UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

WILDSEED MOBILE LLC, *Plaintiff,* v. GOOGLE LLC and YOUTUBE, LLC. *Defendant.*	Case No. 6:21-cv-1245 Jury Trial Demanded

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Wildseed Mobile LLC ("Wildseed Mobile" or "Plaintiff"), by its attorneys, demands a trial by jury on all issues so triable and for its Complaint against Google LLC ("Google") and YouTube, LLC ("YouTube") (collectively, "Defendants") alleges the following:

NATURE OF THE ACTION

1. This action arises under 35 U.S.C. § 271 for Defendants' infringement of Wildseed Mobile's United States Patent Nos. 7,376,414 (the "'414 patent"), 9,141,960 (the "'960 patent"), 10,251,021 (the "'021 patent"), 10,959,040 (the "'040 patent") and 10,869,169 (the "'169 patent") (collectively, the "Asserted Patents").

THE PARTIES

2. Plaintiff Wildseed Mobile LLC is a Domestic Limited-Liability Company organized under the laws of the State of Texas with a place of business at 510 Austin Avenue, Waco, TX 76701.

3. Google is a limited liability company organized under the laws of the State of Delaware with its headquarters at 1600 Amphitheater Parkway, Mountain View, California 94043. Google maintains regular and established places of business in this District, including offices at

Ex.1014
GOOGLE LLC / Page 1 of 97

500 W 2nd St., Suite 2900, Austin, TX 78701 and 110 East Houston Street, # 300, San Antonio, TX 78205. Google can be served through its registered agent for service at CSC - Lawyers Incorporating Service California 2710 Gateway Oaks Drive Ste 150N, Sacramento, California 95833.

4. Google does business in this District and across the State of Texas. It has over 1,700 full-time employees in Texas. On information and belief, they are located predominantly in this District.

5. YouTube is a limited liability company organized under the laws of Delaware with its headquarters at 901 Cherry Avenue, San Bruno, California 94066. YouTube may be served with process through its registered agent, the Corporation Service Company, with an address of 2710 Gateway Oaks Drive, Suite 150N, Sacramento, California 95833. YouTube is wholly owned by Google.

JURISDICTION AND VENUE

6. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

7. Jurisdiction and venue for this action are proper in the Western District of Texas.

8. This Court has personal jurisdiction over Defendants because Defendants have purposefully availed themselves of the rights and benefits of the laws of this State and this Judicial District. Defendants reside in the Western District of Texas by maintaining regular and established places of business at 500 W 2nd St., Austin, TX 78701 and 110 East Houston Street, # 300, San Antonio, TX 78205.

9. This Court also has personal jurisdiction over Defendants because they have done and are doing substantial business in this Judicial District, both generally and with respect

to the allegations in this Complaint, including Defendants' one or more acts of infringement in this Judicial District.

10. Venue is proper in this Judicial District under 28 U.S.C. §§ 1391(b) and (c) and § 1400(b). Defendants have committed acts of infringement through, for example, making, using, offering for sale and selling Defendants' products and/or services, including delivering advertisements and the YouTube website, in the Western District of Texas and have regular and established places of business in this District. Defendants' offices at 500 W 2nd St., Austin, TX 78701 and 110 East Houston Street, # 300, San Antonio, TX 78205 are physical places in the District, they are established locations where Defendants' business has been carried out for several years, and Defendants publicly advertises their presence in the District.

11. In addition, Defendants cache content at a Google Global Cache ("GGC") servers located in this district. *Seven Networks, LLC v. Google LLC*, 315 F.Supp.3d 933, 966 (E.D. Tex. 2018) (holding that Google's GGC servers are a "place of business"). Defendants' GGC is a regular and established place of business. YouTube and Google content is delivered through the GGC.

THE ASSERTED PATENTS

12. On May 20, 2008, the United States Patent Office issued the '414 patent titled "Method And System For Inserting Advertisements Into Broadcast Content," naming G. Eric Engstrom as the inventor. A true and correct copy of the '414 patent is attached as Exhibit A.

13. On September 22, 2015, the United States Patent Office issued the '960 patent titled "Venue And Event Recommendations For A User Device Of A Portable Media Player Device," naming Evan Feldman and Jonathan Nelson as inventors. A true and correct copy of the '960 patent is attached as Exhibit B.

14. On April 2, 2019, the United States Patent Office issued the ’021 patent titled “Venue And Event Recommendations For A User Device Of A Portable Media Player Device,” naming Evan Feldman and Jonathan Nelson as inventors. A true and correct copy of the ’021 patent is attached as Exhibit C.

15. On March 23, 2021, the United States Patent Office issued the ’040 patent titled “Venue And Event Recommendations For A User Device Of A Portable Media Player Device,” naming Evan Feldman and Jonathan Nelson as inventors. A true and correct copy of the ’040 patent is attached as Exhibit D.

16. On December 15, 2020, the United States Patent Office issued the ’169 patent titled “Method And System For Generating And Sending A Hot Link Associated With A User Interface To A Device,” naming G. Eric Engstrom, Peter Zatloukal and Tyrol Graham as inventors. A true and correct copy of the ’169 patent is attached as Exhibit E.

17. Wildseed Mobile is the owner of all right, title, and interest in and to each of the Asserted Patents with full and exclusive right to bring suit to enforce the Asserted Patents, including the right to recover for past damages and/or royalties prior to the expiration of the Asserted Patents.

18. The Asserted Patents are valid and enforceable.

COUNT I - INFRINGEMENT OF U.S. PATENT NO. 7,376,414

19. Plaintiff incorporates by reference the allegations contained in the preceding paragraphs of this Complaint as if fully set forth herein.

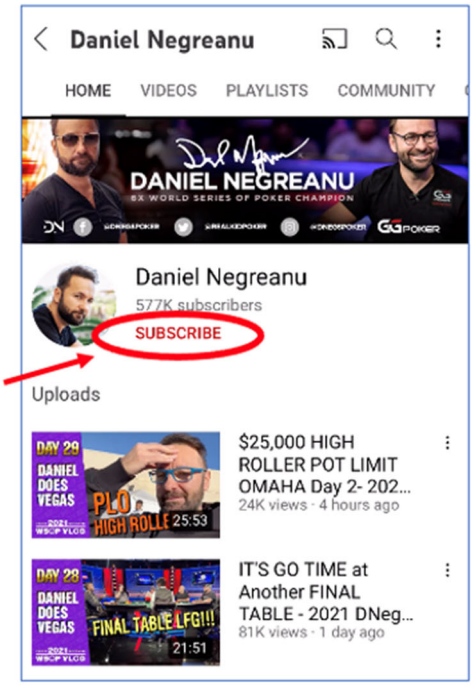
20. Defendants make, use, offer for sale, and/or sell in the United States and/or import into the United States products and services that provide video content and video advertisements to cellular devices. Specifically, Google, through its online store and retailers, provides cellular devices including the Google Pixel line of smartphones to consumers. Google

