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10 Attorneys for Plaintiff  
 11 OVERTURE SERVICES, INC.

12 UNITED STATES DISTRICT COURT  
 13 NORTHERN DISTRICT OF CALIFORNIA  
 14 SAN FRANCISCO DIVISION

15  
 16 OVERTURE SERVICES, INC., a  
 Delaware Corporation,  
 17 Plaintiff,  
 18 vs.  
 19 GOOGLE INC., a California Corporation,  
 20 Defendant.  
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Case No. C 02-01991 JSW

**AMENDED COMPLAINT FOR  
 PATENT INFRINGEMENT**

**DEMAND FOR JURY TRIAL**

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1 Plaintiff, Overture Services, Inc. (hereinafter "Overture"), for its complaint  
2 against Defendant, Google Inc. (hereinafter "Google"), avers and alleges as follows:

3 **JURISDICTION AND VENUE**

4 1. This is an action for patent infringement arising under the patent laws  
5 of the United States, 35 U.S.C. § 100 *et. seq.*, for infringement of United States  
6 Patent No. 6,269,361 (hereinafter "the '361 patent"), entitled "System and Method  
7 For Influencing a Position on a Search Result List Generated by a Computer  
8 Network Search Engine," a copy of which is attached as Exhibit 1. Jurisdiction is  
9 conferred upon this Court by 28 U.S.C. § 1338(a). Venue is proper in this district  
10 pursuant to 28 U.S.C. § 1400(b) and 28 U.S.C. § 1391(b) and (c), as Google resides  
11 in and is subject to personal jurisdiction in this judicial district.

12 **THE PARTIES**

13 2. Overture is a Delaware corporation with its principal place of business  
14 at 74 North Pasadena Avenue, Pasadena, California 91103.

15 3. Google is a California corporation with its principal place of business at  
16 2400 Bayshore Parkway, Mountain View, California 94043.

17 **INFRINGEMENT**

18 4. On July 31, 2001, the '361 patent was duly and legally issued to  
19 GoTo.com, the assignee of all right, title, and interest in the '361 patent. On  
20 October 8, 2001, GoTo.com changed its name to Overture Services, Inc. Overture  
21 is the owner of the '361 patent and has the legal right to enforce the '361 patent and  
22 seek equitable relief and damages for infringement of the '361 patent. Since its  
23 issuance, the '361 patent has been in full force and effect. Overture has complied  
24 with the marking and notice requirements of 35 U.S.C. § 287 for the '361 patent.

25 5. Overture operates a search engine located at [www.overture.com](http://www.overture.com) that  
26 generates search results ordered, at least in part, on bids submitted by web site  
27 promoters.

1 6. Google operates a search engine located at www.google.com that  
2 generates search results ordered, at least in part, on bids submitted by web site  
3 promoters.

4 7. On information and belief, Google was aware of Overture's '361 patent  
5 when it introduced search results ordered, at least in part, on bids submitted by web  
6 site promoters.

7 8. Google is directly infringing, inducing infringement by others, and/or  
8 contributorily infringing one or more claims of the '361 patent within this district and  
9 elsewhere within the United States by operating a search engine incorporating  
10 Overture's patented systems and methods, and will continue to do so unless  
11 enjoined by the Court. Google's infringement of the '361 patent has been, and  
12 remains, willful and deliberate, as Google has committed, and continues to commit,  
13 the acts alleged with previous notice and knowledge of the '361 patent.

14 9. As a direct result of said infringement, Google has caused, and will  
15 continue to cause, Overture irreparable injury and financial damage.

16 **WHEREFORE**, Overture prays for a judgment:

- 17 (a) adjudging that Google has infringed the '361 patent;  
18 (b) granting a permanent injunction restraining and enjoining  
19 Google, and its officers and representatives, from further infringement of the '361  
20 patent during the remaining term thereof;  
21 (c) awarding Overture damages for Google's infringement of the  
22 '361 patent, in an amount to be determined at trial, together with prejudgment  
23 interest, and that such damages be trebled pursuant to 35 U.S.C. § 284 because of  
24 the willful and deliberate character of the infringement;  
25 (d) awarding Overture its costs and attorneys' fees, and adjudging  
26 this case to be an exceptional case pursuant to 35 U.S.C. § 285;  
27 (e) awarding such other and further relief as the Court may deem  
28 proper and just.

**DEMAND FOR JURY TRIAL**

1 Overture hereby demands trial by jury as to all issues in this action triable by a  
2 jury.  
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**CERTIFICATION OF INTERESTED PARTIES OR PERSONS**

4 Pursuant to Civil L.R. 3-16, the undersigned certifies that as of this date, other  
5 than the named parties, there is no such interest to report.  
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7 Dated: March 28, 2003

By: \_\_\_\_\_ /s/

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