

1 WILKE, FLEURY, HOFFELT, GOULD & BIRNEY, LLP
Thomas G. Redmon (SBN 47090)
2 TRedmon@wilkefleury.com
Daniel L. Baxter (SBN 203862)
3 DBaxter@wilkefleury.com
400 Capitol Mall, 22nd Floor
4 Sacramento, CA 95814
Phone: (916) 441-2430
5 Fax: (916) 442-6664

6 Attorneys for Plaintiff IconFind, Inc.

7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE EASTERN DISTRICT OF CALIFORNIA

9 ICONFIND, INC.,

10 Plaintiff,

11 v.

12 GOOGLE INC.,

13 Defendant.

Case No. 2:11-at-140 (*Tentative Number*)

**COMPLAINT FOR PATENT
INFRINGEMENT**

JURY TRIAL DEMANDED

14 Plaintiff IconFind, Inc. ("IconFind") complains of Google Inc. as follows:

15 1. This is a claim for patent infringement arising under the patent laws of the United
16 States, Title 35 of the United States Code. This Court has exclusive jurisdiction over the subject
17 matter of this case under 28 U.S.C. § 1338(a).

18 2. IconFind is a California corporation that has a principal place of business at 1660
19 Drew Circle #27, Davis, California 95618.

20 3. IconFind owns and has standing to sue for infringement of United States Patent
21 No. 7,181,459 B2 (the "'459 patent"), entitled "Method Of Coding, Categorizing, And Retrieving
22 Network Pages And Sites," which issued on February 20, 2007, including the exclusive right to
23 license and enforce the '459 patent and to collect all damages for infringement.

24 4. Google Inc. ("Google") is a Delaware corporation that has a principle place of
25 business in Mountain View, California. Google can be served with process through its agent in

1 Sacramento, California. Google is a leading global Internet company that provides, owns and
2 operates online properties and services, including the website google.com, and related websites
3 knol.google.com, books.google.com and picasa.google.com.

4 5. The Court has personal jurisdiction over the Defendant because, among other
5 things, Google transacts business in this judicial district and has committed acts of infringement
6 in this judicial district, at least by operating its Google Knol, Google Books and Google Picasa
7 websites which are accessible to residents throughout this judicial district.

8 6. Venue is proper in this district under 28 U.S.C. §§ 1391 and 1400(b).

9 7. Google has infringed and continues to infringe at least claims 1, 6, 9, 16, 17, 19,
10 20, 21, 22, 29, 30 and 31 of the '459 patent under 35 U.S.C. § 271(a) through Google's use,
11 ownership and operation of websites in which it incorporates and facilitates Creative Commons
12 licenses, including but not limited to Google Knol, Google Books and Google Picasa.

13 8. IconFind has complied with 35 U.S.C. § 287.

14 9. In January 2009, IconFind provided notice to Google that the '459 patent covered
15 Google's operation of its website functionality. Nonetheless, Google continued its infringement
16 with disregard for the '459 patent. Google and its patent attorneys also were aware of the '459
17 patent as evidenced by the prosecution of Google's own U.S. Patent Nos. 7,664,734, 7,693,825
18 and 7,788,274.

19 10. Google's infringement has occurred with knowledge of the '459 patent and
20 willfully and deliberately in violation of 35 U.S.C. § 271. Google has not taken necessary steps
21 to avoid infringement. Instead, Google has continued to infringe the '459 patent in an objectively
22 reckless manner, with disregard of IconFind's rights in the '459 patent.

23 11. Google's acts of infringement have injured and continue to injure IconFind and it
24 is entitled to recover damages adequate to compensate it for such infringement, but in no event
25 less than a reasonable royalty.

1 WHEREFORE, Plaintiff IconFind respectfully requests this Court enter judgment against
2 Defendant Google and against its subsidiaries, successors, parents, affiliates, officers, directors,
3 agents, servants, employees, and all persons in active concert or participation with them, granting
4 the following relief:

- 5 A. The entry of judgment in favor of Plaintiff and against the Defendant;
- 6 B. An award of damages adequate to compensate Plaintiff for the infringement that
7 has occurred, but in no event less than a reasonable royalty as permitted by 35
8 U.S.C. § 284, together with prejudgment interest from the date the infringement
9 began;
- 10 C. Increased damages as permitted under 35 U.S.C. § 284;
- 11 D. A finding that this case is exceptional and an award to Plaintiff of its attorneys'
12 fees and costs as provided by 35 U.S.C. § 285; and
- 13 E. Such other relief that Plaintiff is entitled to under law and any other and further
14 relief that this Court or a jury may deem just and proper.

15 **JURY DEMAND**

16 Plaintiff demands a trial by jury on all issues presented in this Complaint.

17 Respectfully submitted,

18 NIRO, HALLER & NIRO
19 Raymond P. Niro (*Pro hac vice*)
RNiro@nshn.com
20 Raymond P. Niro, Jr. (*Pro hac vice*)
RNiroJr@nshn.com
21 Brian E. Haan (*Pro hac vice*)
BHaan@nshn.com

/s/ Daniel L. Baxter
WILKE, FLEURY, HOFFELT, GOULD &
BIRNEY, LLP
Thomas G. Redmon (SBN 47090)
TRedmon@wilkefleury.com
Daniel L. Baxter (SBN 203862)
DBaxter@wilkefleury.com

22 Attorneys for Plaintiff IconFind, Inc.