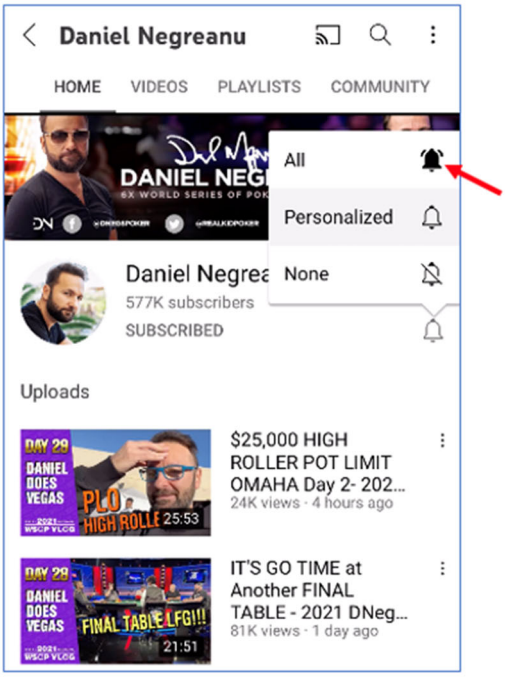
also operates servers that provide video advertisements to be played on cellular devices via the YouTube app or on the YouTube website via a browser, such as the Chrome browser. YouTube operates servers that provide videos to cellular devices via the YouTube app and YouTube website, including providing videos and notifications to subscribers of YouTube channels. (collectively, the "'414 Patent Accused Products").

21. The '414 Patent Accused Products infringe at least claims 1, 9, and 14 of the '414 patent in the exemplary manner described below.

22. **Claim 1:** As to claim 1, Defendants have directly and/or indirectly infringed and continue to directly/or and indirectly infringe, literally and/or under the doctrine of equivalents, by using and providing the '414 Patent Accused Products, which provide a method for playing content and advertisements on a cellular device.

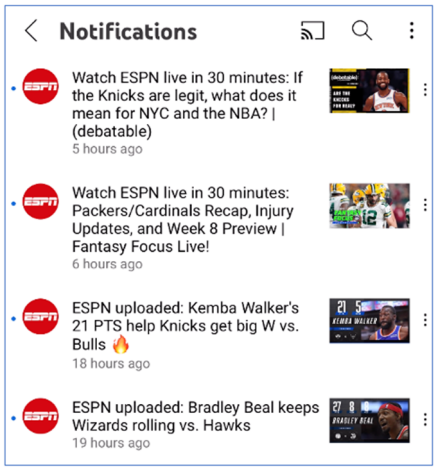
23. The '414 Patent Accused Products autonomously provide to a server, by the cellular device, information associated with a user of the cellular device, the information taken by the cellular device from a message sent to the cellular device from another user of another cellular device, the message identifying characteristics of the user of the cellular device. For example, the YouTube app allows users to subscribe to YouTube channels. A subscriber can choose to receive a notification message every time the channel adds a new video.





Source: YouTube app screenshots.

24. When a YouTube channel owner uploads a video using a cellular device a notification message is sent to each subscriber. Notification messages are delivered to subscribers' cellular devices via email and the YouTube app.



Source: YouTube app screenshot.

Difference between Notifications and Subscriptions Feed

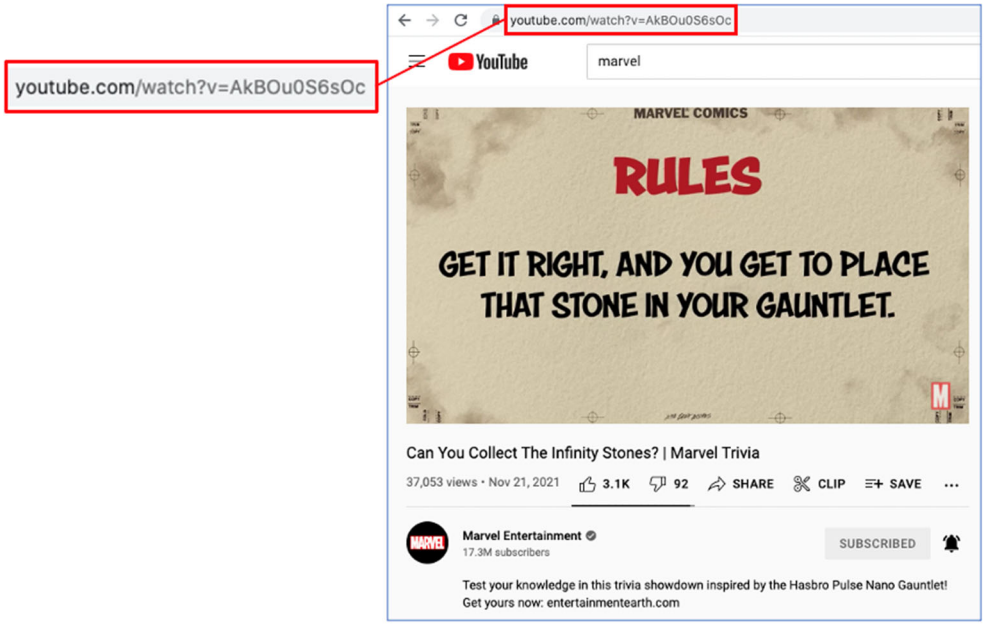
Subscriptions feed, available on both mobile and a computer, will show all recently uploaded videos from your subscriptions.

Notifications tell you when there are new videos and updates from your subscriptions. We'll send emails, notifications on mobile, or inbox notifications on your computer. When you subscribe to a channel, you'll automatically get personalized notifications with highlights of activity.

To get all notifications from a subscribed channel, tap the Notification bell . The bell will then change to a ringing bell to indicate that you've selected all notifications.

Source: https://support.google.com/youtube/answer/3382248?co=GENIE.Platform%3DAndroid&oco=1#zippy=

25. The notification message is associated with a video, which is itself associated with a certain topic of interest to the subscriber (i.e., a characteristic of the user). Additionally, the notification message contains a unique identifier that identifies the video ("Video ID"). This video identifier is embedded in the URL used to retrieve the video for playback. The Video ID is shown in the URL used by a web browser to retrieve the YouTube video. For example, in the screenshot below, the Video ID is "AkBOu0S6sOc."

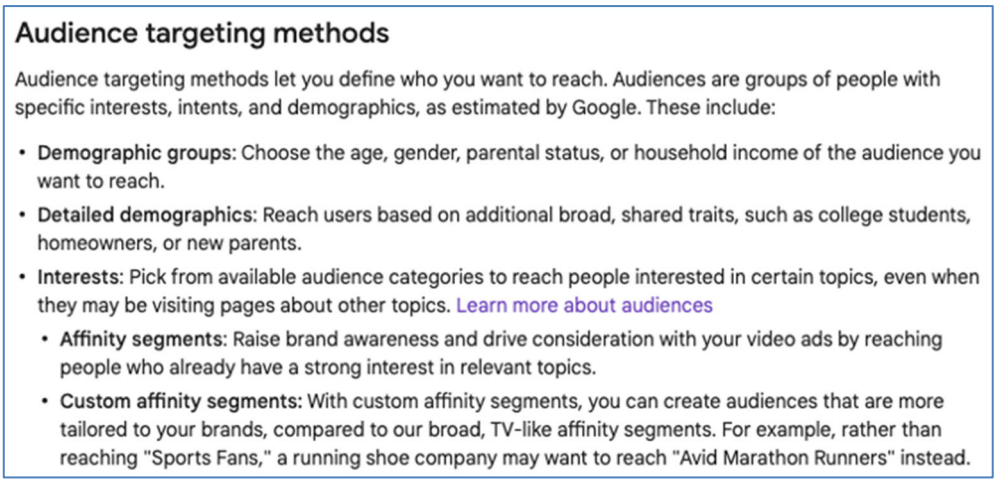


Source: https://www.youtube.com/watch?v=AkBOu0S6sOc.

