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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-2838

**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 (“LLC) organized under
9 the 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. 11,050,855 (“the
19 ’855 patent”). A true and correct copy of the ’855 patent is attached as Exhibit A.

20 10. The ’855 patent resulted from the pioneering efforts of Mr. Robert
21 Paul Morris (hereinafter “the Inventor”) in the area of transport protocols and the
22 manner of establishing, monitoring, and managing network connections. These
23 efforts resulted in the development of methods and systems for sharing information
24 for use in detecting various time periods relevant to network performance in early
25 2010. At the time of these pioneering efforts, technologies used to establish,
26 monitor and manage network connections and in particular at the transport level
27 were inefficient and resulted in wasted network resources due to, for example,

1 maintaining connections that should have been terminated. They also caused
2 unintentional termination of connections. The Inventor conceived of the inventions
3 claimed in the '855 patent as a way to allow two connection endpoints to cooperate
4 in establishing, monitoring, and managing connections to improve efficiency and
5 optimize utilization of resources.

6 **Advantages Over the Prior Art**

7 11. The patented invention disclosed in the '855 patent, provides many
8 advantages over the prior art, and in particular improvements in the operation of
9 network connections—essentially improving performance all networked devices
10 including computers, phones, tablets, and any computing device that utilizes
11 transport level protocols. (*See* '855 patent at 2:47-50; 4:2-10.) These novel
12 improvements resulted in significantly more efficient utilization of network
13 resources. (*See* '855 patent at 2:35-48.)

14 12. Another advantage of the patented inventions is reducing the
15 incidences of unintended blocking or termination of connections between nodes.
16 (*See* '855 patent at 2:35-48.)

17 13. Another advantage of the patented inventions is decreased latency.
18 (*See* '855 patent at 9:10-11:47.)

19 14. Yet another advantage of the patented inventions is decreased
20 congestion. (*See* '855 patent at 9:10-11:47.)

21 15. Another advantage of the patented inventions is improved security.
22 (*See* '855 patent at 9:10-11:47.)

23 16. Because of these significant advantages that can be achieved through
24 the use of the patented inventions, Jenam believes that the '855 patent presents
25 significant commercial value for companies like Google. Indeed, Google's own
26 success demonstrates the commercial value of the advantages achieved through the
27 use of the patented inventions. This includes its participation in the Internet

1 Engineering Task Force focused on standardizing the infringing QUIC protocol for
2 use across the Internet. (*See, e.g.*, RFC 9000.)¹

3 **Technological Innovations**

4 17. The patented invention disclosed in the '855 patent resolves technical
5 problems related to sharing information about network connections at the transport
6 layer, particularly problems related to the utilization of cooperation and negotiation
7 between nodes in the connection. As the '855 patent explains, one of the
8 limitations of the prior art was that it could waste resources or prematurely block
9 or terminate connections meant to remain open. (*See* '855 patent at 3:26-39.)

10 18. The claims of the '855 patent do not merely recite the performance of
11 some well-known business practice from the pre-Internet world along with the
12 requirement to perform it on the Internet. Instead, the claims of the '855 patent
13 recite inventive concepts that are deeply rooted in engineering technology and
14 overcome specific problems regarding how to efficiently establish, monitor and
15 manage network connections to optimize the use of network resources and
16 connections through the exchange of information and negotiation of parameters
17 governing the connection.

18 19. In addition, the claims of the '855 patent recite inventive concepts that
19 improve the functioning of all networked devices, including computers, phones,
20 tablets, and other computing devices, by improving how connections are managed
21 and more efficiently handling precious network resources.

22 20. Moreover, the claims of the '855 patent recite inventive concepts that
23 are not merely routine or conventional use of exchanging information between
24 nodes. Instead, the patented invention disclosed in the '855 patent provides a new
25 and novel solution to specific problems related to improving cooperation and
26

27

¹ <https://www.rfc-editor.org/rfc/rfc9000.html> (last visited May 10, 2022).

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

3 21. The patented inventions disclosed in the '855 patent do not preempt
4 all the ways that network connections may be optimized and managed, nor does
5 the '855 patent preempt any well-known or prior art technology.

6 22. Accordingly, the claims in the '855 patent recite a combination of
7 elements sufficient to ensure that the claims in substance and in practice amount to
8 significantly more than a patent-ineligible abstract idea.

9 **COUNT I – INFRINGEMENT OF U.S. PATENT NO. 11,050,855**

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 June 29, 2021, the '855 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 Detection a Time Period.”

15 25. Jenam is the assignee and owner of the right, title and interest in and
16 to the '855 patent, including the right to assert all causes of action arising under
17 said patent and the right to any remedies for infringement of it.

18 26. Upon information and belief, Google has and continues to directly
19 infringe one or more claims of the '855 patent by selling, offering to sell, making,
20 using, and/or providing and causing to be used products, specifically one or more
21 websites or web addresses products utilizing the QUIC protocol. This includes,
22 but is not limited to www.google.com, stored and/or hosted on one or more servers
23 owned or under the control of Google, as well as other Google products and
24 services including, but not limited to: Google Edge Network, Google Cloud,
25 Chrome Enterprise, G suite , Google Play, Chrome, Android (Android Enterprise,
26 Android Messages (RCS)), Duo, Google Ads, Adwords, Google Analytics,
27 YouTube, Google Mobile apps, Google Shopping, and Google Maps (“Accused

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

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

9 28. An exemplary infringement analysis showing infringement of claim 1
10 of the ’855 patent is set forth in Exhibit B. This infringement analysis is
11 necessarily preliminary, as it is provided in advance of any discovery provided by
12 Google with respect to the ’855 patent. Jenam reserves all rights to amend,
13 supplement and modify this preliminary infringement analysis. Nothing in the
14 attached chart should be construed as any express or implied contention or
15 admission regarding the construction of any term or phrase of the claims of the
16 ’855 patent.

