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11 *ATTORNEYS FOR PLAINTIFF GOOGLE LLC*

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA

14 GOOGLE LLC,
15
16 Plaintiff,
17 v.
18 PRINCEPS INTERFACE TECHNOLOGIES
LLC
19 Defendant.

Case No. 19-cv-6566

**COMPLAINT FOR
DECLARATORY JUDGMENT OF
NON-INFRINGEMENT OF U.S.
PATENT NO. 6,703,963**

DEMAND FOR JURY TRIAL

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1 Plaintiff Google LLC (“Google”) seeks a declaration that it does not infringe United States
2 Patent No. 6,703,963 (“the ’963 patent”) (Ex. A) as follows:

3 **THE PARTIES AND INTRODUCTION**

4 1. Google brings this action seeking a declaratory judgment of non-infringement that
5 arises under the patent laws of the United States, Title 35 of the United States Code. Google requests
6 this relief because Defendant Princeps Interface Technologies LLC (“Princeps”), the purported owner
7 by assignment of the ’963 patent, alleges that Google infringes the ’963 patent.

8 2. Google is a limited liability company organized and existing under the laws of the State
9 of Delaware and maintains its principal place of business at 1600 Amphitheatre Parkway in Mountain
10 View, CA 94043.

11 3. On information and belief, Princeps is a limited liability company organized under the
12 laws of the State of Delaware, with a place of business at Princeps Interface Technologies LLC, c/o
13 Kustal and Kustal, P.C., 261 West 35th Street, Suite No. 1003, New York, NY 10001.

14 4. On June 14, 2019, shortly after Princeps was formed, it filed a patent infringement suit
15 asserting the ’963 patent against Google in the District of Delaware. Ex. B, *Princeps Interface Techs.*
16 *LLC v. Alphabet Inc. and Google LLC* (“*Princeps v. Google*”), No. 1:19-cv-01102-CFC, D.I. 1 (D.
17 Del. Jun. 14, 2019) (“Delaware Complaint”). Princeps alleged in the body of the Delaware Complaint
18 and an attached claim chart that Google’s Pixel smartphones using the Android operating system
19 and/or Google’s Gboard keyboard application (the “Google Accused Products”) practice certain
20 claims of the ’963 patent.

21 5. In the Delaware Complaint, Princeps alleged that it was the “assignee and owner of the
22 right, title and interest in and to the ’963 patent, including the right to assert all causes of action arising
23 under [the ’963 patent] and the right to any remedies for infringement of it.” Ex. B ¶ 26. The U.S.
24 Patent Office Patent Assignment Search Database indicates that Princeps is the most recent assignee
25 of the ’963 patent. Ex. C, USPTO Patent Assignment Search for U.S. Patent Application No.
26 10/247,065 (Oct. 10, 2019).

27 6. Subsequently, on July 26, 2019, Princeps filed a patent infringement lawsuit in the
28 Northern District of California asserting the ’963 patent against ASUSTeK Computer Inc. and its

1 subsidiaries (collectively, “ASUS”). Ex. D, *Princeps Interface Techs. LLC v. ASUSTek Computer*
2 *Inc., et al.* (“*Princeps v. ASUS*”), No. 4:19-cv-04298-JSW, D.I. 1 (N.D. Cal. Jul. 26, 2019) (“ASUS
3 Complaint”). In the ASUS Complaint, Princeps alleged that ASUS infringed the ’963 patent by
4 making, selling, and offering for sale devices that use the Android operating system—the same
5 operating system used by the Google Accused Products. Ex. D ¶ 28.

6 7. On information and belief, Princeps was formed for the sole purpose of initiating patent
7 infringement lawsuits against companies that provide products and services to U.S. consumers across
8 the country, including within this District. In particular, Princeps’s patent assertion campaign has
9 targeted companies that are located in this District. Google, for example, maintains its headquarters
10 in Mountain View, California, which is in this District. On information and belief, Apple Inc., ASUS
11 Computer International, and Samsung Semiconductor, Inc.—three other companies Princeps accused
12 of infringing the ’963 patent—also each maintain a principal place of business in this District. *See*
13 *Princeps Interface Techs. LLC v. Apple Inc.* (“*Princeps v. Apple*”), No. 1:19-cv-01101 (D. Del. filed
14 Jun. 14, 2019); *Princeps v. ASUS*, No. 4:19-cv-04298-JSW (N.D. Cal. filed Jul. 26, 2019); *Princeps*
15 *Interface Techs. LLC v. Samsung Electronics Co., Ltd. et al.* (“*Princeps v. Samsung*”), No. 1:19-cv-
16 01103 (D. Del. filed Jun. 14, 2019).

