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17 **Attorneys for Plaintiff**

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19
20 **IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA
RENO DIVISION**

21
22 **UNWIRED PLANET LLC, a Nevada limited
liability company,**

23 **Plaintiff,**

24 **v.**

25 **GOOGLE INC., a Delaware corporation,**

26 **Defendant.**
27

CIVIL ACTION NO.

**COMPLAINT FOR
PATENT INFRINGEMENT**

(JURY DEMAND)

1 Plaintiff Unwired Planet LLC files this Original Complaint for Patent Infringement against
2 Google Inc. (“Google”), and alleges as follows:

3 **JURISDICTION**

4 1. This is an action arising under the patent laws of the United States, 35 U.S.C. §
5 101 *et seq.* This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

6 **VENUE**

7 2. This Court has personal jurisdiction over Google. Google has conducted and does
8 conduct business within the State of Nevada. Google, directly or through subsidiaries or
9 intermediaries (including distributors, retailers, and others), ships, distributes, offers for sale,
10 sells, and advertises (including the provision of an interactive web page) its products and/or
11 services in the United States, the State of Nevada, and the District of Nevada. Google, directly
12 and through subsidiaries or intermediaries (including distributors, retailers, and others), has
13 purposefully and voluntarily placed one or more of its infringing products and/or services, as
14 described below, into the stream of commerce with the expectation that they will be purchased
15 and/or used by consumers in the District of Nevada. These infringing products and/or services
16 have been and continue to be purchased and/or used by consumers in the District of Nevada.
17 Google has committed acts of patent infringement within the State and District of Nevada.
18 Google has lobbied the state of Nevada to pass certain laws in Nevada.

19 3. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b), (c) and (d) and
20 1400(b). A substantial part of the events giving rise to Unwired Planet’s claims occurred in the
21 District of Nevada and Google is subject to personal jurisdiction in the District.

22 **PARTIES**

23 4. Plaintiff Unwired Planet LLC is a Nevada limited liability company having a
24 principal place of business at 226 California Ave., Reno, NV 89509. “Unwired Planet” refers to
25 Plaintiff and its predecessors in interest referred to herein for the patents-in-suit.

26 5. Unwired Planet has a long history of innovative technical contributions, as set
27 forth below, including the patents-at-issue in this lawsuit.

28

1 mail to wireless telephones), Up.Organizer (a personal information management application),
2 Up.Web (which allowed subscribers to manage and configure the other programs from their PCs),
3 Up.Browser (a wireless phone browser), and Up.Smart (a PDA software application for wireless
4 phones), among others. By August 1999, 31 network operators across the globe had licensed
5 Phone.com's software. Phone.com flourished, providing its access software to companies around
6 the globe. USA Today called Phone.com "the linchpin for the wireless internet" in a July 2000
7 article, stating that Phone.com's software touched approximately 80 percent of Web-enabled
8 phones at the time. Bloomberg named Alain Rossmann, one of the founders of
9 Unwired Planet, among the "Top Entrepreneurs of 1999."

10 12. In 2000, Phone.com merged with Software.com to form Openwave Systems Inc.,
11 the predecessor to Unwired Planet, in a \$6.4 billion merger. Openwave continued to grow and
12 innovate. By mid-2001, about 97 percent of internet-ready mobile phones in the United States
13 and approximately 75 percent overseas used an Openwave browser. By July 2001 Openwave had
14 increased in size to approximately 2,200 employees worldwide by July 2001, and the company
15 earned revenues of over \$465 million for fiscal year 2001.

16 13. Through its innovation and technological leadership, Openwave was awarded a
17 sizeable portfolio of over 200 patents. Many of these patents disclose and protect the
18 foundational aspects of today's most widely-used mobile technologies, such as mobile internet,
19 location-based services, and e-commerce applications.

20 14. Unfortunately, merely having patents did not protect Openwave from infringing
21 competition. As Openwave's revenues and market share fell, it was forced to downsize its own
22 employees. With the onslaught of infringing competition having forced Openwave out of the
23 market it created, in April 2012 Openwave sold its product businesses, but retained the patents it
24 had been awarded. After selling off its product businesses, Openwave changed its name back to
25 Unwired Planet Inc., Unwired Planet Inc. is the parent of, and predecessor in interest of, Plaintiff
26 Unwired Planet, LLC. Unwired Planet retained its patents, representing almost two decades of
27 investment, allowing the company to focus its efforts on licensing its fundamental patent portfolio
28 to the companies whose infringement put it out of the software and service businesses.

