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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-2837

**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 principal place of business at 211 West Tyler
10 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. 10,986,217 (“the
19 ’217 patent”). A true and correct copy of the ’217 patent is attached as Exhibit A.

20 10. The ’217 patent resulted from the pioneering efforts of Mr. Robert
21 Paul Morris (hereinafter “the Inventor”) in the area of transport protocols and the
22 establishment, monitoring and management of network connections. These efforts
23 resulted in the development of methods and systems for sharing information
24 between nodes for detecting various time periods and managing connections
25 optimally around early 2010. At the time of these pioneering efforts, technologies
26 used to monitor and manage network connections and in particular at the transport
27 level were inefficient and resulted in wasted network resources due to, for

1 example, maintaining connections that should have been terminated. They also
2 caused unintentional termination of connections. The Inventor conceived of the
3 inventions claimed in the '217 patent as a way to allow two connection endpoints
4 to cooperate in establishing, monitoring and managing connections to improve
5 efficiency and optimize utilization of resources.

6 **Advantages Over the Prior Art**

7 11. The patented inventions disclosed in the '217 patent, provide many
8 advantages over the prior art and improvements in the operation of network
9 connections—essentially improving performance for any networked device
10 including computers, phones, tablets, and any computing device that utilizes
11 transport level protocols. (*See* '217 patent at 3:62-4:7.) These novel
12 improvements resulted in more optimal use of network resources. (*See* '217 patent
13 at 1:65-2:50.)

14 12. Another advantage of the patented inventions is reducing the
15 incidences of unintended blocking or termination of connections between nodes.
16 (*See* '217 patent at 1:65-2:50.)

17 13. Another advantage of the patented inventions is decreased latency.
18 (*See* '217 patent at 9:5-11:42.)

19 14. Yet another advantage of the patented inventions is decreased
20 congestion. (*See* '217 patent at 9:5-11:42.)

21 15. Another advantage of the patented inventions is improved security.
22 (*See* '217 patent at 9:5-11:42.)

23 16. Because of these significant advantages achieved through the use of
24 the patented inventions, Jenam believes that the '217 patent presents significant
25 commercial value for companies like Google. Indeed, Google's own success
26 demonstrates the commercial value of the advantages achieved through the use of
27 the patented inventions. This includes its implementation of QUIC across nearly

1 all of its products. It also includes its participation in the Internet Engineering
2 Task Force focused on standardizing the infringing QUIC protocol as a new
3 standard for use across the Internet.

4 **Technological Innovations**

5 17. The patented inventions disclosed in the '217 patent resolve technical
6 problems related to the utilization of information about network connections at the
7 transport layer, particularly problems related to the lack of cooperation and
8 negotiation between nodes to improve network connections. As the '217 patent
9 explains, one of the limitations of the prior art was that it could waste resources or
10 prematurely block or terminate connections meant to remain open. (*See* '217
11 patent at 2:17-50; 3:62-4:7.)

12 18. The claims of the '217 patent do not merely recite the performance of
13 some well-known business practice from the pre-Internet world along with the
14 requirement to perform it on the Internet. Instead, the claims of the '217 patent
15 recite inventive concepts that are deeply rooted in engineering technology and
16 overcome specific problems regarding how to efficiently establish, monitor and
17 manage network connections to optimize the use of network resources and
18 connections using the exchange of information and negotiation of various
19 parameters governing the connection.

20 19. In addition, the claims of the '217 patent recite inventive concepts that
21 improve the functioning of all networked devices, including computers, phones,
22 tablets, and other computing devices, by improving how connections are managed
23 and more efficiently handling precious network resources.

24 20. Moreover, the claims of the '217 patent recite inventive concepts that
25 are not merely routine or conventional use of exchanging information between
26 nodes. Instead, the patented invention disclosed in the '217 patent provides new
27 and novel solutions to specific problems related to improving cooperation and

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

3 21. The patented inventions disclosed in the '217 patent do not preempt
4 all the ways that network connections may established and managed, nor does the
5 '217 patent preempt any well-known or prior art technology.

6 22. Accordingly, the claims in the '217 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. 10,986,217**

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 April 20, 2021, the '217 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 '217 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 '217 patent by selling, offering to sell, making,
21 using, and/or providing and causing to be used products, including 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 (collectively “Accused Products”), which by
6 way of 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 monitoring and managing
9 network connections and for detecting idle connections.

10 28. An exemplary infringement analysis showing infringement of claim 1
11 of the ’217 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 ’217 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 ’217 patent.

