

RECEIPT NUMBER

502151

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EX. A-B

FILED

FEB - 2 2004

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CLERK'S OFFICE-DETROIT-PSG
U.S. DISTRICT COURT

NETJUMPER, L.L.C.
a Michigan limited liability corporation,

Hon.

Plaintiff,

vs.

JUDGE : Cook, Julian Abele,
Jr.
DECK : S. Division Civil Deck
FILE DATE : 02/02/2004 @ 10:41:58
CASE NO : 2:04CV70366

GOOGLE, INC., a California
corporation,

Defendant.

SOMMERS, SCHWARTZ, SILVER
& SCHWARTZ, P.C.
Andrew Kochanowski (P55117)
Attorneys For Plaintiff
2000 Town Center, 9th Floor
Southfield, MI 48075
(248) 355-0300

MAGISTRATE JUDGE R. STEVEN WHALEN

COMPLAINT FOR PATENT INFRINGEMENT, JURY TRIAL AND DAMAGES

PARTIES

Plaintiff, NetJumper, L. L. C., as its Complaint against Defendant Google Corporation ("Google") alleges as follows:

1. Plaintiff NetJumper is a Michigan limited liability corporation with offices in Southfield, Michigan, within this judicial district.
2. Defendant Google is a California corporation doing business in Michigan and conducting the acts of infringement complained of in the State of Michigan within this district.

LAW OFFICES
SOMMERS, SCHWARTZ, SILVER & SCHWARTZ, P.C.
2000 TOWN CENTER • SUITE 900 • SOUTHFIELD, MICHIGAN 48075 • (248) 355-0300

JURISDICTION AND VENUE

3. This Court has jurisdiction pursuant to 28 USC §§ 1331 and 1338 over this infringement action, which arises under the patent laws of the United States Code, and in particular, 35 USC §§ 271, 281, 283, 284 and 285.

4. On information and belief, Google does business in the state of Michigan and in this district. Venue is proper in this Court pursuant to 28 USC §§ 1391 and 1400.

THE PATENT-IN-SUIT

5. On March 30, 1999 and May 1, 2001, United States Letters Patent Nos. 5,890,172 and 6,226,655B1, entitled METHOD AND APPARATUS FOR RETRIEVING DATA FROM A NETWORK USING LINKED LOCATION IDENTIFIERS, respectively, ("the '172 and '655 patents"), duly and legally issued. The patents are valid and subsisting, and are attached as Exhibits A and B.

6. NetJumper owns all right, title and interest to the '172 and '655 patents.

PATENT INFRINGEMENT

7. Google is a company offering web searching and other services through its Web site, www.google.com. Google also makes available through [http:// labs.google.com](http://labs.google.com) various technologies to be used, downloaded, and implemented by users of its Google searching technology. In connection with its various products and services, a Google module called Google Toolbar was made available to Google users and customers by Internet downloading. The Google Toolbar contains a feature called "Web Buttons" which in turn contain a "Next and Previous" feature. Upon information and belief, in excess of 14 million Google Toolbars have been downloaded by Google users, to Google's benefit. The Google Labs has further made available a technology called Google Viewer. The Google Viewer contains a "Continuous

Scrolling Slide Show" feature. Both the Google Toolbar and the Google Viewer modules and their features herein described, were made, offered, used, and/or sold by Defendant Google. These technologies have infringed and continue to infringe the '172 and '655 patents in this judicial district and will continue to do so unless enjoined by this court. Upon information and belief, Google also infringes the '172 and '655 patents as a contributory infringer and by active inducement of infringement.

8. Prior to the institution of this litigation, NetJumper had been in communication with Google concerning potential uses of its patented technologies, and in the course of various discussions with Google personnel had disclosed the subject patents to Google. Upon information and belief, Google's acts of infringement have been and continue to be willful and wanton.