26. Additionally, the Video ID is autonomously provided to the YouTube servers periodically via HTML Post methods (referred to as "docid" in this example) while the user watches the video.

Source: Screenshot of Chrome browser Developer Tools loading https://www.youtube.com/watch?v=AkBOu0S6sOc

27. The Video ID identifies the video that the user is watching. YouTube uses the Video ID to track the videos that a user watches to create a profile of the user that YouTube uses to determine which targeted ads to send to the user.



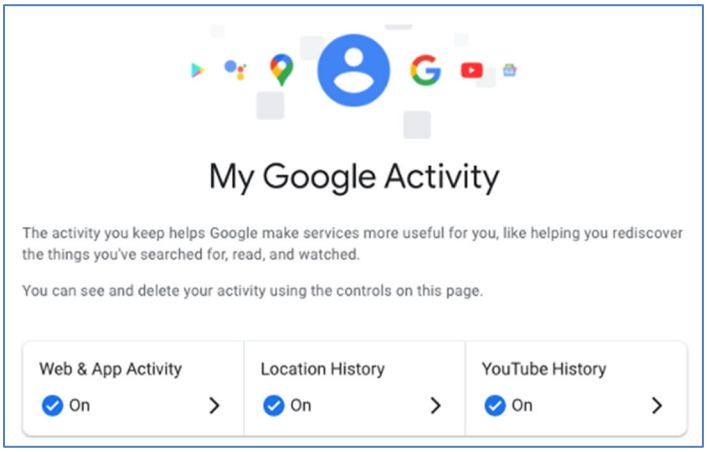
Audience targeting methods

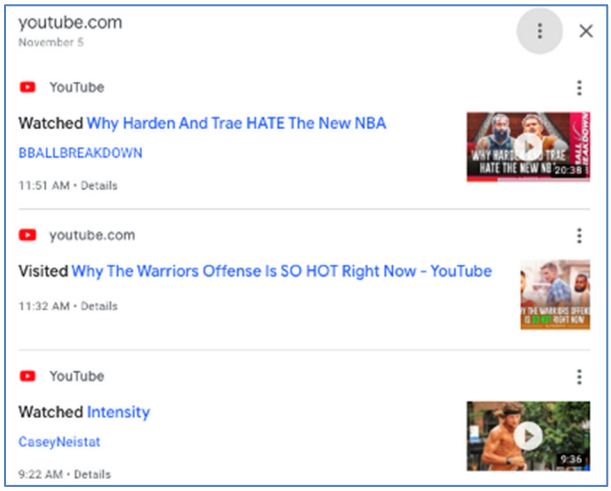
Audience targeting methods let you define who you want to reach. Audiences are groups of people with specific interests, intents, and demographics, as estimated by Google. These include:

- **Demographic groups:** Choose the age, gender, parental status, or household income of the audience you want to reach.
- **Detailed demographics:** Reach users based on additional broad, shared traits, such as college students, homeowners, or new parents.
- **Interests:** Pick from available audience categories to reach people interested in certain topics, even when they may be visiting pages about other topics. Learn more about audiences
  - **Affinity segments:** Raise brand awareness and drive consideration with your video ads by reaching people who already have a strong interest in relevant topics.
  - **Custom affinity segments:** With custom affinity segments, you can create audiences that are more tailored to your brands, compared to our broad, TV-like affinity segments. For example, rather than reaching "Sports Fans," a running shoe company may want to reach "Avid Marathon Runners" instead.

Source: https://support.google.com/youtube/answer/2454017

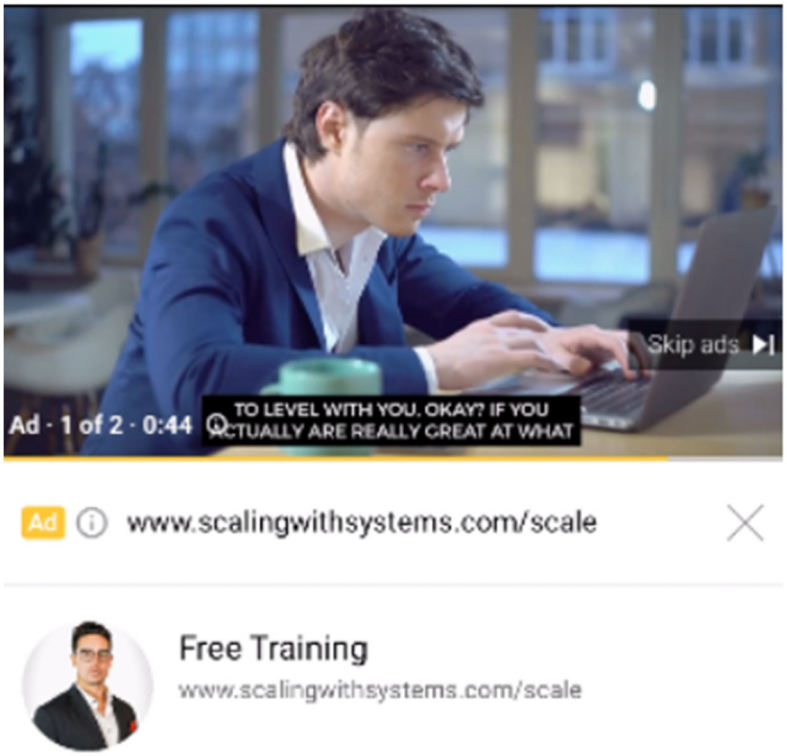
28. In Google's My Activity website, users can see the online activity that Google tracks. Google uses this information to target ads, including YouTube ads.





Source: https://myactivity.google.com/myactivity

29. The cellular device will receive, from the server, at least one advertisement to be played on the cellular device, wherein the at least one received advertisement is determined by the server based at least in part on the provided information. For example, the cellular device will receive, from the YouTube servers, advertisements to be played based on the provided information (user's topics of interest, interests, affinities, etc.). The following shows an advertisement being played.



Source: Screenshot of mid-roll ad playing on YouTube app.

30. YouTube includes targeting of advertisements based on the characteristics of the user, including the user's preferred content.

Audience targeting methods

Audience targeting methods let you define who you want to reach. Audiences are groups of people with specific interests, intents, and demographics, as estimated by Google. These include:

- **Demographic groups**: Choose the age, gender, parental status, or household income of the audience you want to reach.
- **Detailed demographics**: Reach users based on additional broad, shared traits, such as college students, homeowners, or new parents.
- **Interests**: Pick from available audience categories to reach people interested in certain topics, even when they may be visiting pages about other topics. Learn more about audiences
  - **Affinity segments**: Raise brand awareness and drive consideration with your video ads by reaching people who already have a strong interest in relevant topics.
  - **Custom affinity segments**: With custom affinity segments, you can create audiences that are more tailored to your brands, compared to our broad, TV-like affinity segments. For example, rather than reaching "Sports Fans," a running shoe company may want to reach "Avid Marathon Runners" instead.

