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13 UNITED STATES DISTRICT COURT
14
15 NORTHERN DISTRICT OF CALIFORNIA

16 GOOGLE LLC,
17 Plaintiff,
18 vs.
19 SONOS, INC.,
20 Defendant.

CASE NO. 3:20-cv-6754

**COMPLAINT FOR DECLARATORY
JUDGMENT OF NON-INFRINGEMENT
OF U.S. PATENT NOS. 9,967,615;
10,779,033; 9,344,206; 10,469,966; AND
9,219,460**

DEMAND FOR JURY TRIAL

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24 **COMPLAINT FOR DECLARATORY JUDGMENT OF NON-INFRINGEMENT OF U.S.**
25 **PATENT NOS. 9,967,615; 10,779,033; 9,344,206; 10,469,966; AND 9,219,460**

26 1. Plaintiff Google LLC (“Google”) seeks a declaratory judgment of non-infringement
27 of United States Patent Nos. 9,967,615; 10,779,033; 9,344,206; 10,469,966; and 9,219,460 as
28

1 **NATURE OF THE ACTION**

2 2. This is an action for a declaratory judgment of non-infringement arising under the
3 patent laws of the United States, Title 35 of the United States Code. Google requests this relief
4 because Defendant Sonos, Inc. (“Sonos”) claims that Google infringes United States Patent Nos.
5 9,967,615 (“the ’615 patent”); 10,779,033 (“the ’033 patent”); 9,344,206 (“the ’206 patent”);
6 10,469,966 (“the ’966 patent”); and 9,219,460 (“the ’460 patent”) (collectively, the “Patents-in-
7 Suit”) by making, using, selling, offering for sale, and/or importing the following products:
8 Chromecast, Chromecast Ultra, Chromecast Audio, Chromecast with Google TV, Home Mini,
9 Nest Mini, Home, Home Max, Home Hub, Nest Hub, Nest Hub Max, Nest Audio, Nest Wifi
10 Point, YouTube Music app, Google Play Music app, YouTube app, Google Home app, and
11 Google’s “Pixel” phones, tablets, and laptops (collectively, “Google Accused Products”). Sonos’
12 litigation campaign has harmed the reputations of these Google Accused Products; and Sonos’
13 affirmative allegations of infringement of the Patents-in-Suit by the Google Accused Products has
14 created a justiciable controversy between Google and Sonos.

15 3. As a result of Sonos’ communication to Google of its intention to pursue claims of
16 infringement of the Patents-in-Suit against Google, Google is under reasonable apprehension of
17 suit by Sonos.

18 **THE PARTIES**

19 4. Plaintiff Google LLC is a subsidiary of Alphabet Inc. with its principal place of
20 business located at 1600 Amphitheatre Parkway, Mountain View, California 94043.

21 5. Defendant Sonos, Inc. is a Delaware corporation with headquarters at 614 Chapala
22 Street, Santa Barbara, California 93101.

23 **JURISDICTIONAL STATEMENT**

24 6. This action arises under the Declaratory Judgment Act, 28 U.S.C. § 2201, and
25 under the patent laws of the United States, 35 U.S.C. §§ 1-390.

26 7. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331,
27 1338(a), and 2201(a).

28

1 8. This Court has personal jurisdiction over defendant Sonos. Sonos is registered to
2 do business in the State of California (Registration No. C2465272), has its headquarters in the
3 State of California, and has offices in this District. Sonos, directly and through agents, regularly
4 does, solicits, and transacts business in this District and elsewhere in the State of California.

5 9. Venue is proper in this District under 28 U.S.C. Section 1391. Sonos has a regular
6 and established place of business in this District—specifically, offices and employees located at
7 550 Montgomery Street, Suite 750, San Francisco, CA 94111. Sonos lists this San Francisco
8 office on its website (<https://www.sonos.com/en-us/contact>, a true and correct copy of which is
9 attached as Exhibit 1), and the Sonos office at this location is advertised by Sonos as a current
10 place of business (including in the building’s directory in the public lobby). Also, a substantial
11 part of the events giving rise to Google’s claim occurred in this District, and because Sonos is
12 subject to personal jurisdiction here. For example, on September 28, 2020, Sonos sent an email to
13 a Google employee who works in this District indicating that Sonos will be initiating a case
14 against Google LLC asserting infringement of the Patents-in-Suit.

15 10. An immediate, real, and justiciable controversy exists between Google and Sonos
16 as to whether Google is infringing or has infringed the Patents-in-Suit.