THE PATENTS

1
2 15. United States Letters Patent No. 6,292,657 (“the ’657 Patent”), entitled “Method
3 and Architecture for Managing a Fleet of Mobile Stations Over Wireless Data Networks,” was
4 duly and legally issued to inventors Andrew L. Laursen and Maurice A. Jeffrey on September 18,
5 2001. Plaintiff Unwired Planet owns by assignment the entire right, title, and interest in the ’657
6 Patent, and is entitled to sue for past and future infringement. A true and correct copy of the ’657
7 Patent is attached hereto as Exhibit A and incorporated herein by reference.

8 16. United States Letters Patent No. 6,654,786 (“the ’786 Patent”), entitled “Method
9 and Apparatus for Informing Wireless Clients About Updated Information,” was duly and legally
10 issued to inventors Mark A. Fox, Peter F. King, Seetharaman Ramasubramani, Bruce K. Martin,
11 Jr., and Stephen S. Boyle on November 25, 2003. Plaintiff Unwired Planet owns by assignment
12 the entire right, title, and interest in the ’786 Patent, and is entitled to sue for past and future
13 infringement. A true and correct copy of the ’786 Patent is attached hereto as Exhibit B and
14 incorporated herein by reference.

15 17. United States Letters Patent No. 6,662,016 (“the ’016 Patent”), entitled “Providing
16 Graphical Location Information for Mobile Resources Using a Data-Enabled Network,” was duly
17 and legally issued to inventors Kevin Buckham, Tony Melli and James Fitch on December 9,
18 2003. Plaintiff Unwired Planet owns by assignment the entire right, title, and interest in the ’016
19 Patent, and is entitled to sue for past and future infringement. A true and correct copy of the ’016
20 Patent is attached hereto as Exhibit C and incorporated herein by reference.

21 18. United States Letters Patent No. 6,684,087 (“the ’087 Patent”), entitled “Method
22 and Apparatus for Displaying Images On Mobile Devices,” was duly and legally issued to
23 inventors Francis H. Yu and Neil J. Cormia on January 27, 2004. Plaintiff Unwired Planet owns
24 by assignment the entire right, title, and interest in the ’087 Patent, and is entitled to sue for past
25 and future infringement. A true and correct copy of the ’087 Patent is attached hereto as Exhibit
26 D and incorporated herein by reference.

27 19. United States Letters Patent No. 6,895,240 (“the ’240 Patent”), entitled “Method
28 and Architecture for Managing a Fleet of Mobile Stations Over Wireless Data Networks,” was

1 duly and legally issued to inventors Andrew L. Laursen and Maurice A. Jeffrey on May 17, 2005.
2 Plaintiff Unwired Planet owns by assignment the entire right, title, and interest in the '240 Patent,
3 and is entitled to sue for past and future infringement. A true and correct copy of the '240 Patent
4 is attached hereto as Exhibit E and incorporated herein by reference.

5 20. United States Letters Patent No. 6,944,760 ("the '760 Patent"), entitled "Method
6 and Apparatus for Protecting Identities of Mobile Devices on a Wireless Network," was duly and
7 legally issued to inventor Fergus M. Wills on September 13, 2005. Plaintiff Unwired Planet owns
8 by assignment the entire right, title, and interest in the '760 Patent, and is entitled to sue for past
9 and future infringement. A true and correct copy of the '760 Patent is attached hereto as Exhibit
10 F and incorporated herein by reference.

11 21. United States Letters Patent No. 7,024,205 ("the '205 Patent"), entitled
12 "Subscriber Delivered Location-Based Services," was duly and legally issued to inventor David
13 Hose on April 4, 2006. Plaintiff Unwired Planet owns by assignment the entire right, title, and
14 interest in the '205 Patent, and is entitled to sue for past and future infringement. A true and
15 correct copy of the '205 Patent is attached hereto as Exhibit G and incorporated herein by
16 reference.

