

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

GRUS TECH, LLC,

Plaintiff,

v.

GOOGLE, LLC

Defendant.

Civil Action No. 6:22-CV-01220

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

This is an action for patent infringement in which Plaintiff Grus Tech, LLC complains against Defendant Google, LLC, all upon information and belief, as follows:

THE PARTIES

1. Plaintiff Grus Tech, LLC (“Grus”) is a Texas limited liability company with its principal place of business at 1400 Preston Rd, 4th Floor, Plano, TX 75074. Grus is the sole owner and assignee of each of the asserted patents and has sole standing to file this complaint for patent infringement.

2. Defendant Google, LLC (“Google”) is a Delaware corporation with a physical address of 500 West Second Street, Austin, Texas, 78601. Google is registered to do business in the State of Texas and has been since 2006.

3. Google may be served with process through its registered agent, the Corporation Service Company d/b/a CSC – Lawyers Incorporating Service Company, at 211 East Seventh Street, Suite 620, Austin, Texas, 78701 - 3218.

JURISDICTION AND VENUE

4. This is an action for patent infringement arising under the patent laws of the United States of America, 35 U.S.C. § 1, et seq., including 35 U.S.C. § 271. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has general and specific personal jurisdiction over Google by virtue of Google's regular and established places of business in this District, and continuous and systematic business activities in this State and District, directly or through intermediaries, which activities give rise to at least a portion of the infringements alleged herein and include: (i) making, using, offering for sale and/or selling the below identified infringing products in this State and District, and/or importing the below identified infringing products into this State and District; (ii) purposefully and voluntarily placing the below identified infringing products into the stream of commerce with the expectation that they will be purchased by consumers in this State and District; and/or (iii) deriving substantial revenue from the below identified infringing products provided to individuals in this State and District.

6. Venue is proper in this district and division under 28 U.S.C. §§ 1391(b)-(d) and 1400(b) because Google has committed acts of infringement in the Western District of Texas and Google has regular and established places of business in this District.

7. Google is registered to do business in the State of Texas under tax identification no. 32022652351.

8. Google maintains a corporate office in this District. Google's corporate office in Texas is located at 500 West 2nd Street, Austin, Texas 78701. Google conducts business from this office in Austin, Texas – a facility which it has spent more than \$20 million dollars developing. Google's Austin office is a regular and established place of business for Google.

9. Google employs software engineers and other professionals at its Austin office who

are likely to be material witnesses in this Litigation. Google has more than 1,100 employees working across Android, G Suite, Google Play, Cloud, staffing, and recruiting, people operations, finance and marketing in its Austin office.

THE ACCUSED DEVICES

10. Defendant Google designs, develops, sells, and imports devices running Android 13, including Google Pixel/Nexus Devices (e.g., Google Pixel 6 Pro) (the “Accused Devices”) in the United States. The Accused Devices infringe one or more claims of the asserted patents.

COUNT I

DIRECT INFRINGEMENT OF U.S. PATENT NO. 10,353,552

11. Plaintiff hereby restates and re-alleges the allegations set forth in the preceding paragraphs 1-10 and incorporates them by reference.

12. Plaintiff is the owner by assignment of United States Patent No. 10,353,552 entitled “Apparatuses and Methods for Identifying a Contactee for a Message” (“the ‘552 Patent”). The ‘552 Patent was duly and legally issued on July 16, 2019. A true and correct copy of the ‘552 Patent is attached as Exhibit 1.

13. Pursuant to 35 U.S.C. § 282, the ‘552 Patent is presumed valid.

14. Without a license or permission from Grus, Google has infringed and continues to infringe at least claim 1 of the ‘552 Patent, literally and/or under the doctrine of equivalents, by importing, making using, offering for sale, or selling products and devices that embody the patented invention, including, without limitation, the Accused Devices. A comparison of claim 1 of the ‘552 Patent to the representative Pixel 6 Pro is attached as Exhibit 5, which is incorporated herein by reference.

15. Google’s acts of infringement have caused and continues to cause damage to Grus.

Grus is entitled to recover from Google the damages sustained by Grus as a result of Google's wrongful acts.

