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15 Jenam Tech, LLC

16 **UNITED STATES DISTRICT COURT**  
17 **NORTHERN DISTRICT OF CALIFORNIA**  
18 **OAKLAND DIVISION**

19 JENAM TECH, LLC,  
20 Plaintiff,  
21 v.  
22 GOOGLE LLC,  
23 Defendant.

Case No. 4:22-cv-2836

**COMPLAINT FOR PATENT  
INFRINGEMENT**  
**DEMAND FOR JURY TRIAL**  
**PATENT CASE**

1 Plaintiff Jenam Tech, LLC (“Jenam Tech” or “Plaintiff”), for its Complaint  
2 against Defendant Google, LLC, (referred to herein as “Google” or “Defendant”),  
3 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, 35 U.S.C. § 1 *et seq.*

7 **THE PARTIES**

8 2. Plaintiff Jenam is a limited liability company organized under the  
9 laws of the State/Commonwealth of Texas with a place of business at 211 West  
10 Tyler Street, Suite C, Longview, Texas, 75601.

11 3. Upon information and belief, Google is a Delaware LLC with a  
12 principal place of business at 1600 Amphitheatre Parkway, Mountain View, CA  
13 94043. Upon information and belief, Google sells, offers to sell, and/or uses  
14 products and services throughout the United States, including in this judicial  
15 district, and introduces infringing products and services into the stream of  
16 commerce knowing that they would be sold and/or used in this judicial district and  
17 elsewhere in the United States.

18 **JURISDICTION AND VENUE**

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

21 5. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331  
22 and 1338(a).

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

24 7. This Court has personal jurisdiction over Google under the laws of the  
25 State of California, due at least to their substantial business in California and in this  
26 judicial district, directly or through intermediaries, including: (i) at least a portion  
27 of the infringements alleged herein; and (ii) regularly doing or soliciting business,

1 engaging in other persistent courses of conduct and/or deriving substantial revenue  
2 from goods and services provided to individuals in the State of California. Venue  
3 is also proper in this district because Google has a regular and established place of  
4 business in this district. Google has its headquarters in this judicial district at 1600  
5 Amphitheatre Parkway, Mountain View, CA 94043. For further example, Google  
6 has a San Francisco office located at 345 Spear Street San Francisco, CA. (*See,*  
7 *e.g., https://about.google/locations/?region=north-america&office=mountain-*  
8 *view.*)

9 8. Divisional Assignment: This complaint is related to two consolidated  
10 actions that are currently stayed: *Jenam Tech, LLC v. Google LLC*, No: 4:21-cv-  
11 07994-JST (lead case) and *Jenam Tech, LLC v. Google LLC*, No: 4:21-cv-09318-  
12 JST. These cases are proceeding in the Oakland Division. Jenam identifies this  
13 pursuant to Civil L.R. 3-5(b). These cases are “Related Cases” under Civil L.R. 3-  
14 12(a). Therefore, Jenam will promptly move to stay this case under the terms  
15 governing the stay currently in place in the two consolidated related cases.

## 16 **BACKGROUND**

### 17 **The Invention**

18 9. Robert Paul Morris is the inventor of U.S. Patent No. 11,064,058  
19 (“the ’058 patent”). A true and correct copy of the ’058 patent is attached as  
20 Exhibit A.

21 10. The ’058 patent resulted from the pioneering efforts of Mr. Robert  
22 Paul Morris (hereinafter “the Inventor”) in the area of transport protocols and the  
23 establishment, monitoring and management of network connections. These efforts  
24 resulted in the development of a method and systems for sharing information  
25 between nodes for detecting relevant time periods for improving network  
26 performance in around early 2010. At the time of these pioneering efforts,  
27 technologies used to establish, monitor and manage network connections and in

1 particular at the transport level were inefficient and resulted in wasted network  
2 resources due to, for example, maintaining connections that should have been  
3 terminated. They also caused unintentional termination of connections. The  
4 Inventor conceived of the inventions claimed in the '058 patent as a way to allow  
5 two connection endpoints to cooperate in establishing, monitoring and managing  
6 connections to improve efficiency and optimize utilization of resources.