17 22. United States Letters Patent No. 7,035,647 ("the '647 Patent"), entitled "Efficient
18 Location Determination for Mobile Units," was duly and legally issued to inventor Andre Laurent
19 de Verteuil on April 25, 2006. Plaintiff Unwired Planet owns by assignment the entire right, title,
20 and interest in the '647 Patent, and is entitled to sue for past and future infringement. A true and
21 correct copy of the '647 Patent is attached hereto as Exhibit H and incorporated herein by
22 reference.

23 23. United States Letters Patent No. 7,203,752 ("the '752 Patent"), entitled "Method
24 and System for Managing Location Information for Wireless Communications Devices," was
25 duly and legally issued to inventors Christopher R. Rice, Cameron Fieber, Ron Poulin, and Peter
26 Jones on April 10, 2007. Plaintiff Unwired Planet owns by assignment the entire right, title, and
27 interest in the '752 Patent, and is entitled to sue for past and future infringement. A true and
28

1 correct copy of the '752 Patent is attached hereto as Exhibit I and incorporated herein by
 2 reference.

3 24. United States Letters Patent No. 7,463,151 (“the '151 Patent”), entitled “Systems
 4 and Methods for Providing Mobile Services Using Short-Range Radio Communication Devices,”
 5 was duly and legally issued to inventor Hermann Schulte-Kellinghaus on December 9, 2008.
 6 Plaintiff Unwired Planet owns by assignment the entire right, title, and interest in the '151 Patent,
 7 and is entitled to sue for past and future infringement. A true and correct copy of the '151 Patent
 8 is attached hereto as Exhibit J and incorporated herein by reference.

9 25. The '657, '786, '016, '087, '240, '760, '205, '647, '752, and '151 Patents
 10 (collectively, “the Asserted Patents”) cover inventions relating to systems and/or services, servers
 11 supporting these systems and services, and mobile devices.

12 **CLAIM FOR PATENT INFRINGEMENT**

13 26. Unwired Planet repeats and realleges the allegations in paragraphs 1-25 as though
 14 fully set forth herein.

15 27. Google directly infringes one or more claims of each of the Asserted Patents under
 16 35 U.S.C. § 271. Google is making, using, selling, offering for sale, exporting and/or importing
 17 Accused Products and Services which infringe one or more claims of each of the Asserted
 18 Patents, as set forth in the table below. Further discovery may reveal additional infringing
 19 products, services, and/or models.

Asserted Patent	Accused Products and Services
6,292,657	Mobile App Systems and/or Services (including Google Play, Google Apps, Bouncer, C2DM and GCM), Servers (including servers supporting the aforementioned Systems and/or Services), and Mobile Devices (including mobile phones and tablets with the Android operating system, including Motorola Mobility and Nexus mobile phones and tablets)
6,654,786	Cloud Messaging Systems and/or Services (including C2DM and GCM), Servers (including servers supporting the aforementioned Systems and/or Services), and Mobile Devices (including mobile phones and tablets with the Android operating system, including Motorola Mobility and Nexus mobile phones and tablets)