17 **INTRADISTRICT ASSIGNMENT**

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

20 **SONOS’ CAMPAIGN AGAINST GOOGLE**

21 12. Google was founded in 1998, and has a mission to organize the world’s
22 information and make it universally accessible and useful. Over the past two decades, in service of
23 that mission, Google has become one of the world’s most innovative technology companies.

24 13. Google’s revolutionary advances in search, software, mobile computing, wireless
25 networking, content streaming, machine learning, and voice-assisted technologies including
26 speech recognition and advanced audio processing, have changed and improved millions of lives.

27 14. As part of its commitment to innovation, Google has invested significantly in
28 extensive research and development efforts, including its own research, as well as investments in

1 and acquisitions of other cutting-edge technology companies. Google is the current assignee of
2 tens of thousands of patents worldwide.

3 15. Google partners with other companies to bring Google’s innovations to millions of
4 shared customers. In particular, Google has long had a continued partnership with Sonos. In these
5 collaborations, Sonos has repeatedly asked Google for assistance, so that Sonos could employ
6 Google technology to improve Sonos’ products.

7 16. In 2013, Sonos asked for Google’s assistance to integrate with Google’s popular
8 Play Music service. Google gave Sonos that assistance, and provided significant engineering
9 resources, technical support, and other resources to integrate Sonos’ products with Google’s Play
10 Music service in 2014.

11 17. In 2016, Sonos again asked for Google’s assistance—this time to integrate with
12 Google’s innovative Assistant software. And again, Google was willing to help. Google gave
13 Sonos significant assistance in designing, implementing, and testing a solution that would bring
14 Google’s voice recognition software to Sonos’ devices. This effort again involved substantial
15 Google engineering resources, including significant months of employee work time, for the initial
16 launch of Google’s Assistant on Sonos’ products in May 2019.

17 18. Google is proud of its more than five-year partnership with Sonos, and has worked
18 constructively with Sonos to make the companies’ products work seamlessly by building special
19 integrations for Sonos. For instance, when Google rolled out the ability to set a Sonos speaker as
20 the default option for Google Assistant, it was the first time Google had done that for any partner
21 company.

22 19. Sonos has made false claims about the companies’ shared work and Google’s
23 technology in lawsuits that Sonos filed against Google earlier this year. The parties are also
24 engaged in an additional litigation here in the Northern District of California, Case No. C 3-20-cv-
25 03845-EMC.

26 **GOOGLE DOES NOT INFRINGE THE PATENTS-IN-SUIT**

27 20. The Google Accused Products do not directly or indirectly infringe any claim of the
28 Patents-in-Suit, literally or under the doctrine of equivalents.

1 21. No third party infringes any claim of the Patents-in-Suit by using a Google product
2 or service. Google has not caused, directed, requested, or facilitated any such infringement, much
3 less with specific intent to do so. The Google Accused Products are not designed for use in any
4 combination that infringes any claim of the Patents-in-Suit. To the contrary, each has substantial
5 uses that do not infringe any claim of the Patents-in-Suit.

6 **FIRST COUNT**

7 **(Declaration of Noninfringement of 9,967,615)**

8 22. Google restates and incorporates by reference the allegations in paragraphs 1
9 through 21 of this Complaint as if fully set forth herein.

10 23. Sonos claims to own all rights, title, and interest in and under the '615 patent. A
11 true and correct copy of the '615 patent is attached hereto as Exhibit 2.

12 24. Google does not directly or indirectly infringe the '615 patent, either literally or
13 under the doctrine of equivalents, at least because the Google Accused Products do not comprise a
14 tangible, non-transitory computer-readable storage medium including instructions for execution by
15 a processor, the instructions, when executed, cause a control device to implement a method
16 comprising: (1) causing a graphical interface to display a control interface including one or more
17 transport controls to control playback by the control device; (2) after connecting to a local area
18 network via a network interface, identifying playback devices connected to the local area network;
19 (3) causing the graphical interface to display a selectable option for transferring playback from the
20 control device; (4) detecting a set of inputs to transfer playback from the control device to a
21 particular playback device, wherein the set of inputs comprises: (i) a selection of the selectable
22 option for transferring playback from the control device and (ii) a selection of the particular
23 playback device from the identified playback devices connected to the local area network: (5) after
24 detecting the set of inputs to transfer playback from the control device to the particular playback
25 device, causing playback to be transferred from the control device to the particular playback
26 device, (6) wherein transferring playback from the control device to the particular playback device
27 comprises: (a) causing one or more first cloud servers to add multimedia content to a local
28 playback queue on the particular playback device, wherein adding the multimedia content to the

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