7 **Advantages Over the Prior Art**

8 11. The patented invention disclosed in the '058 patent, provides many  
9 advantages over the prior art, and in particular in the operation of network  
10 connections—essentially improving performance for any networked device  
11 including computers, phones, tablets, and any computing device that utilizes  
12 transport level protocols. (*See* '058 patent at 4:5-16.) These novel improvements  
13 resulted in greater availability of network resources and minimize unnecessary  
14 utilization of the same. (*See* '058 patent at 2:5-60.)

15 12. Another advantage of the patented inventions is reducing the  
16 incidences of unintended blocking or termination of connections with other nodes.  
17 (*See* '058 patent at 2:5-60.)

18 13. Another advantage of the patented inventions is decreased latency.  
19 (*See* '058 patent at 9:14-11:35.)

20 14. Yet another advantage of the patented inventions is decreased  
21 congestion. (*See* '058 patent at 9:14-11:35.)

22 15. Another advantage of the patented inventions is improved security.  
23 (*See* '058 patent at 9:14-11:35.)

24 16. Because of these significant advantages that can be achieved through  
25 the use of the patented invention, Jenam believes that the '058 patent presents  
26 significant commercial value for companies like Google. Indeed, Google's own  
27 success demonstrates the commercial value of the advantages achieved through the

1 use of the patented inventions. This includes its participation in the Internet  
2 Engineering Task Force focused on standardizing the infringing QUIC protocol for  
3 use across the Internet.

#### 4 **Technological Innovations**

5 17. The patented inventions disclosed in the '058 patent resolve technical  
6 problems related to network connections at the transport layer, particularly  
7 problems related to the lack of cooperation between nodes in the connection. As  
8 the '058 patent explains, one of the limitations of the prior art was that it could  
9 waste resources or prematurely block or terminate connections meant to remain  
10 open. (*See* '058 patent at 2:5-60.)

11 18. The claims of the '058 patent do not merely recite the performance of  
12 some well-known business practice from the pre-Internet world along with the  
13 requirement to perform it on the Internet. Instead, the claims of the '058 patent  
14 recite inventive concepts that are deeply rooted in engineering technology and  
15 overcome specific problems regarding how to efficiently establish, monitor and  
16 manage network connections to optimize the use of network resources and  
17 connections through the exchange of information and negotiation of parameters  
18 governing the connection.

19 19. In addition, the claims of the '058 patent recite inventive concepts that  
20 improve the functioning of all networked devices, including computers, phones,  
21 tablets, and other computing devices, by improving how connections are  
22 established, managed and more efficiently handling precious network resources.

23 20. Moreover, the claims of the '058 patent recite inventive concepts that  
24 are not merely routine or conventional use of exchanging information between  
25 nodes. Instead, the patented inventions disclosed in the '058 patent provide new  
26 and novel solutions to specific problems related to improving cooperation and  
27

1 negotiation between nodes in a connection and more effectively monitoring and  
2 managing such connections.

3 21. The patented inventions disclosed in the '058 patent do not preempt  
4 all the ways that network connections may be established, monitored and managed,  
5 nor does the '058 patent preempt any well-known or prior art technology.

6 22. Accordingly, the claims in the '058 patent recite a combination of  
7 elements sufficient to ensure that the claim in substance and in practice amounts to  
8 significantly more than a patent-ineligible abstract idea.

9 **COUNT I – INFRINGEMENT OF U.S. PATENT NO. 11,064,058**

10 23. The allegations set forth in the foregoing paragraphs 1 through 22 are  
11 incorporated into this First Claim for Relief.

12 24. On July 13, 2021 the '058 patent was duly and legally issued by the  
13 United States Patent and Trademark Office under the title “Methods, Systems, and  
14 Computer Program Products for Sharing Information for Detecting at least one  
15 Time Period For a Connection.”

16 25. Jenam is the assignee and owner of the right, title and interest in and  
17 to the '058 patent, including the right to assert all causes of action arising under  
18 said patent and the right to any remedies for infringement of it.