17 8. On September 6, 2019, Google filed a motion to dismiss Princeps’s Delaware
18 Complaint for a lack of Article III standing. Ex. E, *Princeps v. Google*, No. 1:19-cv-01102-CFC, D.I.
19 13, 14 (D. Del. Sept. 6, 2019). In that motion, Google argued that because the assignment in which
20 the ’963 patent was purportedly assigned to Princeps was ineffective, Princeps did not own the patent
21 when it filed the Delaware Complaint and that therefore, Princeps did not have the right to sue Google
22 for infringement.

23 9. Princeps never responded to Google’s motion to dismiss. On October 4, 2019, Princeps
24 filed a Notice voluntarily dismissing the Delaware Complaint without prejudice. Ex. F, *Princeps v.*
25 *Google*, Case No. 1:19-cv-01102-CFC, D.I. 20 (D. Del. Oct. 4, 2019). Because Princeps voluntarily
26 dismissed the lawsuit without prejudice, the threat that Princeps may file another suit against Google
27 asserting the same rights still exists.

28 10. The Court should not allow the threat of a future lawsuit against Google to cast a cloud

1 over Google's business, causing uncertainty for Google regarding the ongoing sale of its products.

2 11. Thus, there remains a substantial controversy between Google and Princeps having
3 adverse legal interests of sufficient immediacy and reality to warrant the issuance of a declaratory
4 judgment of noninfringement.

5 JURISDICTION AND VENUE

6 12. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331
7 and 1338(a) because this action involves claims arising under the patent laws of the United States,
8 35 U.S.C. § 1, et seq., and under the Federal Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202.

9 13. This Court has personal jurisdiction over Princeps at least because it has made
10 sufficient contacts with the state of California, including this District, by purposefully directing its
11 efforts to generate revenue from the '963 patent at residents of California. For example, Princeps
12 purposefully availed itself of the benefits of this District's jurisdiction by asserting the '963 patent
13 against ASUS Computer International, one of the defendants in *Princeps v. ASUS*, which has its U.S.
14 headquarters in Fremont, California. *See Princeps v. ASUS*, No. 4:19-cv-04298-JSW (N.D. Cal. filed
15 Jul. 26, 2019). Moreover, Princeps filed multiple other lawsuits alleging that companies with a
16 principal place of business in this District, including Google, infringe the '963 patent. *See Princeps*
17 *v. Google*, No. 1:19-cv-01102-CFC (D. Del. filed Jun. 14, 2019); *Princeps v. Samsung*, No. 1:19-cv-
18 01103-CFC (D. Del. filed Jun. 14, 2019); *Princeps v. Apple*, No. 1:19-cv-01101-CFC (D. Del. filed
19 Jun. 14, 2019). Google maintains its headquarters in Mountain View, California. Based on
20 information and belief, Samsung Semiconductor, Inc. maintains its only regional office in the Western
21 Hemisphere and a research and development center in San Jose, California. Samsung, Regional
22 Offices, <https://www.samsung.com/semiconductor/about-us/location/regional-offices/> (last visited
23 Oct. 11, 2019); Samsung, Research & Development, [https://www.samsung.com/semiconductor/
24 about-us/location/research-development/](https://www.samsung.com/semiconductor/about-us/location/research-development/) (last visited Oct. 11, 2019). Based on information and belief,
25 Apple maintains its headquarters in Cupertino, California.

26 14. This Court has personal jurisdiction over Princeps at least because Google's claim
27 relates to Princeps's activities in this District. For example, Google maintains its headquarters and
28 principal place of business in this District and Princeps alleged that Google committed acts of

1 infringement here. Moreover, Princeps filed a lawsuit in this District, voluntarily and purposefully
2 availing itself of this Court's jurisdiction, asserting the patent at issue in this action against other
3 devices that use the same operating system as the Google Accused Products. *See Princeps v. ASUS*,
4 No. 5:19-cv-04298-NC (N.D. Cal. Jul. 26, 2019).

5 15. It is fair and reasonable for this Court to exercise personal jurisdiction over Princeps
6 because Princeps has already consented to litigating the '963 patent in this District by filing the *Asus*
7 Complaint and because, among other things, witnesses and evidence concerning the Google Accused
8 Products are located in this District.

9 16. Venue in this District is proper under 28 U.S.C. §§ 1391(b) and 1391(c) because
10 Princeps is subject to personal jurisdiction in this District and because a substantial part of the events
11 giving rise to Google's declaratory judgment claim of non-infringement occurred in this District. For
12 example, the Google Accused Products are developed, sold, or offered for sale in this District. Google
13 seeks a declaration that does it not infringe the '963 patent.

14 17. For these reasons and the reasons set forth below, a substantial controversy exists
15 between the parties, which is of sufficient immediacy and reality to warrant declaratory relief.