1 2 3 4 5 6 7 8 9 10 11 12	Asserted Patent	Accused Products and Services
13 14 15 16 17 18 19 20 21 22 23 24 25 26	6,662,016	Map and Location Systems and/or Services (including Google Maps, Google Street View, Google Latitude, Google My Location, Google+, Google+Local, Google Places), Servers (including servers supporting the aforementioned Systems and/or Services), and Mobile Devices (including mobile phones and tablets with the Android operating system, including Motorola Mobility and Nexus mobile phones and tablets)
13 14 15 16 17 18 19 20 21 22 23 24 25 26	6,684,087	Map and Location Systems and/or Services (including Google Maps, Google Latitude, Google My Location, Google+, Google+Local, Google Places), Servers (including servers supporting the aforementioned Systems and/or Services), and Mobile Devices (including mobile phones and tablets with the Android operating system, including Motorola Mobility and Nexus mobile phones and tablets)
13 14 15 16 17 18 19 20 21 22 23 24 25 26	6,895,240	Mobile App Systems and/or Services (including Google Play, Google Apps, Bouncer, C2DM and GCM), Servers (including servers supporting the aforementioned Systems and/or Services), and Mobile Devices (including mobile phones and tablets with the Android operating system, including Motorola Mobility and Nexus mobile phones and tablets)
13 14 15 16 17 18 19 20 21 22 23 24 25 26	6,944,760	Cloud Messaging Systems and/or Services (including C2DM and GCM), Servers (including servers supporting the aforementioned Systems and/or Services), and Mobile Devices (including mobile phones and tablets with the Android operating system, including Motorola Mobility and Nexus mobile phones and tablets)
13 14 15 16 17 18 19 20 21 22 23 24 25 26	7,024,205	Search and Advertising Systems and/or Services (including Google Search, Google AdWords, Google+Local, Google Places, Google Mobile Ads), Servers (including servers supporting the aforementioned Systems and/or Services), and Mobile Devices (including mobile phones and tablets with the Android operating system, including Motorola Mobility and Nexus mobile phones and tablets)
13 14 15 16 17 18 19 20 21 22 23 24 25 26	7,035,647	Location Systems and/or Services (including Android Location), Servers (including servers supporting the aforementioned Systems and/or Services), and Mobile Devices (including mobile phones and tablets with the Android operating system, including Motorola Mobility and Nexus mobile phones and tablets)
13 14 15 16 17 18 19 20 21 22 23 24 25 26	7,203,752	Location Systems and/or Services (including Android Location), Servers (including servers supporting the aforementioned Systems and/or Services), and Mobile Devices (including mobile phones and tablets with the Android operating system, including Motorola Mobility and Nexus mobile phones and tablets)
13 14 15 16 17 18 19 20 21 22 23 24 25 26	7,463,151	Short-Range Radio Communications Systems and/or Services (including Google Wallet, Google Offers, and Google Mobile Ads), Servers (including servers supporting the aforementioned Systems and/or Services), and Mobile Devices (including mobile phones and tablets with the Android operating system, including Motorola Mobility and Nexus mobile phones and tablets)

27 28. Google indirectly infringes one or more claims of each of the Asserted Patents
28 under 35 U.S.C. § 271(b). Google has induced and continues to induce its customers and/or users

1 of the Accused Products and Services above to infringe one or more claims of the Asserted
2 Patents above. Google specifically intends for its customers and/or users of the Accused Products
3 and Services above to infringe one or more claims of the Asserted Patents above in the United
4 States because, on information and belief, Google knew of the Asserted Patents and either
5 designed the Accused Products and Services such that they would each infringe one or more
6 claims of each of the Asserted Patents if made, used, sold, offered for sale or imported into the
7 United States, and Google knows or should know that the customers and/or users of the Accused
8 Products and Services will directly infringe one or more claims of the Asserted Patents when
9 those customers and/or users make, use, sell, offer to sell, and/or import into the United States,
10 the Accused Products and Services. In addition, Google has failed to redesign the Accused
11 Products and Services to cease infringement.

12 29. Google indirectly infringes one or more claims of the Asserted Patents by
13 contributory infringement under 35 U.S.C. § 271(c). Google has contributed to and continues to
14 contribute to the direct infringement of one or more claims of the Asserted Patents by customers
15 and/or users of the Accused Products and Services. Upon information and belief, Google knew of
16 the Asserted Patents. Google has sold, offered to sell, and/or imported in and into the United
17 States the Accused Products and Services, which Google has known or should have known to be
18 especially made or adapted for use in infringing the Asserted Patents and which have no
19 substantial non-infringing uses. Google designed the Accused Products and Services such that
20 they would infringe one or more claims of the Accused Patents if made, used, sold, offered for
21 sale or imported into the United States. The accused technology has no substantial use that does
22 not infringe one or more claims of the Asserted Patents.

23 30. Google's acts of direct, contributory and induced infringement have caused
24 damage to Unwired Planet, and Unwired Planet is entitled to recover compensatory damages
25 sustained as a result of Google's wrongful acts. Unless enjoined by this Court, Google will
26 continue to infringe the Asserted Patents, continuing to damage Unwired Planet and causing
27 irreparable harm.
28

1 J. Award such other relief as the Court may deem appropriate and just under the
2 circumstances.

3
4 Dated: September 19, 2012

Respectfully submitted,

5
6 /s/ Michael D. Rounds

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(*) will comply with LR IA 10-2 within 45 days

**ATTORNEYS FOR PLAINTIFF
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