19 26. Upon information and belief, Google has and continues to directly  
20 infringe one or more claims of the '058 patent by selling, offering to sell, making,  
21 using, and/or providing and causing to be used products, specifically one or more  
22 websites or web addresses, products utilizing the QUIC protocol. This includes,  
23 but is not limited to, www.google.com, stored and/or hosted on one or more  
24 servers owned or under the control of Google, as well as other Google products  
25 and services including, but not limited to: Google Edge Network, Google Cloud,  
26 Chrome Enterprise, G suite , Google Play, Chrome, Android (Android Enterprise,  
27 Android Messages (RCS)), Duo, Google Ads, Adwords, Google Analytics,

1 YouTube, Google Mobile apps, Google Shopping, and Google Maps (“Accused  
2 Software”); (ii) making, using, selling, importing, and/or offering for sale software  
3 for smartphones and tablets as well as other computing devices, or offering said  
4 software with such computing devices (e.g., Pixel phones, laptops, desktops,  
5 Chromebooks, etc.) utilizing QUIC (“Accused Products”), which by way of  
6 example include <https://about.google/products/>.

7 27. Upon information and belief, the Accused Products are configured so  
8 as to share information and negotiate parameters for network connections and for  
9 detecting idle connections and managing such connections.

10 28. An exemplary infringement analysis showing infringement of claim 1  
11 of the ’058 patent is set forth in Exhibit B. This infringement analysis is  
12 necessarily preliminary, as it is provided in advance of any discovery provided by  
13 Google with respect to the ’058 patent. Jenam reserves all rights to amend,  
14 supplement and modify this preliminary infringement analysis. Nothing in the  
15 attached chart should be construed as any express or implied contention or  
16 admission regarding the construction of any term or phrase of the claims of the  
17 ’058 patent.

18 29. The Accused Products have infringed and continue to infringe claim 1  
19 of the ’058 patent during the pendency of the ’058 patent.

20 30. On information and belief, Google has been aware of this patent since  
21 at least July 13, 2021 when the patent issued because Google is currently in two  
22 lawsuits involving related patents in the same family, such as U.S. Patent Nos.  
23 10,069,945; 10,075,564; 10,075,565; 10,306,026; 10,375,215; 10,742,774; and  
24 9,923,996 and has filed multiple requests for *inter partes* review and post-grant  
25 reviews at the U.S. Patent and Trademark Office regarding most of these related  
26 patents. Upon information and belief, Google is monitoring Jenam’s patent  
27 portfolio and the issuance of later continuation applications such as the issuance of

1 the '058 patent. Jenam's counsel has specifically referenced the ongoing  
2 prosecution in this patent family during discussions with Google's counsel.

3 31. Upon information and belief, since Google had knowledge of the '058  
4 patent, Google has also induced and continues to induce others to infringe at least  
5 claim 1 of the '058 patent under 35 U.S.C. § 271(b) by, among other things, and  
6 with specific intent or willful blindness, actively aiding and abetting others to  
7 infringe, including but not limited to Google's employees, partners, customers and  
8 users of the Accused Products, whose use of the Accused Products constitutes  
9 direct infringement of at least claim 1 of the '058 patent.

10 32. In particular, Google's actions that aid and abet others such as their  
11 partners and customers to infringe include distributing the Accused Products across  
12 any of its products involving network connections and providing materials and/or  
13 services related to the Accused Products. On information and belief, Google  
14 engaged in such actions with specific intent to cause infringement or with willful  
15 blindness regarding the resulting infringement because Google has had actual  
16 knowledge of the '058 patent and that its acts were inducing infringement of the  
17 '058 patent since July 2021. This includes having its employees participate in  
18 Internet Engineering Task Force ("IETF") working groups focused on  
19 standardizing QUIC—and its infringing features—for use across the Internet.  
20 These employees include David Schinazi, a Google software engineer that is a  
21 technical lead for the Google QUIC protocol and is a member of the IETF working  
22 group responsible for standardizing the QUIC protocol including its infringing  
23 features for use across the entire Internet. He is also responsible for maintaining a  
24 website cited in Jenam's infringement analyses, <http://www.chromium.org/quic>.  
25 Despite Google's awareness of the asserted patent, Google and its employees have  
26 continued to infringe and continued their widespread inducement of infringement  
27 across the Internet. Statistics show that since the IETF's RFC 9000 standard for