18 29. The Accused Products have infringed and continue to infringe at least
19 claim 1 of the ’217 patent during the pendency of the ’217 patent.

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

1 issuance of the '217 patent. Jenam's counsel has informed Google's counsel that
2 there was ongoing prosecution in this patent family prior to the '217 patent's
3 issuance.

4 31. Upon information and belief, since Google had knowledge of the '217
5 patent, Google has also induced and continues to induce others to infringe at least
6 claim 1 of the '217 patent under 35 U.S.C. § 271(b) by, among other things, and
7 with specific intent or willful blindness, actively aiding and abetting others to
8 infringe, including but not limited to Google's employees, partners, customers, and
9 users of the Accused Products, whose use of the Accused Products constitutes
10 direct infringement of at least claim 1 of the '217 patent.

11 32. In particular, Google's actions that aid and abet others such as their
12 partners and customers to infringe include distributing the Accused Products across
13 any of its products involving network connections and providing materials and/or
14 services related to the Accused Products. On information and belief, Google has
15 engaged in such actions with specific intent to cause infringement or with willful
16 blindness regarding the resulting infringement because Google has had actual
17 knowledge of the '217 patent and that its acts were inducing infringement of the
18 '217 patent since April 2020. This includes having its employees participate in
19 Internet Engineering Task Force ("IETF") working groups focused on
20 standardizing QUIC—and its infringing features—for use across the Internet.
21 These employees include David Schinazi, a Google software engineer that is a
22 technical lead for the Google QUIC protocol and also a member and major
23 contributor in the IETF Working Group responsible for develop a standardized
24 version of the infringing QUIC protocol. He is also responsible for maintaining a
25 website cited in Jenam's infringement analyses, <http://www.chromium.org/quic>.
26 Despite Google's awareness of the asserted patent, Google and its employees have
27 continued to infringe and continued their widespread inducement of infringement

1 across the Internet. Statistics show that since the IETF's RFC 9000 standard for
2 QUIC published in May 2021, the percentage of Internet websites utilizing QUIC
3 is already close to 10%.¹ On information and belief, not only has Google
4 implemented QUIC across its entire platform and services, it has purposefully and
5 actively facilitated the IETF's adoption of QUIC as the new standard transport
6 layer protocol. Contributors to RFC 9000 include numerous Google employees
7 such as Mr. Schinazi, Ian Swett, Alyssa Wilk, and Martin Duke, and former
8 employees that worked on QUIC while at Google such as Jana Iyengar and Ryan
9 Hamilton.² Indeed, a Google employee, Mr. Duke, became the Transport Area co-
10 director in 2020 and is heavily involved in the QUIC Working Group at the IETF
11 while working on QUIC at Google as well.³ He authored a draft specification for a
12 second version of QUIC in April 2022, despite Google having had knowledge of
13 the patent in suit.⁴ Mr. Schinazi also authored IETF QUIC documentation in April
14 2022.⁵ Google is not only continuing to infringe, but actively seeking to expand
15 infringement by promoting the adoption of QUIC as a default protocol for use on
16 the Internet, despite knowledge of the patent in suit.

17 33. On information and belief, since Google had knowledge of the patent
18 in suit, Google's infringement has been and continues to be willful. On
19
20

21 ¹ [https://w3techs.com/technologies/details/ce-
quic#:~:text=QUIC%20is%20used%20by%207.9%25%20of%20all%20the%20we
bsites](https://w3techs.com/technologies/details/ce-
quic#:~:text=QUIC%20is%20used%20by%207.9%25%20of%20all%20the%20we
bsites) (last visited May 9, 2022); .

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

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

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

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

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

8 34. On information and belief, since Google had knowledge of the '217
9 patent, Google's infringement has been and continues to be willful.

10 35. Jenam has been harmed by the Jenam's infringing activities.

11 **JURY DEMAND**

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

14 **PRAYER FOR RELIEF**

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

17 A. An adjudication that Google has infringed the '217 patent;

18 B. An adjudication that Google has induced infringement of the '217
19 patent;

20 C. An award of damages to be paid by Google adequate to compensate
21 Jenam for Google's past infringement of the '217 patent, and any continuing or
22 future infringement, including direct and indirect, through the date such judgment
23 is entered, including interest, costs, expenses and an accounting of all infringing
24 acts including, but not limited to, those acts not presented at trial;

25 D. A declaration that this case is exceptional under 35 U.S.C. § 285, and
26 an award of Jenam's reasonable attorneys' fees; and
27

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

3
4
5 Dated: May 13, 2022

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