Source: https://support.google.com/youtube/answer/2454017

31. If a determined time interval occurs, the cellular devices stops playing of content and plays at least one of the determined advertisements. For example, the cellular device can play advertisements during a video at set time intervals. YouTube allows for mid-roll ads that

play at a determined time interval either set by the channel owner or automatically set by Google.

Manage mid-roll ad breaks in long videos

When you upload videos that are 8 minutes or longer, you can enable ads during the middle of the video (known as "mid-rolls") in addition to having them at the beginnings and ends of videos.

Source: https://support.google.com/youtube/answer/6175006

There are 2 ways to place mid-roll ads:

- **Automated ad breaks**: You can turn on automatically placed mid-roll ads, which means we'll find the best ad placement and frequency, creating a more balanced experience for viewers.
- **Manual ad breaks**: If you choose to manually place ad breaks, try to place at natural breaks for best results. Avoid placing mid-roll breaks at disruptive points, such as mid-sentence or mid-action. If you've created your content to build in natural ad breaks, you may turn on manual ad break placement to ensure the ads show the way you want them to.

Source: https://support.google.com/youtube/answer/6175006

32. For manually placed mid-roll ads, the channel owner uses YouTube Studio to add "ad breaks" at the desired times.

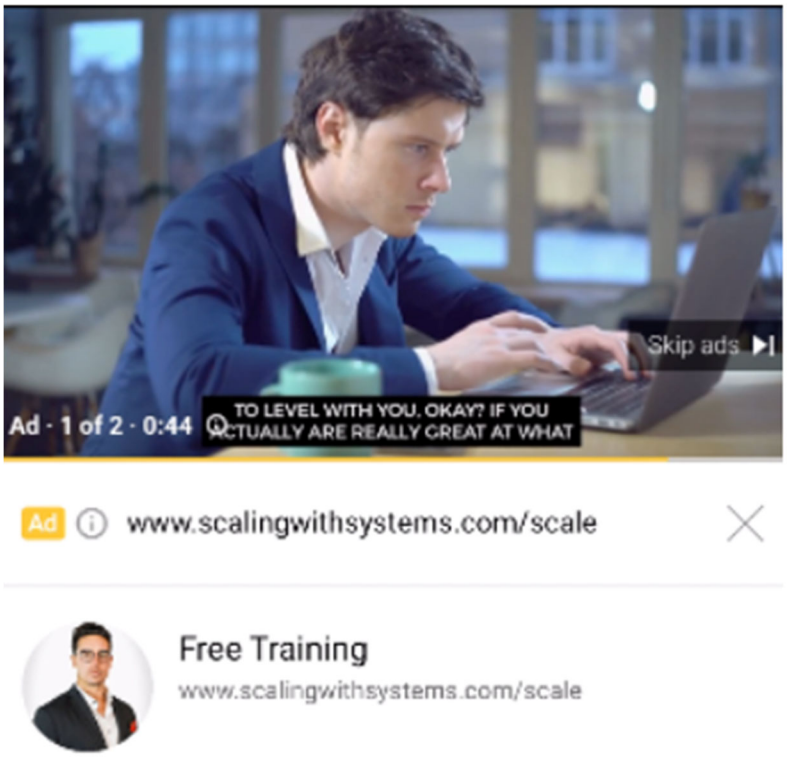
Manual placement

You can manually set mid-roll ad breaks if, for example, your video was already created to have mid-roll ad breaks appear in certain locations.

1. Sign in to YouTube Studio .
2. From the left menu, select **Videos**.
3. Choose a video, then select **Monetization**.
4. If you haven't already, enable monetization for the video.
5. Beneath "Location of video ads", check the box next to "During video (mid-roll)".
6. Select **MANAGE MID-ROLLS**.
   - **Add an ad break**: Click **+ ADD BREAK**. Enter the start time of the ad, or drag the vertical bar to the desired time.
   - **Delete an ad break**: Click Delete next to the ad break .
7. In the top-right, click **Continue** and then **Save**.

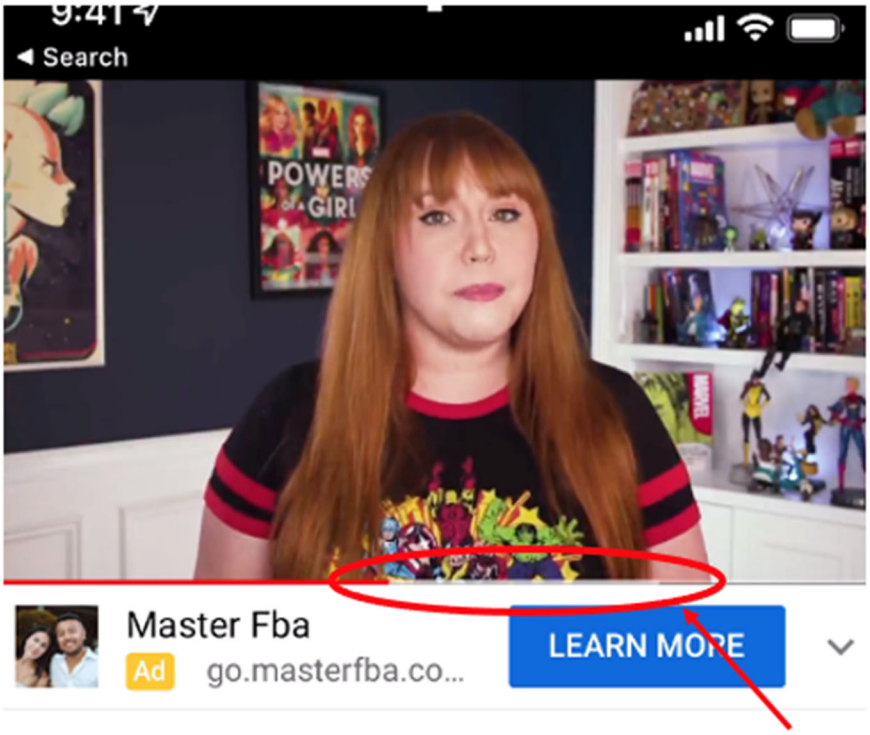
Source: https://support.google.com/youtube/answer/6175006

33. The cellular device records the content that was stopped while the advertisement plays. Advertisements will pause the video content and play while the content is recorded. As shown in this advertisement, the video content is paused while the advertisement plays.



