

of infringement, to customers and potential customers located in Texas, including in the judicial Eastern District of Texas.

JURISDICTION AND VENUE

3. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1, et seq. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1338(a), and 1367.

4. This Court has personal jurisdiction over Google in this action because Google has committed acts within the Eastern District of Texas giving rise to this action and has established minimum contacts with this forum such that the exercise of jurisdiction over Google would not offend traditional notions of fair play and substantial justice. Google conducts business and has committed acts of patent infringement and/or has induced acts of patent infringement by others in this Judicial District and/or has contributed to patent infringement by others in this Judicial District, the State of Texas, and elsewhere in the United States by, among other things, offering to sell and selling products and/or services that infringe the Patents-in-Suit.

5. Venue is proper in this Judicial District pursuant to 28 U.S.C. §§ 1391 and 1400(b). Google is registered to do business in Texas and, upon information and belief, Google has transacted business in the Eastern District of Texas and has committed acts of direct and indirect infringement in the Eastern District of Texas. Google has regular and established places of business in this Judicial District as set forth below and is deemed to reside in this Judicial District.

6. Google is a multi-national technology company that collects, stores, organizes, and distributes data. In addition to its service model for distribution of data (e.g., movies, search results, maps, music, etc.), Google has an expansive regime that gathers data on residents of this

District through the hardware devices it sells (e.g., phones, tablets, and home audio devices) and, also, through the operating systems and apps it provides. As an example, Google gathers data when a resident runs its operating systems and apps (e.g. location services).¹ As another example, Google gathers data when a resident interacts with Google’s plethora of services such as search, email, music, and movie streaming. *See* <https://safety.google/privacy/data/> (indicating that Google gathers data from “things you search for,” “Videos you watch,” “Ads you view or click,” “Your location,” “Websites you visit,” and “Apps, browsers, and devices you use to access Google services”). As yet another example, Google gathers data “where you’ve been,” “everything you’ve ever searched—and deleted,” “all the apps you use,” “all of your YouTube history,” “which events you attended, and when,” “information you deleted [on your computer],” “your workout routine,” “years’ worth of photos,” and “every email you ever sent.”²

7. In addition to extensive data gathering of information on residents of this District, Google has a substantial presence in this District directly through the products and services Google provides residents of this District (some of which also gather data).³

8. Google describes itself as an “information company.”⁴ Its vision is “to provide access to the world’s information in one click,” and its mission is “to organize the world’s

¹ *See e.g.*, “AP Exclusive: Google tracks your movements, like it or not,” <https://apnews.com/828aefab64d4411bac257a07c1af0ecb/AP-Exclusive:-Google-tracks-your-movements,-like-it-or-not>.

² *See* <https://www.theguardian.com/commentisfree/2018/mar/28/all-the-data-facebook-google-has-on-you-privacy>.

³ Non-limiting examples include Google Search, Maps, Translate, Chrome Browser, YouTube, YouTube TV, Google Play Music, Chromecast, Google Play Movies and TV, Android Phones, Android Wear, Chromebooks, Android Auto, Gmail, Google Allo, Google Duo, Google+, Google Photos, Google Contacts, Google Calendar, Google Keep, Google Docs, Google Sheets, Google Slides, Google Drive, Google Voice, Google Assistant, Android operating system, Project Fi Wireless phone systems, Google Pixel, Google Home, Google Wifi, Daydream View, Chromecast Ultra.

information and make it universally accessible and useful.”⁵ Making information available to people wherever they are and as quickly as possible is critical to Google’s business.

Google Global Cache (GGC)

9. Google’s CEO, Sundar Pichai, explained, “We want to make sure that no matter who you are and where you are or how advanced the device you are using—Google works for you.”⁶ To meet this goal, Google developed a content delivery network that it calls the Edge Network.

10. One non-limiting example of physical presence in this District is Google’s Edge Network. Google provides web-based products and services, such as Google Maps, Find My Device, and Google Chrome, to users throughout the world, including in this District. These products and services are in high demand. Google reports that the Android operating system has more than 2 billion monthly active devices, and Google Maps surpassed 1 billion users as of May 2017.⁷

11. Google’s Edge Network, itself, has three elements: Core Data Centers, Edge Points of Presence, and Edge Nodes.⁸ The Core Data Centers (there are eight in the United States) are used for computation and backend storage. Edge Points of Presence are the middle tier of the Edge Network and connect the Data Centers to the internet. Edge Nodes are the layer of the network closest to users. Popular content, including Google Maps, Google Messages,

⁴ See “This Year’s Founder’s Letter” by Alphabet CEO, Sundar Pichai, <https://blog.google/inside-google/alphabet/this-years-founders-letter/>.

⁵ <https://panmore.com/google-vision-statement-mission-statement>.

⁶ <https://time.com/4311233/google-ceo-sundar-pichai-letter/>.

⁷ See <https://www.theverge.com/2017/5/17/15654454/android-reaches-2-billion-monthly-active-users>.

⁸ <https://peering.google.com/#/infrastructure>.

mobile apps, and other digital content from the Google Play store, is cached on the Edge Nodes, which Google refers to as Google Global Cache or “GGC.”

12. Google Global Cache is recognized as one of Google’s most important pieces of infrastructure,”⁹ and Google uses it to conduct the business of providing access to the world’s information. GGC servers in the Edge Nodes function as local data warehouses, much like a shoe manufacturer might have warehouses around the country. Instead of requiring people to obtain information from distant Core Data Centers, which would introduce delay, Google stores information in the local GGC servers to provide quick access to the data.

13. Caching and localization are vital for Google’s optimization of network resources. Because hosting all content everywhere is inefficient, it makes sense to cache popular content and serve it locally. Doing so brings delivery costs down for Google, network operators, and internet service providers. Storing content locally also allows it to be delivered more quickly, which improves user experience. Serving content from the edge of the network closer to the user improves performance and user happiness. To achieve these benefits, Google has placed Edge Nodes throughout the United States, including in this District. Google describes these Edge Nodes as the workhorses of video delivery.

14. Google’s GGC servers are housed in spaces in this District leased by Google. Google’s GGC servers are housed in spaces leased by Google from Internet Service Providers (ISPs) whose networks have substantial traffic to Google and are interested in saving bandwidth. Hosting Google servers allows ISPs to save both bandwidth and costs, as they do not incur the expense of carrying traffic across their peering and/or transit links.

⁹ <https://www.blog.speedchecker.xyz/2015/11/30/demystifying-google-global-cache/>.

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