162140527/Secure_PDF_Distribution_Guide_FINAL_092916.pdf

accessing a control server via the network, the control server configured to verify digital rights acquired by the customer using the unique identifier of the ordered document copy;

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1. A unique user key is created for the user account encrypted with RSA with PKCS#1 v1.5 padding by the E-Reader software. The account information not the device is used to create the key therefore allowing an EBook with DRM to be read on various devices. This is required to open the ACSM file.

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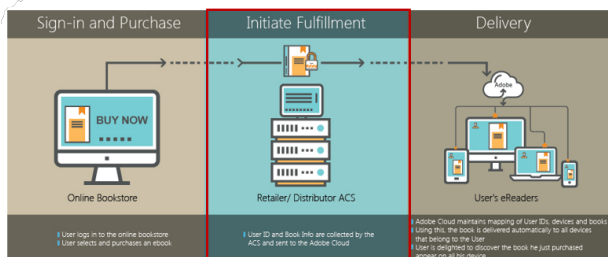
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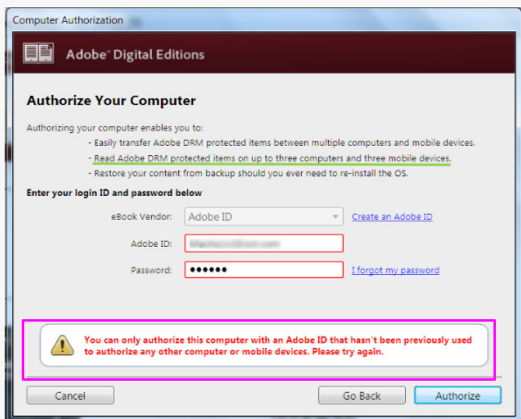
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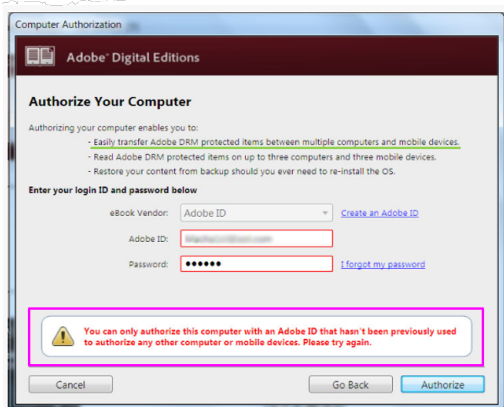**SOURCE:** https://www.odysseybks.com/google-ebooks

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when the customer computing device receives the response from the control server, the supervision agent of the specific copy allowing the consultation of the specific copy when the

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response comprises the authorization to consult the specific copy and prohibiting the consultation of the specific copy when the response comprises the consultation refusal.

26.   Defendant's aforesaid activities have been without authority and/or license from Plaintiff.

27.   To the extent any marking was required by 35 U.S.C. § 287, Plaintiff and all predecessors in interest to the '143 patent complied with all marking requirements under 35 U.S.C. § 287.

28.   Plaintiff is entitled to recover from Defendant the damages sustained by Plaintiff as a result of the Defendant's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

<u>**JURY DEMAND**</u>

Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

Plaintiff respectfully requests that the Court find in its favor and against the

Defendant, and that the Court grant Plaintiff the following relief:

A. a judgment that Defendant directly and/or indirectly infringes one or more claims of the '143 patent;

B. award Plaintiff damages in an amount adequate to compensate Plaintiff for Defendant's infringing products' infringement of the claims of the '143 patent, but in no event less than a reasonable royalty, and supplemental damages for any continuing post-verdict infringement until entry of the final judgment with an accounting as needed, under 35 U.S.C. § 284;

C. award Plaintiff pre-judgment interest and post-judgment interest on the damages awarded, including pre-judgment interest, pursuant to 35 U.S.C. § 284, from the date of each act of infringement of the '143 patent by Defendant to the day a damages judgment is entered, and an award of post-judgment interest, pursuant to 28 U.S.C. § 1961, continuing until such judgment is paid, at the maximum rate allowed by law; and an accounting of all damages not presented at trial;

D. a judgment and order finding this to be an exceptional case and requiring defendant to pay the costs of this action (including all disbursements) and attorneys' fees, pursuant to 35 U.S.C. § 285;

E. award a compulsory future royalty for the '143 patent; and award such further relief as the Courts deems just and proper.

Dated: April 9, 2019   STAMOULIS & WEINBLATT LLC

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