

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

|  |             |   |                                   |
|--|-------------|---|-----------------------------------|
| RFCyber CORP.,                         |             | § |                                   |
|  | Plaintiff,  | § | Case No.                          |
|  |             | § |                                   |
| v.                                     |             | § | <b><u>JURY TRIAL DEMANDED</u></b> |
|  |             | § |                                   |
| GOOGLE LLC and GOOGLE PAYMENT<br>CORP. |             | § |                                   |
|  | Defendants. | § |                                   |
|  |             | § |                                   |

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff, RFCyber Corp. (“RFCyber” or “Plaintiff”), files this original Complaint against Defendants Google LLC and Google Payment Corp. (collectively, “Google” or “Defendants”) for patent infringement under 35 U.S.C. § 271 and alleges as follows:

**THE PARTIES**

1. RFCyber is a corporation organized and existing under the laws of the State of Texas, with its principal place of business located at 7300 Lone Star Drive, Suite c200, Plano, TX 75024. RFCyber is the owner of all right, title, and interest in and to, or is the exclusive licensee with the right to sue for U.S. Patent Nos. 8,118,218, 8,448,855, 9,189,787, 9,240,009, and 10,600,046.

2. Google LLC is a Delaware corporation and maintains its principal place of business located at 1600 Amphitheatre Parkway, Mountain View, California 94043, and may be served with process through its registered agent, Corporation Service Company at 251 Little Falls Drive, Wilmington, DE 19808.

3. Google Payment Corp. is a Delaware corporation and maintains its principal place of business located at 1600 Amphitheatre Parkway, Mountain View, California 94043, and may

be served with process through its registered agent, Corporation Service Company at 251 Little Falls Drive, Wilmington, DE 19808.

4. Upon information and belief, Google LLC does business in Texas, directly or through intermediaries, and offers its products and/or services, including those accused herein of infringement, to customers and potential customers located in Texas, including in the Judicial Eastern District of Texas.

5. On information and belief, Google maintains regular and established places of business within this Judicial District including at least the following locations: (1) 700 Lakeside Parkway, Flower Mound, Texas 75028; (2) 1201 East Spring Creek Parkway, Suite C-130, Plano, TX 75074; (3) 6205 Coit Road, Suite 336, Plano, TX 75024; (4) 1920 Eldorado Parkway, Suite 600, McKinney, TX 75069; and 2707 Cross Timbers, Suite 122, Flower Mound, TX 75028. Upon information and belief, Defendants employ individuals in this Judicial District involved in the sales and marketing of its products.

### **JURISDICTION**

6. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1, et seq. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

7. This Court has personal jurisdiction over Defendants. Defendants regularly conduct business and have committed acts of patent infringement within this Judicial District that give rise to this action, and have established minimum contacts with this forum such that exercise of jurisdiction over Google would not offend traditional notions of fair play and substantial justice. Google has committed and continues to commit acts of infringement in this Judicial District, by, among other things, offering to sell, selling, using, importing, and making products and services

that infringe the asserted patents. Google has further induced acts of patent infringement by others in this Judicial District and/or has contributed to patent infringement by others in this Judicial District, the State of Texas, and elsewhere in the United States.

8. Venue is proper in this Judicial District pursuant to 28 U.S.C. §§ 1391 and 1400(b). Google is registered to do business in Texas and, upon information and belief, Google has transacted business in the Eastern District of Texas and has committed acts of direct and indirect infringement in the Eastern District of Texas. Google has regular and established places of business in this Judicial District as set forth below and is deemed to reside in this Judicial District.

9. Google is a multi-national technology company that collects, stores, organizes, and distributes data. In addition to its service model for distribution of data (e.g., movies, search results, maps, music, etc.), Google has an expansive regime that gathers data on residents of this Judicial District through the hardware devices it sells (e.g., phones, tablets, and home audio devices) and, also, through the operating systems and apps it provides. As an example, Google gathers data when a resident runs its operating systems and apps (e.g., Android and Google Pay).<sup>1</sup> As another example, Google gathers data when a resident interacts with Google’s plethora of services such as search, contactless payment, email, music, and movie streaming. *See* <https://safety.google/privacy/data/> (indicating that Google gathers data from “things you search for,” “Videos you watch,” “Ads you view or click,” “Your location,” “Websites you visit,” and “Apps, browsers, and devices you use to access Google services”). As yet another example, Google gathers data “where you’ve been,” “everything you’ve ever searched—and deleted,” “all the apps you use,” “all of your YouTube history,” “which events you attended, and when,”

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<sup>1</sup> *See e.g.*, “AP Exclusive: Google tracks your movements, like it or not,” <https://apnews.com/828aefab64d4411bac257a07c1af0ecb/AP-Exclusive:-Google-tracks-yourmovements,-like-it-or-not>; *see also* <https://pay.google.com/about/learn/>.