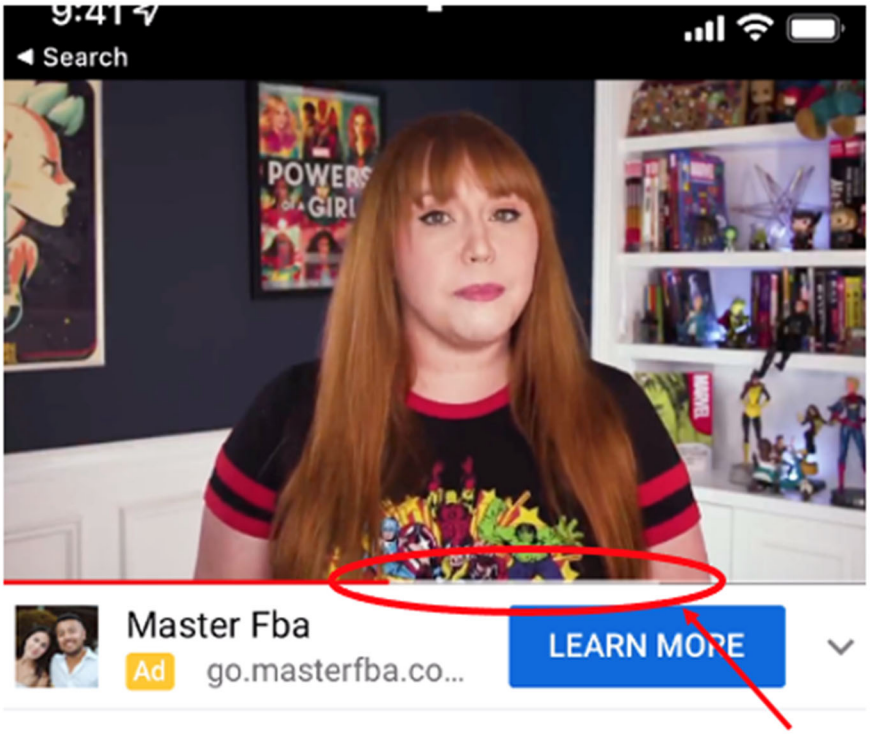
Source: Screenshot of mid-roll ad playing on YouTube app.

34. As shown when the video content starts up again, it has been recorded (e.g., buffered) while the advertisement played, as shown in the advancement of the grey bar showing the buffering of the video content after it is initiated again after the advertisement.



Source: Screenshot of mid-roll ad playing on YouTube app.

35. When the playing of the at least one determined advertisement is completed, the cellular device resumes playing the stopped content, from where the stopping of the playing of the content occurred, using the recorded (i.e., buffered) content. The below shows the cellular device resuming play of the video content (and recorded portions of the content) after pausing the content for an advertisement.



36. **Direct Infringement:** Defendants themselves directly infringe at least claim 1 of the ’414 patent, for example, when Defendants operate, use and/or test the Accused Products to perform the method of claim 1.

37. **Inducement:** Defendants were made aware of the ’414 patent and their infringement thereof at least as early as November 30, 2021 when Wildseed Mobile provided notice of Google’s infringement of the ’414 patent to Sundar Pichai of Google and Susan Wojcicki of YouTube. From at least the time Defendants received notice, Defendants induced others to infringe at least claim 1 of the ’414 patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to Defendants’ clients, customers, and end users, whose use of the ’414 Patent Accused Products constituted direct infringement of at least claim 1 of the ’414 patent. In particular, Defendants’ actions that aided and abetted others such as customers and end users to infringe included advertising and distributing the ’414 Patent Accused Products and providing instruction materials, training, and services regarding the ’414

Patent Accused Products. For example, Google sells Google Pixel phones to consumers on its website. *See* https://store.google.com/category/phones. Additionally, YouTube makes the YouTube app available for download onto cellular devices through the Google Play Store and Apple App Store. *See* https://play.google.com/store/apps/details?id=com.google.android.youtube, https://apps.apple.com/us/app/youtube-watch-listen-stream/id544007664. Further, Defendants provide instructional materials to end users regarding YouTube subscriptions and notifications on Google's website. *See* https://support.google.com/youtube/answer/4489286, https://support.google.com/youtube/answer/3382248.

38. **Contributory:** Defendants are liable as contributory infringers of the '414 patent under 35 U.S.C. § 271(c) by offering to sell, selling and importing into the United States the Google Pixel cellular devices, the YouTube mobile app, Google video advertisements, and the YouTube website, to be especially made or adapted for use in an infringement of the '414 patent. The '414 Patent Accused Products are a material component for use in practicing the '414 patent and are specifically made and are not a staple article of commerce suitable for substantial non-infringing use.

39. **Claim 9:** As to claim 9, Defendants have directly and/or indirectly infringed and continue to directly and/or indirectly infringe, literally and/or under the doctrine of equivalents, by or through making, using, offering for sale, selling within the United States and/or importing Google Pixel smartphones with a web browser capable of accessing YouTube, and the YouTube app.

40. The accused Google Pixel smartphones are cellular devices comprising a memory for storing logical instructions. For example, the Google Pixel 6 is a smartphone that includes a memory for storing logical instructions, including software code.

Memory and Storage

8 GB LPDDR5 RAM

128 GB / 256 GB UFS 3.1 storage[9]

Source: https://store.google.com/product/pixel_6_specs

41. The Google Pixel smartphones include a wireless interface unit for sending and receiving data. For example, the Google Pixel 6 includes cellular and Wi-Fi wireless interfaces for sending and receiving data.

Network[14]

[5G Sub 6GHz][15] Model GB7N6

GSM/EDGE: Quad-band (850, 900, 1800, 1900 MHz)

UMTS/HSPA+/HSDPA: Bands 1,2,4,5,6,8,19

LTE: Bands

B1/2/3/4/5/7/8/12/13/14/17/18/19/20/25/26/28/29/30/32/38/39/40/41/42/46/48/66/71

5G Sub-6[15]: Bands

n1/2/3/5/7/8/12/14/20/25/28/30/38/40/41/48/66/71/77/78

eSIM

[5G mmWave + Sub 6GHz][15]

Model G9S9B[16]

GSM/EDGE: Quad-band (850, 900, 1800, 1900 MHz)

UMTS/HSPA+/HSDPA: Bands 1,2,4,5,6,8,19

LTE: Bands

B1/2/3/4/5/7/8/12/13/14/17/18/19/20/25/26/28/29/30/32/38/39/40/41/42/46/48/66/71

5G Sub-6[15]: Bands n1/2/3/5/7/8/12/14/20/25/28/30/38/40/41/48/66/71/77/78

5G mmWave[15]: Bands n257/n258/n260/n261

eSIM

Source: https://store.google.com/product/pixel_6_specs

Connectivity & Location

Wi-Fi 6E (802.11ax) with 2.4G+5GHz+6GHz, HE160, MIMO

Bluetooth® v5.2 with dual antennas for enhanced quality and connection

NFC

Google Cast

Dual Band GNSS

GPS, GLONASS, Galileo, QZSS

Source: https://store.google.com/product/pixel_6_specs

42. The Google Pixel smartphones include a processor for executing the logical instructions stored in the memory, the execution of the logical instructions causing actions to be performed. For example, the Google Pixel 6 includes a Google Tensor processor that executes software code stored in the memory and causes the device to perform the programmed actions.

