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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-2839

**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 of Texas with a place of business at 211 West Tyler Street, Suite
10 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. 11,050,856 (“the
19 ’856 patent”). A true and correct copy of the ’856 patent is attached as Exhibit A.

20 10. The ’856 patent resulted from the pioneering efforts of Mr. Robert
21 Paul Morris (hereinafter “the Inventor”) in the area of transport protocols and the
22 establishing, monitoring and management of network connections. These efforts
23 resulted in the development of methods and systems for sharing information
24 between nodes for use, among other things, in detecting various time periods and
25 efficiently managing the connections around early 2010. At the time of these
26 pioneering efforts, technologies used to monitor and manage network connections
27 and in particular at the transport level were inefficient and resulted in wasted

1 network resources due to, for example, maintaining connections that should have
2 been terminated. They also caused unintentional termination of connections. The
3 Inventor conceived of the inventions claimed in the '856 patent as a way to allow
4 two connection endpoints to exchange information use for cooperatively
5 establishing, monitoring and managing connections to improve efficiency and
6 optimize utilization of resources.

7 **Advantages Over the Prior Art**

8 11. The patented inventions disclosed in the '856 patent, provide many
9 advantages over the prior art and improvements 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* '856 patent at 2:5-60; 4:5-16.) These novel
13 improvements resulted in more optimal use of network resources. (*See* '856 patent
14 at 2:57-60.)

15 12. Another advantage of the patented inventions is reducing the
16 incidences of unintended blocking or termination of connections between nodes.
17 (*See* '856 patent at 2:57-60.)

18 13. Another advantage of the patented inventions is decreased latency.
19 (*See* '856 patent at 9:14-11:62.)

20 14. Yet another advantage of the patented inventions is decreased
21 congestion. (*See* '856 patent at 9:14-11:62.)

22 15. Another advantage of the patented inventions is improved security.
23 (*See* '856 patent at 9:14-11:62.)

24 16. Because of these significant advantages achieved through the use of
25 the patented inventions, Jenam believes that the '856 patent presents significant
26 commercial value for companies like Google. Indeed, Google's own success
27 demonstrates the commercial value of the advantages achieved through the use of

1 the patented inventions. It has implemented its infringing QUIC technology across
2 essentially its and entire platform and family of services. This also includes its
3 participation in the Internet Engineering Task Force (“IETF”) focused on
4 standardizing the infringing QUIC protocol for use across the Internet.

5 **Technological Innovations**

6 17. The patented inventions disclosed in the ’856 patent resolve technical
7 problems related to exchanging information about network connections at the
8 transport layer, particularly problems related to the utilization of cooperation and
9 negotiation between nodes in the connection of various parameters used to
10 optimize and manage the connection. As the ’856 patent explains, one of the
11 limitations of the prior art was that it could waste resources or prematurely block
12 or terminate connections meant to remain open. (*See* ’856 patent at 2:25-35.)

13 18. The claims of the ’856 patent do not merely recite the performance of
14 some well-known business practice from the pre-Internet world along with the
15 requirement to perform it on the Internet. Instead, the claims of the ’865 patent
16 recite inventive concepts that are deeply rooted in engineering technology and
17 overcome specific problems regarding how to efficiently establish, monitor and
18 manage network connections to optimize the use of network resources and
19 connections through the exchange of information and negotiation of parameters
20 governing the connection.

21 19. In addition, the claims of the ’865 patent recite inventive concepts that
22 improve the functioning of all networked devices, including computers, phones,
23 tablets, and other computing devices, by improving how connections are
24 established and managed and more efficiently handling precious network
25 resources.

26 20. Moreover, the claims of the ’856 patent recite inventive concepts that
27 are not merely routine or conventional use of exchanging information between

1 nodes. Instead, the patented inventions disclosed in the '856 patent provides new
2 and novel solutions to specific problems related to improving cooperation and
3 allowing negotiation between nodes for certain parameters for a connection and
4 more effectively monitoring and managing such connections.

5 21. The patented inventions disclosed in the '856 patent do not preempt
6 all the ways that network connections may be optimized and managed, nor does
7 the '856 patent preempt any well-known or prior art technology.

8 22. Accordingly, the claims in the '856 patent recite a combination of
9 elements sufficient to ensure that the claim in substance and in practice amounts to
10 significantly more than a patent-ineligible abstract idea.

11 **COUNT I – INFRINGEMENT OF U.S. PATENT NO. 11,050,856**

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

14 24. On June 29, 2021, the '856 patent was duly and legally issued by the
15 United States Patent and Trademark Office under the title “Methods, Systems, and
16 Computer Program Products for Sharing Information for Detecting at least one
17 Time Period for a Connection.”

18 25. Jenam is the assignee and owner of the right, title and interest in and
19 to the '856 patent, including the right to assert all causes of action arising under
20 said patent and the right to any remedies for infringement of it.

21 26. Upon information and belief, Google continues to directly infringe
22 one or more claims of the '856 patent by selling, offering to sell, making, using,
23 and/or providing and causing to be used products, including one or more websites
24 or web addresses products utilizing the QUIC protocol. This includes, but is not
25 limited to, www.google.com, stored and/or hosted on one or more servers owned
26 or under the control of Google, as well as other Google products and services
27 including, but not limited to: Google Edge Network, Google Cloud, Chrome

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

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

12 28. An exemplary infringement analysis showing infringement of claim 1
13 of the ’856 patent is set forth in Exhibit B. This infringement analysis is
14 necessarily preliminary, as it is provided in advance of any discovery provided by
15 Google with respect to the ’856 patent. Jenam reserves all rights to amend,
16 supplement and modify this preliminary infringement analysis. Nothing in the
17 attached chart should be construed as any express or implied contention or
18 admission regarding the construction of any term or phrase of the claims of the
19 ’856 patent.