“information you deleted [on your computer],” “your workout routine,” “years’ worth of photos,” and “every email you ever sent.”<sup>2</sup>

10. In addition to extensive data gathering on residents of this Judicial District, Google has a substantial presence in this District directly through the products and services Google provides residents of this District (some of which also gather data).<sup>3</sup> Google derives revenue through, among other things, direct payments from residents of this District,<sup>4</sup> through sharing residents’ data with third-parties,<sup>5</sup> and through serving advertisements to residents.<sup>6</sup>

11. Google describes itself as an “information company.”<sup>7</sup> Its vision is “to provide access to the world’s information in one click,” and its mission is “to organize the world’s information and make it universally accessible and useful.”<sup>8</sup> Making information available to people wherever they are and as quickly as possible is critical to Google’s business.<sup>9</sup>

12. Google’s CEO, Sundar Pichai, explained, “We want to make sure that no matter who you are and where you are or how advanced the device you are using—Google works for

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<sup>2</sup> See <https://www.theguardian.com/commentisfree/2018/mar/28/all-the-data-facebook-googlehas-on-you-privacy>.

<sup>3</sup> Non-limiting examples include Google Search, Maps, Translate, Chrome Browser, YouTube, YouTube TV, Google Play Music, Chromecast, Google Play Movies and TV, Android Phones, Android gear, Chromebooks, Android Auto, Gmail, Google Allo, Google Duo, Google+, Google Photos, Google Contacts, Google Calendar, Google Keep, Google Docs, Google Sheets, Google Slides, Google Drive, Google Voice, Google Assistant, Android operating system, Project Fi Wireless phone systems, Google Pixel, Google Home, Google Wifi, Daydream View, Chromecast Ultra.

<sup>4</sup> [https://support.google.com/pay/answer/7643997?hl=en&ref\\_topic=7644058](https://support.google.com/pay/answer/7643997?hl=en&ref_topic=7644058)

<sup>5</sup> See <https://www.theguardian.com/commentisfree/2018/mar/28/all-the-data-facebook-googlehas-on-you-privacy>.

<sup>6</sup> <https://support.google.com/google-ads/answer/6382835?hl=en>

<sup>7</sup> See “This Year’s Founder’s Letter” by Alphabet CEO, Sundar Pichai, <https://blog.google/inside-google/alphabet/this-years-founders-letter/>.

<sup>8</sup> <https://panmore.com/google-vision-statement-mission-statement>.

<sup>9</sup> *Id.* See also “Introduction to GCC,”

<https://support.google.com/interconnect/answer/9058809?hl=en>.

you.”<sup>10</sup> To meet this goal, Google developed a content delivery network that it calls the Edge Network.

13. One non-limiting example of physical presence in this Judicial District is Google’s Edge Network. Google provides Android and/or web-based products and services, such as Google Pay, and Google Chrome, to users throughout the world, including in this District.<sup>11</sup> These products and services are in high demand. Google reports that the Android operating system has more than 2 billion monthly active devices.<sup>12</sup>

14. Google’s Edge Network, itself, has three elements: Core Data Centers, Edge Points of Presence, and Edge Nodes.<sup>13</sup> The Core Data Centers (there are eight in the United States) are used for computation and backend storage. Edge Points of Presence are the middle tier of the Edge Network and connect the Data Centers to the internet. Edge Nodes are the layer of the network closest to users. Popular content, including Google Maps, Google Messages, mobile apps, and other digital content from the Google Play store, is cached on the Edge Nodes, which Google refers to as Google Global Cache or “GGC.”

15. Google Global Cache is recognized as one of the most important pieces of Google’s infrastructure, and Google uses it to conduct the business of providing access to the world’s information.<sup>14</sup> GGC servers in the Edge Nodes function as local data warehouses, much like a shoe manufacturer might have warehouses around the country. Instead of requiring people to obtain

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<sup>10</sup> <https://time.com/4311233/google-ceo-sundar-pichai-letter/>.

<sup>11</sup> <https://support.google.com/pay/answer/9023773>

<sup>12</sup> See <https://www.theverge.com/2017/5/17/15654454/android-reaches-2-billion-monthly-activeusers>.

<sup>13</sup> <https://peering.google.com/#/infrastructure>.

<sup>14</sup> <https://www.blog.speedchecker.xyz/2015/11/30/demystifying-google-global-cache/>.

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