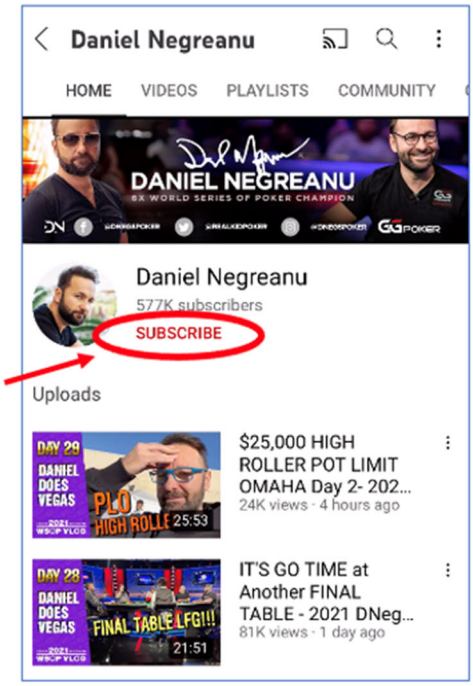
Processors

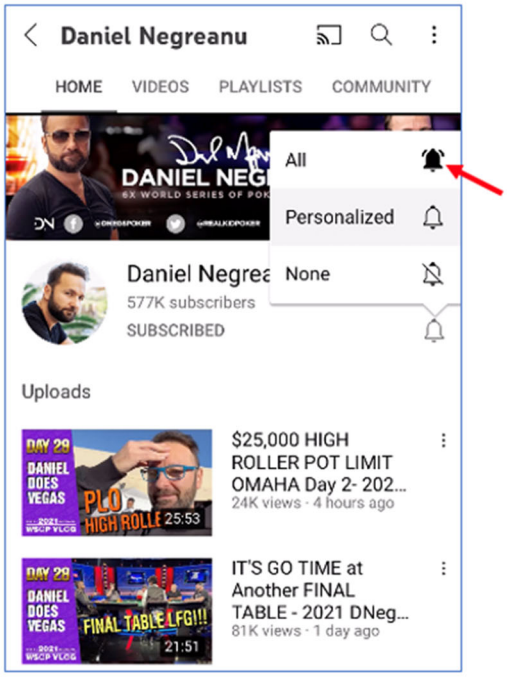
Google Tensor

Titan M2™ security coprocessor

Source: https://store.google.com/product/pixel_6_specs

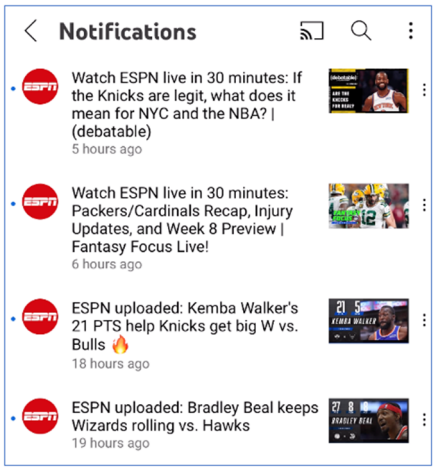
43. The Google Pixel smartphones running the YouTube app or accessing the YouTube website autonomously provide to a server information associated with a user of the cellular device, the information taken by the cellular device from a message sent to the cellular device from another user of another cellular device, the message identifying characteristics of the user of the cellular device. For example, the YouTube app allows users to subscribe to YouTube channels. A subscriber can choose to receive a notification message every time the channel adds a new video.





Source: YouTube app screenshots.

44. When a YouTube channel owner uploads a video using a cellular device a notification message is sent to each subscriber. Notification messages are delivered to subscribers' cellular devices via email and the YouTube app.



Source: YouTube app screenshot.

Difference between Notifications and Subscriptions Feed

Subscriptions feed, available on both mobile and a computer, will show all recently uploaded videos from your subscriptions.

Notifications tell you when there are new videos and updates from your subscriptions. We'll send emails, notifications on mobile, or inbox notifications on your computer. When you subscribe to a channel, you'll automatically get personalized notifications with highlights of activity.

To get all notifications from a subscribed channel, tap the Notification bell . The bell will then change to a ringing bell to indicate that you've selected all notifications.

Source: https://support.google.com/youtube/answer/3382248?co=GENIE.Platform%3DAndroid&oco=1#zippy=

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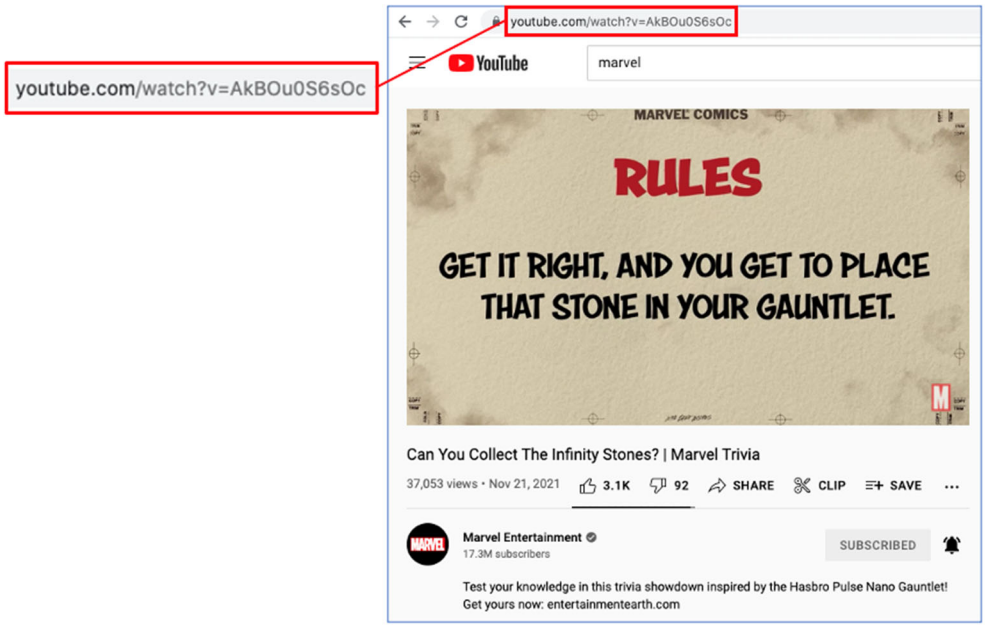

Source: https://www.youtube.com/watch?v=AkBOu0S6sOc.

46. Additionally, the Video ID is autonomously provided to the YouTube servers periodically via HTML Post methods (referred to as "docid" in this example) while the user watches the video.

Source: Screenshot of Chrome browser Developer Tools loading https://www.youtube.com/watch?v=AkBOu0S6sOc

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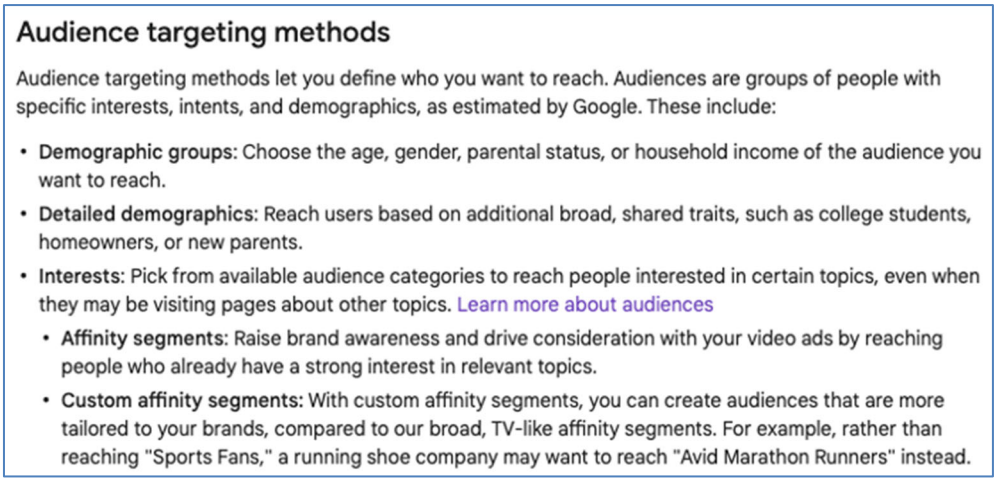