20 29. The Accused Products infringed and continue to infringe claim 1 of
21 the ’856 patent during the pendency of the ’856 patent.

22 30. On information and belief, Google has been aware of this patent since
23 at least June 29, 2021 when the patent issued because Google is currently a party to
24 two lawsuits involving related patents in the same family, such as U.S. Patent Nos.
25 10,069,945; 10,075,564; 10,075,565; 10,306,026; 10,375,215; 10,742,774;
26 9,923,995 and 9,923,996 and has filed multiple requests for *inter partes* review and
27 post-grant reviews at the U.S. Patent and Trademark Office regarding most of

1 these related patents. Upon information and belief, Google is monitoring Jenam’s
2 patent portfolio and the issuance of later continuation applications such as the
3 issuance of the ’856 patent. Jenam’s counsel informed Google’s counsel of the
4 fact there was ongoing prosecution of related applications.

5 31. Upon information and belief, since Google had knowledge of the ’856
6 patent, Google has induced and continues to induce others to infringe at least claim
7 1 of the ’856 patent under 35 U.S.C. § 271(b) by, among other things, and with
8 specific intent or willful blindness, actively aiding and abetting others to infringe,
9 including but not limited to Google’s employees, partners, customers, and users of
10 the Accused Products, whose use of the Accused Products constitutes direct
11 infringement of at least claim 1 of the ’856 patent.

12 32. In particular, Google’s actions that aid and abet others such as their
13 partners and customers to infringe include distributing the Accused Products across
14 any of its products involving network connections and providing materials and/or
15 services related to the Accused Products. This includes having its employees
16 participate in Internet Engineering Task Force (“IETF”) working groups focused
17 on standardizing QUIC—and its infringing features for use across the Internet.
18 These employees include David Schinazi,¹ a Google software engineer that is a
19 technical lead for the Google QUIC protocol and works with the IETF to develop a
20 standardized version of the protocol. He is also responsible for maintaining a
21 website cited in Jenam’s infringement analyses, <http://www.chromium.org/quic>.
22 Despite Google’s awareness of the asserted patent, Google and its employees have
23 continued to infringe and continued their widespread inducement of infringement
24 across the Internet. Statistics show that since the IETF’s RFC 9000 standard for
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27 ¹ <https://datatracker.ietf.org/person/dschinazi.ietf@gmail.com> (last visited May 10,
2022.)

1 QUIC published in May 2021², the percentage of websites utilizing QUIC is
2 already close to 10%.³ On information and belief, not only has Google
3 implemented QUIC across its entire platform and services, it has purposefully
4 facilitated the IETF's adoption of QUIC as the new standard transport layer
5 protocol. Contributors to RFC 9000 include numerous Google employees such as
6 Mr. Schinazi, Mr. Ian Swett⁴, Ms. Alyssa Wilk, and Martin Duke, and former
7 employees that worked on QUIC while at Google such as Jana Iyengar and Ryan
8 Hamilton.⁵ Indeed, a Google employee, Martin Duke, became the Transport Area
9 co-director in 2020 and is heavily involved in the QUIC Working Group at the
10 IETF while working on QUIC at Google as well.⁶ He authored a draft
11 specification for a second version of QUIC in April 2022, despite Google having
12 had knowledge of the patent in suit.⁷ Mr. Schinazi also authored IETF QUIC
13 documentation in March and April 2022.⁸ Google is not only continuing to
14 infringe, but seeking to expand infringement by promoting the adoption of QUIC
15 as a default protocol for use on the Internet, despite knowledge of the patent in suit.

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

19 ³ <https://w3techs.com/technologies/details/ce-quic#:~:text=QUIC%20is%20used%20by%207.9%25%20of%20all%20the%20websites> (last visited May 9, 2022).

21 ⁴ <https://datatracker.ietf.org/person/ian.swett@google.com> (last visited May 9, 2022).

22 ⁵ <https://datatracker.ietf.org/doc/html/rfc9000> (last visited May 9, 2022).

23 ⁶ <https://datatracker.ietf.org/person/martin.h.duke@gmail.com> (last visited May 9, 2022).

24 ⁷ <https://datatracker.ietf.org/doc/pdf/draft-ietf-quic-v2-02> (last visited May 9, 2022).

25 ⁸ <https://datatracker.ietf.org/doc/pdf/draft-ietf-quic-version-negotiation-07> (last
26 accessed May 9, 2022); <https://datatracker.ietf.org/doc/pdf/draft-ietf-quic-version-negotiation-06> (last visited May 10, 2010.).

- 1 A. An adjudication that the Google has infringed the '856 patent;
- 2 B. An adjudication that Google has induced infringement of the '856
- 3 patent;
- 4 C. An award of damages to be paid by Google adequate to compensate
- 5 Jenam for Google's past infringement of the '856 patent, and any continuing or
- 6 future infringement, including both direct and indirect, through the date such
- 7 judgment is entered, including interest, costs, expenses and an accounting of all
- 8 infringing acts including, but not limited to, those acts not presented at trial;
- 9 D. A declaration that this case is exceptional under 35 U.S.C. § 285, and
- 10 an award of Jenam's reasonable attorneys' fees; and
- 11 E. An award to Jenam of such further relief at law or in equity as the
- 12 Court deems just and proper.

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14 Dated: May 13, 2022

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