16 **INTRADISTRICT ASSIGNMENT**

17 18. For purposes of intradistrict assignment under Civil Local Rules 3-2(c) and 3-5(b), this
18 Intellectual Property Action will be assigned on a district-wide basis.

19 **THE PATENT-IN-SUIT**

20 19. On March 9, 2004, the United States Patent and Trademark Office (the "Patent Office")
21 issued the '963 patent, entitled "Universal Keyboard," to Timothy B. Higginson. A true and correct
22 copy of the '963 patent is attached as Exhibit A. On information and belief, Defendant Princeps
23 purports to own the '963 patent by assignment.

24 20. The '963 patent issued from U.S. Patent Application No. 10/247,065 ("the '065
25 Application") filed on September 19, 2002.

26 21. On June 20, 2003, the Patent Office rejected all claims in the '065 Application as either
27 anticipated or obvious in view of the prior art.

28 22. In response to that rejection, the applicant amended claim 1 of the '065 Application to

1 require, among other things, that “the input keys and domain control are simultaneously presented by
2 the input device.” Ex. G, U.S. Patent Application No. 10/247,065 File History, November 18, 2003
3 Applicant Remarks to Office Action at 2.

4 23. Also in response to the Patent Office rejection, the applicant for the ’065 Application
5 argued that amended claim 1 was patentable over the prior art. In particular, the applicant stated:

6 [I]n contrast to simultaneously presenting the input keys and domain (level) control,
7 as recited in claims 1, 36, and 64, the Platte ’949 patent discloses replacing a
8 previously displayed set of input/level selection keys, including a selected input key
9 that initiated displaying a next input key level, by a new set of input keys. Thus, even
10 in the event that an input (e.g., PLAY) key in the Platte remote control device is
11 considered the claimed ‘domain control,’ the selected ‘domain control’ disappears
from the input interface when the new set of input keys are presented on the input
interface. Therefore, Platte does not disclose *simultaneously presenting the input
keys and the domain control* (that selects one of multiple domain levels) as recited in
amended claim 64 as well as claims 1 and 36.

12 Ex. G at 15-16 (emphasis in original).

13 **COUNT 1 – DECLARATION OF NON-INFRINGEMENT OF U.S. PATENT NO. 6,703,963**

14 24. Google restates and incorporates by reference the allegations in paragraphs 1 through
15 23 of this Complaint as if fully set forth herein.

16 25. Princeps alleged in the Delaware Complaint that it “is the assignee and owner of the
17 right, title and interest in and to the ’963 patent, including the right to assert all causes of action arising
18 under said patent and the right to any remedies for infringement of it.” Ex. B ¶ 26. Also, the U.S.
19 Patent Office database indicates that Princeps is the most recent assignee of the ’963 patent. *See* Ex. C.

20 26. In the Delaware Complaint, Princeps accused Google of “directly infring[ing] at least
21 claims 1, 2, 3, 9, 12 and 60 of the ’963 patent under 35 U.S.C. § 271(a) by making, using, selling,
22 offering to sell and/or importing information input devices such as Pixel phones with proprietary
23 Google Apps and/or third-party Apps with keyboard functionalities and an operating system such as
24 the Android operating system.” Ex. B ¶ 27.

25 27. In the Delaware Complaint, Princeps accused Google of “induced [infringement] and
26 continu[ing] to induce others to infringe at least claims 1, 2, 3, 9, 12 and 60 of the ’963 patent under
27 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding
28 and abetting others to infringe, including but not limited to Defendants’ partners and customers, whose

1 use of the Accused Instrumentalities constitutes direct infringement of at least claims 1, 2, 3, 9, 12 and
2 60 of the '963 patent.” Ex. B ¶ 31.

3 28. In the Delaware Complaint, Princeps accused Google of “contributory infringe[ment]
4 to at least claims 1, 2, 3, 9, 12 and 60 of the '963 patent under 35 U.S.C. § 271(c) by offering to sell,
5 selling and importing into the United States input device technology, such as the Android operating
6 system, and/or the Google devices, such as the Pixel 3a smartphone, which are especially made or
7 adapted for use in an infringement of the '963 patent. The Accused Instrumentalities are material
8 components for use in practicing the '963 patent and are specifically made and are not a staple article
9 of commerce suitable for substantial non-infringing use.” Ex. B ¶ 33.

10 29. Google has not infringed and does not infringe at least claim 1 of the '963 patent either
11 directly, contributorily, or by inducement, literally or under the doctrine of equivalents, including
12 through its making, use, importation into the United States, sale, and/or offer for sale of the Google
13 Accused Products.