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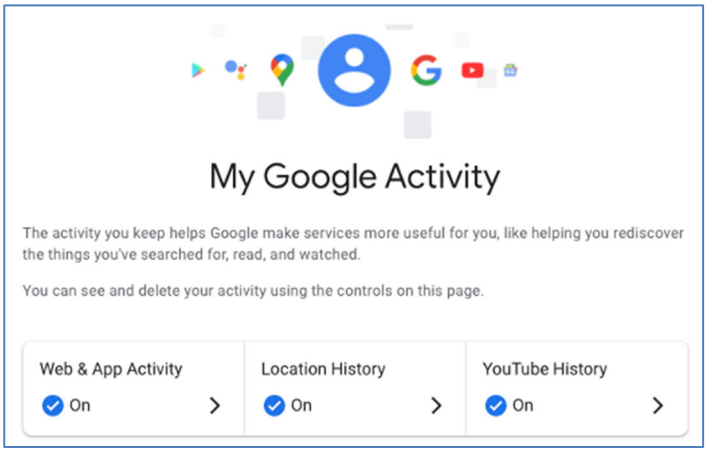
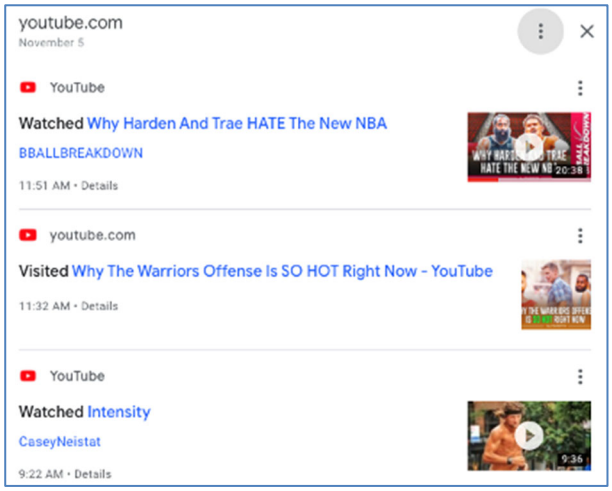
- **Interests:** Pick from available audience categories to reach people interested in certain topics, even when they may be visiting pages about other topics. Learn more about audiences
  - **Affinity segments:** Raise brand awareness and drive consideration with your video ads by reaching people who already have a strong interest in relevant topics.
  - **Custom affinity segments:** With custom affinity segments, you can create audiences that are more tailored to your brands, compared to our broad, TV-like affinity segments. For example, rather than reaching "Sports Fans," a running shoe company may want to reach "Avid Marathon Runners" instead.

Source: https://support.google.com/youtube/answer/2454017

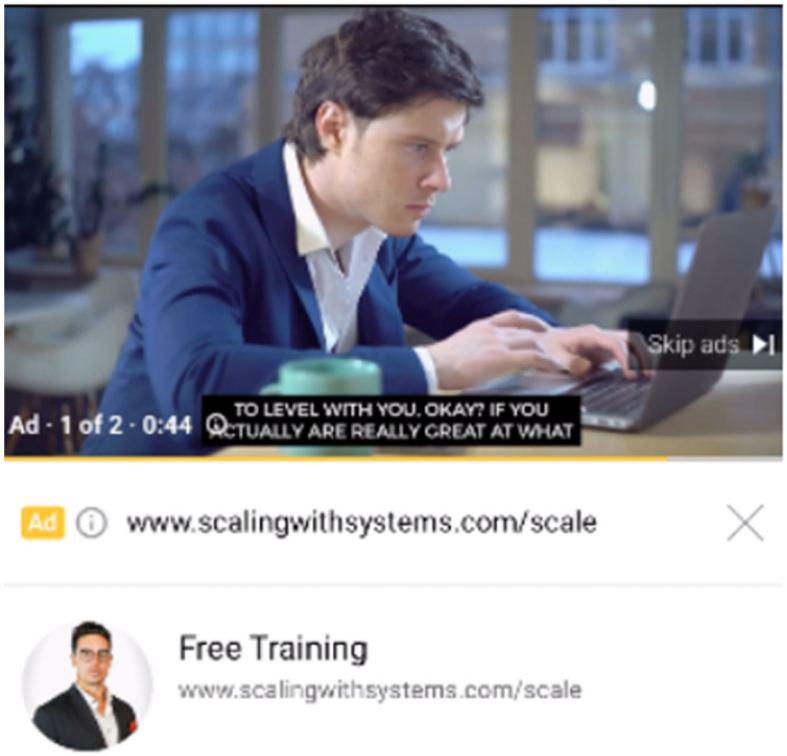
48. In Google's My Activity website, users can see the online activity that Google tracks. Google uses this information to target ads, including YouTube ads.





Source: https://myactivity.google.com/myactivity

49. The Google Pixel smartphones running the YouTube app or accessing the YouTube website receive from the server at least one advertisement, wherein the at least one received advertisement is determined by the server based at least in part on the provided information. For example, the YouTube app will receive from the YouTube servers advertisements to be played based on the provided information (user's topics of interest, interests, affinities, etc.). The following shows an advertisement being played.



Source: Screenshot of mid-roll ad playing on YouTube app.

50. YouTube includes targeting of advertisements based on the characteristics of the user, including the user's preferred content.

Audience targeting methods

Audience targeting methods let you define who you want to reach. Audiences are groups of people with specific interests, intents, and demographics, as estimated by Google. These include:

- **Demographic groups:** Choose the age, gender, parental status, or household income of the audience you want to reach.
- **Detailed demographics:** Reach users based on additional broad, shared traits, such as college students, homeowners, or new parents.
- **Interests:** Pick from available audience categories to reach people interested in certain topics, even when they may be visiting pages about other topics. Learn more about audiences
  - **Affinity segments:** Raise brand awareness and drive consideration with your video ads by reaching people who already have a strong interest in relevant topics.
  - **Custom affinity segments:** With custom affinity segments, you can create audiences that are more tailored to your brands, compared to our broad, TV-like affinity segments. For example, rather than reaching "Sports Fans," a running shoe company may want to reach "Avid Marathon Runners" instead.

Source: https://support.google.com/youtube/answer/2454017

51. If a determined time interval occurs, the Google Pixel smartphones with the YouTube app will stop playing of content, and play the at least one determined advertisement, the playing of the at least one determined advertisement comprising recording the content which playing was stopped while the at least one determined advertisement is playing. For example,

YouTube allows for mid-roll ads that play at a determined time interval either set by the channel owner or automatically set by Google.

Manage mid-roll ad breaks in long videos

When you upload videos that are 8 minutes or longer, you can enable ads during the middle of the video (known as "mid-rolls") in addition to having them at the beginnings and ends of videos.