1 QUIC published in May 2021, the percentage of websites utilizing QUIC is already  
2 close to 10%.<sup>1</sup> On information and belief, not only has Google implemented QUIC  
3 across its entire platform and services, it has purposefully facilitated the IETF's  
4 adoption of QUIC as the new standard transport layer protocol. Contributors to  
5 RFC 9000 include numerous Google employees such as Mr. Schinazi, Ian Swett,  
6 Alyssa Wilk, and Martin Duke, and former employees that worked on QUIC while  
7 at Google such as Jana Iyengar and Ryan Hamilton.<sup>2</sup> Indeed, a Google employee,  
8 Mr. Duke, became the Transport Area co-director in 2020 and is heavily involved  
9 in the QUIC Working Group at the IETF while working on QUIC at Google as  
10 well.<sup>3</sup> He authored a draft specification for a second version of QUIC in April  
11 2022, despite Google having had knowledge of the patent in suit.<sup>4</sup> Mr. Schinazi  
12 also authored IETF QUIC documentation as recently as April 2022.<sup>5</sup> Google is not  
13 only continuing to infringe, but seeking to expand infringement by actively  
14 promoting and facilitating the adoption of QUIC as a default protocol for use on  
15 the Internet, despite knowledge of the patent in suit.

16 33. On information and belief, since Google had knowledge of the patent  
17 in suit, Google's infringement has been and continues to be willful. On  
18 information and belief, Google implemented QUIC across its entire platform and  
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21 <sup>1</sup> [https://w3techs.com/technologies/details/ce-  
22 quic#:~:text=QUIC%20is%20used%20by%207.9%25%20of%20all%20the%20we  
23 bsites](https://w3techs.com/technologies/details/ce-quick#:~:text=QUIC%20is%20used%20by%207.9%25%20of%20all%20the%20websites) (last visited May 9, 2022); .

24 <sup>2</sup> <https://datatracker.ietf.org/doc/html/rfc9000> (last visited May 9, 2022).

25 <sup>3</sup> <https://datatracker.ietf.org/person/martin.h.duke@gmail.com> (last visited May 9,  
26 2022).

27 <sup>4</sup> <https://datatracker.ietf.org/doc/pdf/draft-ietf-quick-v2-02> (last visited May 9,  
2022).

<sup>5</sup> <https://datatracker.ietf.org/doc/pdf/draft-ietf-quick-version-negotiation-07> (last  
accessed May 9, 2022).

1 services. It has kept utilizing it despite its knowledge of the patent in suit.  
2 Likewise, it has purposefully facilitated the IETF's adoption of QUIC as the new  
3 standard transport layer protocol, by having its employees such as Mr. Schinazi,  
4 Mr. Swett, and Mr. Duke actively participate in the IETF's development of QUIC  
5 while doing the same at Google. Google's ever increasing infringement and active  
6 encouragement for others to infringe despite knowledge of the patent in suit has  
7 been and continues to be willful.

8 34. Jenam has been harmed by the Google's infringing activities.

9 **JURY DEMAND**

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

12 **PRAYER FOR RELIEF**

13 WHEREFORE, Plaintiff Jenam demands judgment for itself and against  
14 Google as follows:

- 15 A. An adjudication that the Google has infringed the '058 patent;  
16 B. An adjudication that Google has induced infringement of the '058  
17 patent;  
18 C. An award of damages to be paid by Google adequate to compensate  
19 Jenam for Google's past infringement of the '058 patent, and any continuing or  
20 future infringement through the date such judgment is entered, including interest,  
21 costs, expenses and an accounting of all infringing acts including, but not limited  
22 to, those acts not presented at trial;  
23 D. A declaration that this case is exceptional under 35 U.S.C. § 285, and  
24 an award of Jenam's reasonable attorneys' fees; and  
25 E. An award to Jenam of such further relief at law or in equity as the  
26 Court deems just and proper.

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Dated: May 13, 2022

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