14 30. Claim 1 of the '963 patent is directed to:

15 An information input device, comprising:

16 a functional mode control for selecting a first functional mode of
17 operation of multiple functional modes of operation by the input device;

18 a domain control for selecting one of multiple domain levels within the
19 first functional mode wherein each domain level is associated with a set
of domain-level values;

20 a plurality of input keys, separate and distinct from the domain control,
21 assigned to the set of domain-level values associated with a selected
22 domain level and functional mode, wherein each input key assigned to
a domain-level value is associated with a signal, representative of the
domain-level value, transmitted by the input device in response to
actuation of the input key; and

23 a function-specific display indicating a domain-level value associated
24 with each input key for a currently selected functional mode and domain
25 level combination, wherein the input keys and domain control are
simultaneously presented by the input device.

26 Ex. A, '963 Pat. 13:28-49.

27 31. Google has not infringed and does not infringe at least claim 1 of the '963 patent
28 because the Google Accused Products do not include every required claim limitation. For example,

1 claim 1 requires input keys that are “separate and distinct from the domain control” and “assigned to
2 the set of domain-level values associated with a selected domain level.” According to the claim chart
3 that Princeps attached to the Delaware Complaint, the alleged “domain control(s)” in the Google
4 Accused Products are the Globe and Emoji symbols appearing in the lower left area of the Gboard
5 keyboard. Ex. H, *Princeps v. Google*, No. 1:19-cv-01102-CFC, D.I. 1-2 at 8 (D. Del. Jun. 14, 2019).
6 Princeps’s claim charts further allege that the characters on the Gboard keyboard are input keys. *Id.*
7 at 9-10. In the Google Accused Products, however, the Gboard keyboard characters are not input keys
8 that are separate and distinct from the Globe and Emoji symbols and assigned to a set of domain-level
9 values as required by at least claim 1.

10 32. As another example, Google has not infringed and does not infringe at least claim 1 of
11 the ’963 patent because the Google Accused Products do not include a “function-specific display . . .
12 wherein the input keys and domain control are simultaneously presented by the input device.” Ex. A,
13 ’963 Pat. 13:28-49. To overcome the examiner’s prior art rejections during prosecution, as explained
14 above, the applicant amended claim 1 to require presenting the input keys and domain control
15 simultaneously on the display and argued that the prior art did not disclose this limitation. Princeps
16 alleged in the Delaware Complaint that the Globe and Emoji symbols appearing in the lower left area
17 of the Gboard keyboard constitute “domain control(s)” and that the characters on the Gboard keyboard
18 are input keys. Ex. H at 8. The Gboard keyboard characters are not input keys simultaneously
19 displayed with the alleged associated domain control in the Accused Google Products as required by
20 at least claim 1.

21 33. Accordingly, at least for the above reasons, the Google Accused Products do not
22 include all the limitations of at least claim 1 of the ’963 patent and Google has not infringed and does
23 not infringe at least claim 1 of the ’963 patent, either literally or under the doctrine of equivalents.

24 34. Google does not induce infringement of the ’963 patent because, for at least the reasons
25 stated above, use of the Google Accused Products does not directly infringe at least claim 1 of the
26 ’963 patent. Moreover, Google does not induce infringement of the ’963 patent because it has not
27 acted with the requisite specific intent to do so.

28 35. Google does not contributorily infringe at least claim 1 of the ’963 patent because, for

1 at least the reasons stated above, the Google Accused Products do not include every limitation of at
2 least claim 1 of the '963 patent. Moreover, Google does not contributorily infringe at least claim 1 of
3 the '963 patent because the Google Accused Products have substantial non-infringing uses, including,
4 at least, inputting text using a QWERTY keyboard.

5 36. As set forth above, a substantial, immediate, and real controversy exists between
6 Google and Princeps with respect to whether Google infringes the '963 patent. Accordingly, Google
7 desires a judicial determination and declaration of the respective rights and duties of the parties with
8 respect to the '963 patent.

9 37. Google seeks a judgment declaring that Google and its products have not and do not
10 directly infringe, induce others to infringe, or contribute to the infringement of any claim of the
11 '963 patent.

12 **PRAYER FOR RELIEF**

13 WHEREFORE, Google prays for judgment as follows:

- 14 a) Declaring that judgment be entered in favor of Google and against Princeps;
15 b) Declaring that Google and its products have not and do not infringe, either directly,
16 contributorily, by inducement, or willfully, any claim of the '963 patent;
17 c) Enjoining Princeps from claiming that Google has infringed or is infringing either directly,
18 contributorily, by inducement, or willfully, any claim of the '963 patent;
19 d) Finding that this is an exceptional case under 35 U.S.C. § 285;
20 e) Awarding Google its costs and attorneys' fees in connection with this action; and
21 f) Awarding Google such other and further relief as the Court deems just and proper.

22 **JURY DEMAND**

23 Google demands a jury trial on all issues and claims so triable.
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Dated: October 11, 2019

Respectfully submitted,

/s/ John M. Desmarais
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