COUNT II

INFRINGEMENT OF U.S. PATENT NO. 10,496,249

16. Plaintiff hereby restates and re-alleges the allegations set forth in the preceding paragraphs 1-15 and incorporates them by reference.

17. Plaintiff is the owner by assignment of United States Patent No. 10,496,249 entitled "Apparatuses and Methods for Identifying a Contactee for a Message" ("the '249 Patent"). The '249 Patent was duly and legally issued on December 3, 2019. A true and correct copy of the '249 Patent is attached as Exhibit 2.

18. Pursuant to 35 U.S.C. § 282, the '249 Patent is presumed valid.

19. Without a license or permission from Grus, Google has infringed and continues to infringe at least claim 1 of the '249 Patent, literally and/or under the doctrine of equivalents, by importing, making using, offering for sale, or selling products and devices that embody the patented invention, including, without limitation, the Accused Devices. A comparison of claim 1 of the '249 Patent to the representative Pixel 6 Pro is attached as Exhibit 6, which is incorporated herein by reference.

20. Google's acts of infringement have caused and continues to cause damage to Grus. Grus is entitled to recover from Google the damages sustained by Grus as a result of Google's wrongful acts.

COUNT III

DIRECT INFRINGEMENT OF U.S. PATENT NO. 10,754,505

21. Plaintiff hereby restates and re-alleges the allegations set forth in the preceding

paragraphs 1-20 and incorporates them by reference.

22. Plaintiff is the owner by assignment of United States Patent No. 10,754,505 entitled “Apparatuses and Methods for Identifying a Contactee for a Message” (“the ‘505 Patent”). The ‘505 Patent was duly and legally issued on August 25, 2020. A true and correct copy of the ‘505 Patent is attached as Exhibit 3.

23. Pursuant to 35 U.S.C. § 282, the ‘505 Patent is presumed valid.

24. Without a license or permission from Grus, Google has infringed and continues to infringe at least claim 1 of the ‘505 Patent, literally and/or under the doctrine of equivalents, by importing, making using, offering for sale, or selling products and devices that embody the patented invention, including, without limitation, the Accused Devices. A comparison of claim 1 of the ‘505 Patent to the representative Pixel 6 Pro is attached as Exhibit 7, which is incorporated herein by reference.

25. Google’s acts of infringement have caused and continues to cause damage to Grus. Grus is entitled to recover from Google the damages sustained by Grus as a result of Google’s wrongful acts.

COUNT IV

DIRECT INFRINGEMENT OF U.S. PATENT NO. 11,086,487

26. Plaintiff hereby restates and re-alleges the allegations set forth in the preceding paragraphs 1-26 and incorporates them by reference.

27. Plaintiff is the owner by assignment of United States Patent No. 11,086,487 entitled “Apparatuses and Methods for Identifying a Contactee for a Message” (“the ‘487 Patent”). The ‘487 Patent was duly and legally issued on August 10, 2021. A true and correct copy of the ‘487 Patent is attached as Exhibit 4.

28. Pursuant to 35 U.S.C. § 282, the '487 Patent is presumed valid.

29. Without a license or permission from Grus, Google has infringed and continues to infringe at least claim 1 of the '487 Patent, literally and/or under the doctrine of equivalents, by importing, making using, offering for sale, or selling products and devices that embody the patented invention, including, without limitation, the Accused Devices. A comparison of claim 1 of the '487 Patent to the representative Pixel 6 Pro is attached as Exhibit 8, which is incorporated herein by reference.

30. Google's acts of infringement have caused and continues to cause damage to Grus. Grus is entitled to recover from Google the damages sustained by Grus as a result of Google's wrongful acts.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests that this Court enter:

- a. A judgment in favor of Plaintiff that Google has infringed Patents 10,353,552, 10,496,249, 10,754,505, and 11,086,487.
- b. A judgment and order requiring Google to pay Plaintiff its damages, costs, expenses, prejudgment and post-judgment interest, and post-judgment royalties for Google's infringement of Patents 10,353,552, 10,496,249, 10,754,505, and 11,086,487, as provided under 35 U.S.C. § 284; and
- c. Any and all other relief to which the Court may deem Plaintiff entitled.

DEMAND FOR JURY TRIAL

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Dated: November 28, 2022

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