

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

AMERICAN INVENTOR TECH, LLC,

Plaintiff,

v.

GOOGLE, LLC

Defendant.

Civil Action No. 6:22-CV-1221-FB

JURY TRIAL DEMANDED

SECOND AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Pursuant to the Stipulation of the parties approved by the Court (Dkt. No. 20), Plaintiff American Inventor Tech, LLC (“Inventor” or “Plaintiff”) files this Second Amended Complaint for Patent Infringement. This is an action for patent infringement in which Plaintiff complains against Defendant, all upon information and belief, as follows:

THE PARTIES

1. Plaintiff American Inventor Tech., LLC (“Inventor”) is a Texas limited liability company with its principal place of business at 7215 Bosque Blvd, Suite 160, Waco, Texas 76710. Inventor 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. 10,397,639

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. 10,397,639 entitled “Hot Key Systems and Methods” (“the ‘639 Patent”). The ‘639 Patent was duly and legally issued on August 27, 2019. A true and correct copy of the ‘639 Patent is attached as Exhibit 1.

13. Pursuant to 35 U.S.C. § 282, the ‘639 Patent is presumed valid.

14. Without a license or permission from Inventor, Google has infringed and continues to infringe at least claim 1 of the ‘639 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 ‘639 Patent to the representative Pixel 6 Pro is attached as Exhibit 4, which is incorporated herein by reference.

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

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

COUNT II

INFRINGEMENT OF U.S. PATENT NO. 10,547,895

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. 10,547,895 entitled "Methods, Systems, and Computer Program Products For Controlling Play of Media Streams" ("the '895 Patent"). The '895 Patent was duly and legally issued on January 28, 2020. A true and correct copy of the '895 Patent is attached as Exhibit 2.

18. Pursuant to 35 U.S.C. § 282, the '895 Patent is presumed valid.

19. Without a license or permission from Inventor, Google has infringed and continues to infringe at least claim 2 of the '895 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 2 of the '895 Patent to the representative Pixel 6 Pro is attached as Exhibit 5, which is incorporated herein by reference.

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

COUNT III

DIRECT INFRINGEMENT OF U.S. PATENT NO. 10,750,230

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. 10,750,230 entitled “Hot Key Systems and Methods” (“the ‘230 Patent”). The ‘230 Patent was duly and legally issued on August 18, 2020. A true and correct copy of the ‘230 Patent is attached as Exhibit 3.

23. Pursuant to 35 U.S.C. § 282, the ‘230 Patent is presumed valid.

24. Without a license or permission from Inventor, Google has infringed and continues to infringe at least claim 1 of the ‘230 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 ‘230 Patent to the representative Pixel 6 Pro is attached as Exhibit 6, which is incorporated herein by reference.

25. Google’s acts of infringement have caused and continues to cause damage to Inventor. Inventor is entitled to recover from Google the damages sustained by Inventor 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 10,397,639; 10,547,895 and 10,750,230.
- 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 10,397,639; 10,547,895 and 10,750,230, 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: June 6, 2023

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CERTIFICATE OF SERVICE

I hereby certify that on June 6, 2023, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

s/ Brian Buss

Brian Buss

Counsel for Plaintiff