

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

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U.S. DISTRICT COURT
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TEXAS EASTERN

NORTHEASTERN UNIVERSITY and
JARG CORPORATION

Plaintiffs,

v.

GOOGLE, INC.
Defendant.

BY _____

CASE NO. 2:07 cv 486

DEMAND FOR JURY TRIAL

**COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF
FOR PATENT INFRINGEMENT**

Plaintiffs Northeastern University (“Northeastern”) and Jarg Corporation (“Jarg”) file this complaint against Defendant Google, Inc. (“Google”).

JURISDICTION AND VENUE

1. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. §§ 100, *et seq.* This Court has subject matter jurisdiction over this action under 28 U.S.C §§ 1331, 1332 and 1338(a).

2. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b), (c) and 1400(b). Plaintiffs believe and, based thereon, allege that Google resides in this judicial district within the meaning of 28 U.S.C. § 1391(c), and further, that Google has committed, contributed to, and/or induced acts of patent infringement in this judicial district and provides goods or services and does business in this judicial district.

THE PARTIES

A. Northeastern University

3. Plaintiff Northeastern is a university organized and existing under the laws of the State of Massachusetts and has its principal executive offices at 716 Columbus Avenue, Boston, MA 02120.

4. Northeastern is a private research university founded in 1898. Northeastern is one of the nation's premier urban universities and a leader in cooperative education, community engagement, and interdisciplinary research. Northeastern's College of Computer and Information Science is the first college in the nation devoted to computer science and boasts strong research programs in programming languages, networks, databases, and information retrieval, among other areas. The university is home to more than 20,000 students and 600 faculty, with world class research programs in such diverse pursuits as drug discovery, high-rate nanoscale manufacturing, and complex scientific software.

B. Jarg Corporation

5. Plaintiff Jarg is a corporation organized and existing under the laws of the State of Delaware and has its principal executive offices at 330 Bear Hill Rd, Waltham, MA, 02451.

6. Jarg specializes in high performance search technology and utilizes an ontology-based knowledge indexing engine to index information in its full contextual meaning. Jarg has an extensive patent portfolio relating to its search architecture, search engine, and other information productivity technology.

7. Dr. Kenneth P. Baclawski, an associate professor in the College of Computer and Information Science at Northeastern, is one of the founders of Jarg.

8. Dr. Baclawski invented the claimed systems and methods of U.S. Patent No. 5,694,593 ("the '593 patent"), entitled "Distributed Computer Database System and Method."

9. The '593 patent is assigned to Northeastern and Northeastern has exclusively licensed that patent to Jarg. Plaintiffs Northeastern and Jarg have the exclusive rights to enforce the '593 patent.

C. Google Inc.

10. Google was originally incorporated in California in 1998. Google is currently a corporation organized and existing under the laws of the State of Delaware and has its principal executive offices at 1600 Amphitheatre Parkway, Mountain View, CA 94043.

11. Google offers search engine services through its website www.google.com. Specifically, a user can submit a query to Google via the Internet, and Google will provide the user search results responsive to that query.

12. As part of its search engine services, Google accepts queries from users.

13. As part of its search engine services, Google uses one or more hashing algorithms.

14. As part of its search engine services, Google returns search results responsive to user queries.

15. As part of its search engine services, Google uses a system called PageRank to increase the relevancy of the search results it returns.

16. Google maintains and operates clusters of networked computers to provide search engine services to users.

17. Google obtains advertising revenue, at least in part, from fees charged through its AdSense program for advertisements placed next to the search results on its websites as well as the search results on Google Network member sites.

18. Google's advertising revenues made up at least 99% of Google's total revenue in 2004.

19. Google's advertising revenues made up at least 99% of Google's total revenue in 2005.

20. Google's advertising revenues made up at least 99% of Google's total revenue in 2006.

21. Google's advertising revenues made up at least 99% of Google's total revenue in the first six months of 2007.

22. The success of Google's advertising programs depends, at least in part, on the number of searches initiated at its websites and the websites of its Google Network members.

23. The number of searches initiated at Google websites and the websites of its Google Network members depends, at least in part, on how quickly searches are executed and results are returned to the user.

24. Google's ability to earn revenue substantially depends on the performance of its search engine services.

FIRST CLAIM FOR RELIEF

INFRINGEMENT OF UNITED STATES PATENT NO. 5,694,593

25. The '593 patent issued on December 2, 1997. A true and correct copy of the '593 patent is attached to Plaintiffs' original complaint as Exhibit A.

26. Google has directly and/or indirectly infringed one or more claims of the '593 patent, and Google is continuing such infringement by practicing or causing others to practice one or more of the inventions claimed in the '593 patent. For example, Google makes, uses, imports, sells and/or offers for sale search engine services and systems that infringe or that are used in ways that infringe one or more claims of the '593 patent in this district and elsewhere in the United States.

27. Plaintiffs have suffered damages as a result of Google's infringement and will continue to suffer damages as a result of Google's continued infringement.

28. Google has caused and will, until enjoined, continue to cause irreparable injury to Plaintiffs for which there is no adequate remedy at law.

29. On information and belief, Google did not obtain a written or oral opinion of counsel regarding its infringement or non-infringement of the '593 patent, the validity of the '593 patent, and/or the enforceability of the '593 patent prior to being served with this Complaint.

DEMAND FOR JURY TRIAL

30. Pursuant to Federal Rule of Civil Procedure 38, Plaintiffs demands a jury trial on all issues triable of right by a jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for judgment as follows:

- (a) that Google has infringed the '593 patent;
- (b) that an injunction be issued against further infringement of the '593 patent by Google and its officers, agents, servants, employees, attorneys and all persons in active concert or participation with them;
- (c) that Google account and pay actual damages, but no less than a reasonable royalty, to Plaintiffs to compensate them for Google's infringement of the '593 patent as provided by 35 U.S.C. § 284;
- (d) that Google pay interest and costs to Plaintiffs as provided for by 35 U.S.C. § 284; and
- (e) that Plaintiffs be granted such other and further relief as the Court deems just and equitable.

Respectfully submitted,



WILLIAM B. DAWSON (State Bar No. 05606300)
VINSON & ELKINS L.L.P.
3700 Trammell Crow Center
2001 Ross Avenue
Dallas, Texas 75201-2975
Tel: (214) 220-7926
Fax: (214) 999-7926

DAVID B. WEAVER (State Bar No. 00798576)
MICHAEL A. VALEK (State Bar No. 24044028)
R. FLOYD WALKER (State Bar No. 24044751)
VINSON & ELKINS L.L.P.
The Terrace 7
2801 Via Fortuna, Suite 100
Austin, Texas 78746-7568
Tel: (512) 542-3476
Fax: (512) 236-3476

OF COUNSEL:

OTIS W. CARROLL, JR. (State Bar No. 03895700)
IRELAND CARROLL & KELLEY, PC
6101 S. Broadway, Suite 500
Tyler, TX 75703
Tel: (903) 561-1600
Fax: (903) 581-1071

FRANKLIN JONES, JR. (State Bar No. 00000055)
JONES & JONES, INC., P.C.
201 West Houston Street, Drawer 1249
Marshall, TX 75671-1249
Tel: (903) 938-4395
Fax: (903) 938-3360