JS 44 (Rev. 12/12) Cand rev (1/15/13)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

| purpose of initiating the civil de | This form, approved by the Judicial Confocket sheet. (SEE INSTRUCTIONS ON NEXT.) | erence of the U PAGE OF THIS | United States in September 19 SFORM.) | 9/4, is required for the use of | the Clerk of Court for the |
|--|--|--|--|---|---|
| I. (a) PLAINTIFFS GOOGLE INC. | | | DEFENDANTS CONTENTGUARD HOLDINGS, INC. | | |
| (b) County of Residence of First Listed Plaintiff Santa Clara (EXCEPT IN U.S. PLAINTIFF CASES) (c) Attorneys (Firm Name, Address, and Telephone Number) Michael Malecek KAYE SCHOLER LLP Two Palo Alto Square 3000 El Camino Real, Suite 400, Palo Alto, California 94306 | | | County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED. Attorneys (If Known) | | |
| (650) 319-4500 | | | | | |
| II. BASIS OF JURISDICTION (Place an "X" in One Box Only) □ 1 U.S. Government Plaintiff (U.S. Government Not a Party) | | | CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff (For Diversity Cases Only) PTF Citizen of This State 1 | | |
| 2 U.S. Government Defendant | ☐ 4 Diversity (Indicate Citizenship of Parties in Item I. | | Citizen of Another State | 2 | |
| | | | Citizen or Subject of a 3 Foreign Nation 6 6 | | |
| IV. NATURE OF SUIT | | | EQUEETINE/DENALTY | D A NIZDAUDTCH | OTHER CTATUTES |
| CONTRACT 110 Insurance 120 Marine 130 Miller Act 140 Negotiable Instrument 150 Recovery of Overpayment & Enforcement of Judgment 151 Medicare Act 152 Recovery of Defaulted Student Loans (Excludes Veterans) 153 Recovery of Overpayment of Veteran's Benefits 160 Stockholders' Suits 190 Other Contract 195 Contract Product Liability 196 Franchise REAL PROPERTY 210 Land Condemnation 220 Foreclosure 230 Rent Lease & Ejectment 240 Torts to Land 245 Tort Product Liability 290 All Other Real Property 250 DECENT 250 DECENT 250 All Other Real Property 250 DECENT 250 All Other Real Property 250 DECENT 250 All Other Real Property 250 DECENT 250 DECENT | Liability 367 Health C 320 Assault, Libel & Slander Personal S45 Marine Product Liability 348 Asbestos Injury Product Liability 350 Motor Vehicle 370 Other Product Liability 380 Other Personal Property 385 Property 385 Property S40 Other Personal Product Liability S40 Other Personal Property S40 Other Personal Property S40 Other Personal S40 Other Personal Property S40 Other Personal S50 General S40 Mandam S50 Civil Rights S55 Prison C S60 Civil Decondition S50 Civil Decondition S60 Civil Deconditio | Injury - Liability are/ eutical Injury Liability Personal roduct PROPERTY aud Lending rsonal Damage Liability ETITIONS pus: etainee to Vacate enalty us & Other ghts ondition tainee - ns of | G25 Drug Related Seizure of Property 21 USC 881 G90 Other LABOR T10 Fair Labor Standards Act T20 Labor/Management Relations T40 Railway Labor Act T51 Family and Medical Leave Act T90 Other Labor Litigation T91 Employee Retirement Income Security Act IMMIGRATION 462 Naturalization Application Actions | 322 Appeal 28 USC 158 423 Withdrawal 28 USC 157 425 Withdrawal 28 USC 157 426 Withdrawal 28 USC 157 427 Withdrawal 28 USC 157 428 Withdrawal 28 USC 157 429 Withdrawal 28 USC 167 429 Withdrawal 28 | 375 False Claims Act 400 State Reapportionment 410 Antitrust 430 Banks and Banking 450 Commerce 460 Deportation 470 Racketeer Influenced and Corrupt Organizations 480 Consumer Credit 490 Cable/Sat TV 850 Securities/Commodities/Exchange 890 Other Statutory Actions 891 Agricultural Acts 893 Environmental Matters 895 Freedom of Information Act 896 Arbitration 899 Administrative Procedure Act/Review or Appeal of Agency Decision 950 Constitutionality of State Statutes |
| V. ORIGIN (Place an "X" in One Box Only) □ 1 Original Proceeding State Court Appellate Court Reopened Title the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): □ Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): | | | | | |
| VI. CAUSE OF ACTION | The United States Patent Act, 35 U.S.C Brief description of cause: Declaratory judgment of non-infringem | . § 100 et seq. | | es uniess awersity): | |
| VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. | | | DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes □ No | | |
| VIII. RELATED CASI IF ANY | E(S) (See instructions): JUDGE | | | DOCKET NUMBER | |
| IX. DIVISIONAL ASS (Place an "X" in One Box On DATE | IGNMENT (Civil L.R. 3-2) ly) (X) SIGNATURE O | | ANCISCO/OAKLAN | D () SAN JOSE | () EUREKA |
| January 31, 2014 | /s/ Michael N | | OI RECORD | | |