RELIEF REQUESTED

WHEREFORE, Plaintiff NetJumper prays for relief against Google as follows:

1. Enter judgment that Google has directly infringed, has actively induced others to infringe and/or has contributed in the infringement of U.S. Letters Patent Nos. '172 and '655.
2. Enter judgment that said infringement was and continues to be willful and wanton;
3. Award NetJumper damages adequate to compensate for past infringement by Google in the amount no less than a reasonable royalty, in a sum to be determined at trial, and that said damages be trebled in view of the willful and wanton nature of the infringement;
4. Enter a preliminary and permanent injunction against Google, its officers, agents, servants, employees and attorneys, and other persons in active concert or participation with Google, enjoining Google from further infringement of the '172 and '655 patents;

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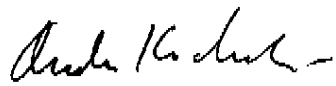
5. Order Google to deliver to NetJumper for destruction, all infringing products and systems in its possession;
6. Declare this case an exceptional case under 35 U.S.C. § 285, and award NetJumper its attorney fees incurred in this action;
7. Award NetJumper its costs of this action, interest on the award and other charges to the maximum extent permitted; and
8. Award NetJumper any other relief as the Court deems just and proper under the circumstances.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury herein.

Respectfully submitted,

SOMMERS, SCHWARTZ, SILVER &
SCHWARTZ, P.C.

By: 

ANDREW KOCHANOWSKI (P55117)
Attorneys for Plaintiff
2000 Town Center Drive, Suite 900
Southfield, MI 48075-1100
(248) 355-0300

DATED: January 31, 2004

Cook / RSW

CIVIL COVER SHEET

04-70966

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 1977, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

NetJumper, L.L.C.,
a Michigan limited liability corporation

DEFENDANTS

Google, Inc.,
a California corporation

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Oakland County, Mi
26125

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT State of California
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT AND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS AND TELEPHONE NUMBER)

Sommers, Schwartz, Silver & Schwartz, P.C.
Andrew Kochanowski (P55117)
2000 Town Center, Suite 900
Southfield, MI 48075 (248) 355-0300

ATTORNEYS (IF KNOWN)

MAGISTRATE JUDGE R. STEVEN WHEALEN
JULIAN ABELE COOK

II. BASIS OF JURISDICTION (PLACE AN "X" IN ONE BOX ONLY)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | | | | | |
|---|--------------------------------|--------------------------------|---|--------------------------------|--------------------------------|
| Citizen of This State | PTF <input type="checkbox"/> 1 | DEF <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | PTF <input type="checkbox"/> 4 | DEF <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure Of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 480 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 880 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input checked="" type="checkbox"/> 230 Rent Lease & Equipment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence HABEAS CORPUS <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS — Third Party 26 USC 7809	

V. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation
- 7 Judge from Magistrate Judgment

VI. CAUSE OF ACTION

(CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

35 USC §101, Patent Act

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: YES NO

VIII. RELATED CASE(S) IF ANY

(See instructions)

JUDGE

DOCKET NUMBER

DATE

2/2/04

SIGNATURE OF ATTORNEY OF RECORD

Andrew Kochanowski

FOR OFFICE USE ONLY

RECEIPT _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG JUDGE _____

PURSUANT TO LOCAL COURT RULE 8 (b)(3)(i)

(a) IS THIS A CASE THAT HAS BEEN PREVIOUSLY DISCONTINUED OR DISMISSED WITHOUT PREJUDICE OR REMANDED TO A STATE COURT?

YES NO

(b) IF YES GIVE THE FOLLOWING INFORMATION:

CASE NO: _____

COURT _____

ASSIGNED JUDGE: _____

PURSUANT TO LOCAL COURT RULE 8 (b) (3) (ii)

(a) OTHER THAN STATED ABOVE, ARE THERE ANY PENDING OR PREVIOUSLY DISCONTINUED OR DISMISSED COMPANION CASES (cases in which it appears substantially similar evidence will be offered at trial or the same or related parties are present and the cases arise out of the same transaction or occurrence) IN THIS OR ANY OTHER COURT, INCLUDING STATE COURT?

YES NO

(b) IF YES GIVE THE FOLLOWING INFORMATION:

CASE NO: _____

COURT _____

ASSIGNED JUDGE: _____