

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

ARENDI S.A.R.L.,

Plaintiff,

v.

GOOGLE LLC,

Defendant.

C.A. No. 13-919-LPS

Original Version Filed: April 8, 2021

Public Version Filed: April 15, 2021

**PLAINTIFF'S ANSWERING BRIEF IN OPPOSITION TO DEFENDANT  
GOOGLE LLC'S MOTION FOR SUMMARY JUDGMENT OF NON-INFRINGEMENT**

*Of Counsel:*

Seth Ard  
Beatrice Franklin  
Max Straus  
SUSMAN GODFREY, LLP  
1301 Avenue of the Americas, 32<sup>nd</sup> Floor  
New York, NY 10019  
sard@susmangodfrey.com  
bfranklin@susmangodfrey.com  
mstraus@susmangodfrey.com

John Lahad  
Ibituroko-Emi Lawson  
Burton DeWitt  
Robert Travis Korman  
Brenda Adimora  
1000 Louisiana Street, Suite 5100  
Houston, TX 77002-5096  
jlahad@susmangodfrey.com  
elawson@susmangodfrey.com  
bdewitt@susmangodfrey.com  
tkorman@susmangodfrey.com  
badimora@susmangodfrey.com

Kalpana Srinivasan  
1900 Avenue of the Stars, Suite 1400  
Los Angeles, CA 90067  
ksrinivasan@susmangodfrey.com

SMITH, KATZENSTEIN & JENKINS LLP  
Neal C. Belgam (No. 2721)  
Eve H. Ormerod (No. 5369)  
1000 West Street, Suite 1501  
Wilmington, DE 19801  
(302) 652-8400  
nbelgam@skjlaw.com  
eormerod@skjlaw.com

*Attorneys for Plaintiff Arendi S.A.R.L.*

Kemper Diehl  
1201 Third Avenue, Suite 3800  
Seattle, WA 98101-3000  
kdiehl@susmangodfrey.com

Dated: April 8, 2021

**TABLE OF CONTENTS**

	<u>Page</u>
NATURE AND STAGE OF PROCEEDINGS .....	1
SUMMARY OF THE ARGUMENT .....	1
STATEMENT OF FACTS .....	2
ARGUMENT .....	11
1. Each document identified by Arendi is a “word processing, spreadsheet, or similar file into which text can be entered.” .....	12
A. Evidence supports Arendi’s position that text can be entered into each type of document at issue in this case.....	13
B. Evidence supports Arendi’s position that each document is a “word processing, spreadsheet, or similar file.” .....	16
2. Each of the Accused Apps and Accused Devices perform the required analysis:.....	23
3. Each Accused App sets up the input device and receives the user command. ....	29
CONCLUSION.....	40

**TABLE OF AUTHORITIES**

	<b>Page(s)</b>
<b>Cases</b>	
<i>Anderson v. Liberty Lobby, Inc.</i> , 477 U.S. 242 (1986).....	11
<i>Bai v. L &amp; L Wings, Inc.</i> , 160 F.3d 1350 (Fed. Cir. 1998).....	11, 12
<i>Osseo Imaging, LLC v. Planmeca USA Inc.</i> , No. CV 17-1386-LPS, 2020 WL 6318724 (D. Del. Oct. 28, 2020) .....	12
<b>Rules</b>	
Fed. R. Civ. P. 56(a) .....	11

..

Google’s motion for summary judgment rests on misstatements of Arendi’s infringement theories, the invention of non-existent claim limitations, attempts to relitigate or ignore the Court’s claim construction order, and repeated oversight of contradictory evidence detailed in the expert reports of Arendi’s infringement expert, Trevor Smedley. This evidence showing that Google’s accused mobile apps and devices practice each element of claims 1, 8, 23, and 30 of the ’843 Patent (“Asserted Claims”) raises a question of material fact and precludes summary judgment.

### NATURE AND STAGE OF PROCEEDINGS

Arendi alleges that Google infringes the Asserted Claims. The Court entered its claim construction order on August 19, 2019, D.I. 144, fact discovery closed on December 13, 2019, D.I. 174, at 2, and expert discovery closed on January 22, 2021, D.I. 210, at 3.

### SUMMARY OF THE ARGUMENT

Google has not identified a single limitation of the Asserted Claims for which Arendi lacks material evidence of infringement. Google’s motion for summary judgment must be denied.<sup>1</sup>

1. Evidence shows that each “document” at issue in this case is a “word processing, spreadsheet or similar file into which text can be entered,” as Dr. Smedley confirms a POSITA would understand. The weakness of Google’s position is belied by its assertion that even a text document in Docs or spreadsheet in Sheets—Google’s word processing and spreadsheets apps—does not qualify as a “document.” Google’s assertion that “transitory interface[]” elements such as

---

<sup>1</sup> The Asserted Claims, moreover, require use of only *one* “first computer program.” *See, e.g.,* Straus Decl. Ex. 1 (’843 Patent), at 10:41-42 (“displaying the document electronically using *the* first computer program (emphasis added)). To prove infringement by the Accused Devices, Arendi only needs to show infringement when *one* of the Accused Apps serves as the “first computer program.” Thus, even were the Court to agree with some of the Google’s arguments, the relief requested by Google would be overboard. For example, should the Court find that the Accused Apps listed in paragraph 1 of Google’s proposed order do not utilize “documents,” that would not mean that “[n]one of the Asserted Claims is directly infringed.” D.I. 275-1, at 1. Accused Devices would still infringe using a different first computer program, such as Keep.

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.