

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

SimpleAir, Inc.,

Plaintiff,

vs.

Google Inc.,

Defendant.

Civil Action No.

Jury Demanded

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff SimpleAir, Inc. sues Defendant Google and on information and belief alleges as follows:

Introduction

1. Plaintiff SimpleAir owns the inventions described and claimed in U.S. Patent No. 8,572,279 (the ‘279 patent), entitled “System and Method for Transmission of Data.” Defendant Google has infringed this patent in making and using the systems claimed by the patent by developing, offering, operating, using, and putting into service the Google Cloud Messaging (GCM) and Android Cloud to Device Messaging (C2DM) services and systems. SimpleAir seeks damages for patent infringement and an injunction preventing Google from further direct infringement of the patent.

Jurisdiction and Venue

2. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§271 and 281, *et seq.* The Court has original jurisdiction over this patent infringement action under 28 U.S.C. §1338(a).

3. Venue is proper in this Court because Defendant Google is responsible for acts of

infringement occurring in the Eastern District of Texas as alleged in this Complaint, and has delivered or caused to be delivered infringing services and software in the Eastern District of Texas. In addition, this Court has presided over prior matters relating to the asserted patent:

- *SimpleAir, Inc. v. AWS Convergence Technologies, Inc., et al.*, 2:09-cv-289-CE (E.D. Tex.), in which the Court entered a *Markman* order construing the parent patents of the ‘279 patent;
- *SimpleAir, Inc. v. Microsoft Corporation, et al.*, 2:11-cv-416 JRG (E.D. Tex.), in which the Court entered a *Markman* order construing the parent patents of the ‘279 patent.

Plaintiff SimpleAir, Inc.

4. Plaintiff SimpleAir, Inc. is a corporation existing under and by virtue of the laws of the State of Texas. SimpleAir is an inventor-owned technology licensing company with interests and intellectual property in the wireless content delivery, mobile application, and push notification market spaces. SimpleAir’s patent portfolio is licensed by many leading technology companies.

The Patent

5. The United States Patent and Trademark Office issued the ‘279 patent on October 29, 2013. A copy of the ‘279 patent is attached as Exhibit A. SimpleAir is the owner of all right, title, and interest in the patent, including all rights to pursue and collect damages for past infringements of the patent.

Defendant Google

6. Defendant Google Inc. (“Google”) is a Delaware corporation with a principal place of business in Mountain View, California and various other offices and facilities of relevance located throughout the country.

First Claim for Patent Infringement (‘279 patent)

7. Plaintiff incorporates by reference each of the allegations in paragraphs 1-6 above and further alleges as follows:

8. On October 29, 2013, the United States Patent and Trademark Office issued U.S. Patent No. 8,572,279 (the '279 patent), entitled "System and Method for Transmission of Data."

9. Plaintiff SimpleAir, Inc. is the owner of the '279 patent with full rights to pursue recovery of royalties or damages for infringement of said patent, including full rights to recover past and future damages.

10. Each claim of the '279 patent is valid and enforceable.

11. Defendant Google has directly infringed the claims of the '279 patent by making, using, operating, and putting into service the Google Cloud Messaging (GCM) and Android Cloud to Device Messaging (C2DM) services and systems.

12. Plaintiff SimpleAir has been damaged by Google's infringement of the '279 patent and will suffer additional irreparable damage and impairment of the value of its patent rights unless Google is enjoined from continuing to infringe.

13. Plaintiff SimpleAir demands trial by jury of all issues relating to this claim.

WHEREFORE, Plaintiff prays for judgment as follows:

- A. A decree permanently enjoining Defendant Google, its officers, directors, employees, agents, and all persons in active concert with them, from infringing the '279 patent;
- B. Compensatory damages for Defendant Google's infringement of the '279 patent;
- C. Pre-judgment interest; and
- D. For such other relief as justice requires.

Date: November 4, 2013

Respectfully submitted,

By: /s/ Jeff Eichmann
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(admitted to practice before the U.S. District
Court for the Eastern District of Texas)
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