17 29. The Accused Products have infringed and continue to infringe at least
18 claim 1 of the ’855 patent during the pendency of the ’855 patent.

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

1 the '855 patent. Jenam's counsel has specifically stated to Google's counsel in the
2 two consolidated litigations that there is ongoing prosecution.

3 31. Upon information and belief, since Google had knowledge of the
4 '855 patent, Google has also induced and continues to induce others to infringe at
5 least claim 1 of the '855 patent under 35 U.S.C. § 271(b) by, among other things,
6 and 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 constitutes direct infringement of at least claim 1 of the '855 patent.

10 32. In particular, Google's actions that aid and abet others such as their
11 partners and customers to infringe include utilizing 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 the Google has had actual
16 knowledge of the '855 patent and that its acts were inducing infringement of the
17 '855 patent since Google has had knowledge of the '855 patent in June 2021. This
18 includes having its employees participate in Internet Engineering Task Force
19 ("IETF") working groups focused on standardizing QUIC—and its infringing
20 features—for use across the Internet. These employees include David Schinazi, a
21 Google software engineer that is a technical lead for the Google QUIC protocol
22 and member and contributor in the IETF Working Group to develop a standardized
23 version of the QUIC protocol. He is also responsible for maintaining a website
24 cited in Jenam's infringement analyses, <http://www.chromium.org/quic>. Despite
25 Google's awareness of the asserted patent, Google and its employees have
26 continued to infringe and continued its 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%.² 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, and its
5 implementation across numerous websites. Contributors to RFC 9000 include
6 numerous Google employees such as Mr. Schinazi, Ian Swett, Alyssa Wilk, and
7 Martin Duke, and others, as well as former employees that worked on QUIC while
8 at Google such as Jana Iyengar and Ryan Hamilton.³ Indeed, a Google employee,
9 Mr. Duke, became the Transport Area co-director in 2020 and is heavily involved
10 in the QUIC Working Group at the IETF while working on QUIC at Google as
11 well.⁴ He authored a draft specification for a second version of QUIC in April
12 2022, despite Google having had knowledge of the patent in suit, further inducing
13 infringement.⁵ Mr. Schinazi also authored IETF QUIC documentation in April
14 2022, further inducing infringement.⁶ Google is not only continuing to infringe,
15 but actively seeking to expand infringement by promoting the adoption of QUIC as
16 a default protocol for use on the Internet, despite knowledge of the patent in suit,
17 and infringement.

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21 ² [https://w3techs.com/technologies/details/ce-](https://w3techs.com/technologies/details/ce-quic#:~:text=QUIC%20is%20used%20by%207.9%25%20of%20all%20the%20websites)
22 [quic#:~:text=QUIC% 20is% 20used% 20by% 207.9% 25% 20of% 20all% 20the% 20we](https://w3techs.com/technologies/details/ce-quic#:~:text=QUIC%20is%20used%20by%207.9%25%20of%20all%20the%20websites)
23 [bsites](https://w3techs.com/technologies/details/ce-quic#:~:text=QUIC%20is%20used%20by%207.9%25%20of%20all%20the%20websites) (last visited May 9, 2022).

24 ³ <https://datatracker.ietf.org/doc/html/rfc9000> (last visited May 9, 2022).

25 ⁴ <https://datatracker.ietf.org/person/martin.h.duke@gmail.com> (last visited May 9,
26 2022).

27 ⁵ <https://datatracker.ietf.org/doc/pdf/draft-ietf-quic-v2-02> (last visited May 9,
2022).

⁶ <https://datatracker.ietf.org/doc/pdf/draft-ietf-quic-version-negotiation-07> (last
accessed May 9, 2022).

1 33. On information and belief, since Google had knowledge of the patent
2 in suit, Google's infringement has been and continues to be willful for substantially
3 the same reasons. On information and belief, Google implemented QUIC across
4 its entire platform and services. Likewise, it has purposefully facilitated the
5 IETF's adoption of QUIC as the new standard transport layer protocol, by having
6 its employees, including but not limited to Mr. Schinazi, Mr. Swett, Ms. Wilks and
7 Mr. Duke, actively participate in the IETF's standardization of QUIC while doing
8 the same at Google. Google's ever-increasing infringement and active
9 encouragement for others to infringe despite knowledge of the patent in suit has
10 been and continues to be willful.

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

12 **JURY DEMAND**

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

15 **PRAYER FOR RELIEF**

16 WHEREFORE, Plaintiff Jenam demands judgment for itself and against
17 Google as follows:

- 18 A. An adjudication that the Google has infringed the '855 patent;
19 B. An adjudication that Google has induced infringement of the '855
20 patent;
21 C. An award of damages to be paid by Google adequate to compensate
22 Jenam for Google's past infringement of the '855 patent, and any continuing or
23 future infringement, including direct and indirect, through the date such judgment
24 is entered, including interest, costs, expenses and an accounting of all infringing
25 acts including, but not limited to, those acts not presented at trial;
26 D. A declaration that this case is exceptional under 35 U.S.C. § 285, and
27 an award of Jenam's reasonable attorneys' fees; and

1 E. An award to Jenam of such further relief at law or in equity as the
2 Court deems just and proper.

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4
5 Dated: May 13, 2022

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