Source: https://support.google.com/youtube/answer/6175006

There are 2 ways to place mid-roll ads:

- **Automated ad breaks**: You can turn on automatically placed mid-roll ads, which means we'll find the best ad placement and frequency, creating a more balanced experience for viewers.
- **Manual ad breaks**: If you choose to manually place ad breaks, try to place at natural breaks for best results. Avoid placing mid-roll breaks at disruptive points, such as mid-sentence or mid-action. If you've created your content to build in natural ad breaks, you may turn on manual ad break placement to ensure the ads show the way you want them to.

Source: https://support.google.com/youtube/answer/6175006

52. For manually placed mid-roll ads, the channel owner uses YouTube Studio to add "ad breaks" at the desired times.

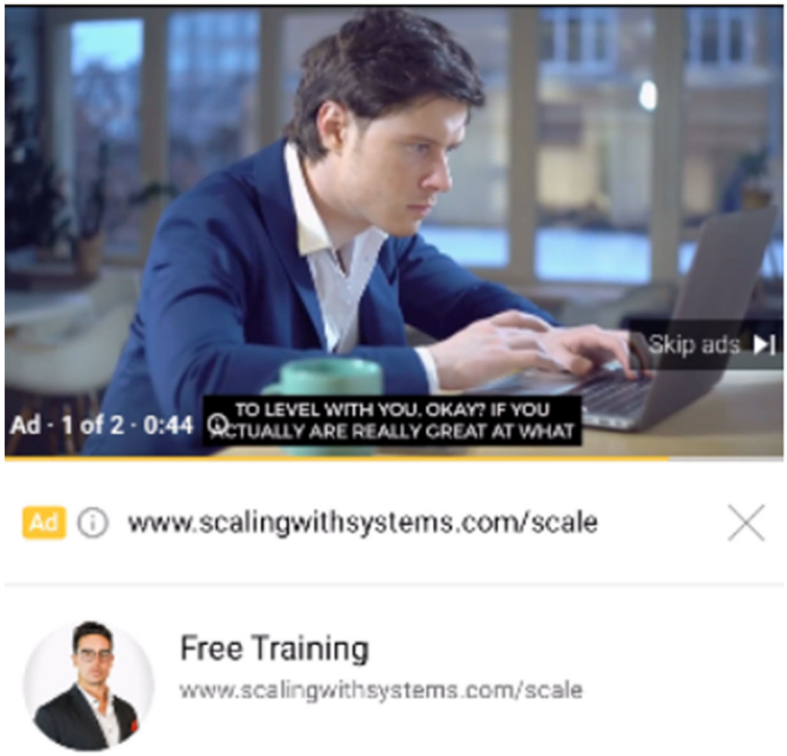
Manual placement

You can manually set mid-roll ad breaks if, for example, your video was already created to have mid-roll ad breaks appear in certain locations.

1. Sign in to YouTube Studio .
2. From the left menu, select **Videos**.
3. Choose a video, then select **Monetization**.
4. If you haven't already, enable monetization for the video.
5. Beneath "Location of video ads", check the box next to "During video (mid-roll)".
6. Select **MANAGE MID-ROLLS**.
   - **Add an ad break**: Click **+ ADD BREAK**. Enter the start time of the ad, or drag the vertical bar to the desired time.
   - **Delete an ad break**: Click Delete next to the ad break .
7. In the top-right, click **Continue** and then **Save**.

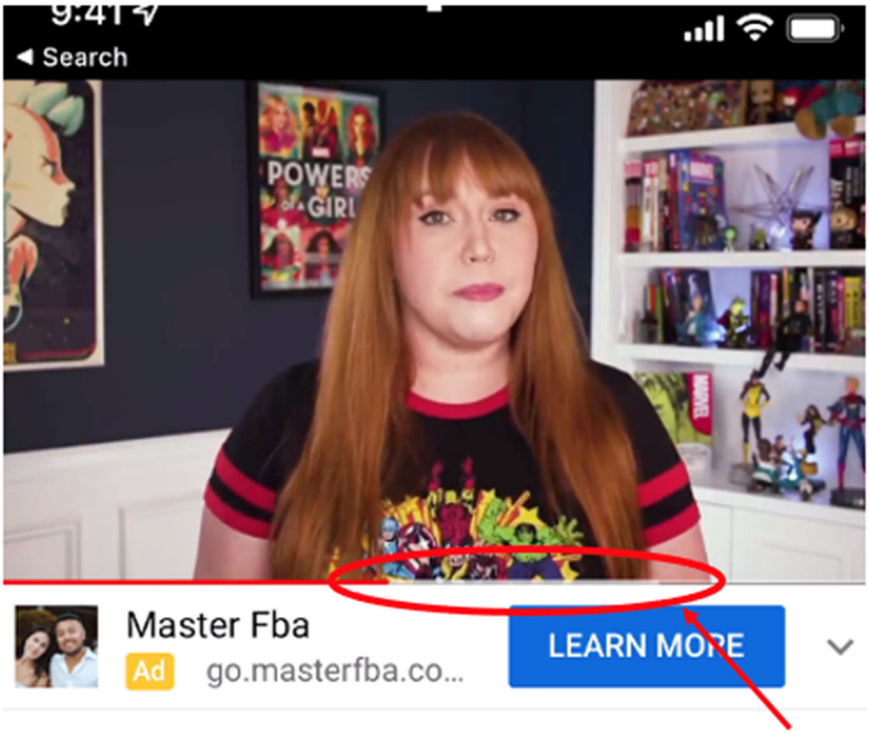
Source: https://support.google.com/youtube/answer/6175006

53. The cellular device records the content that was stopped while the advertisement plays. Advertisements will pause the video content and play while the content is recorded. As shown in this advertisement, the video content is paused while the advertisement plays.



Source: Screenshot of mid-roll ad playing on YouTube app.

54. As shown when the video content starts up again, it has been recorded (e.g., buffered) while the advertisement played, as shown in the advancement of the grey bar showing the buffering of the video content after it is initiated again after the advertisement.



Source: Screenshot of mid-roll ad playing on YouTube app.

55. When the playing of the at least one determined advertisement is completed, the cellular device resumes playing the stopped content, from where the stopping of the playing of the content occurred, using the recorded (i.e., buffered) content.

56. **Inducement:** Defendants were made aware of the '414 patent and their infringement thereof at least as early as November 30, 2021 when Wildseed Mobile provided notice of Google's infringement of the '414 patent to Sundar Pichai of Google and Susan Wojcicki of YouTube. From at least the time Defendants received notice, Defendants induced others to infringe at least claim 9 of the '414 patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to Defendants' clients, customers, and end users, whose use of the '414 Patent Accused Products constituted direct infringement of at least claim 9 of the '414 patent. In particular, Defendants' actions that aided and abetted others such as customers and end users to infringe included advertising and distributing the '414 Patent

Accused Products and providing instruction materials, training, and services regarding the '414 Patent Accused Products. For example, Google sells Google Pixel phones to consumers on its website. *See* https://store.google.com/category/phones. Additionally, YouTube makes the YouTube app available for download onto cellular devices through the Google Play Store and Apple App Store. *See* https://play.google.com/store/apps/details?id=com.google.android.youtube, https://apps.apple.com/us/app/youtube-watch-listen-stream/id544007664. Further, Defendants provide instructional materials to end users regarding YouTube subscriptions and notifications on Google's website. *See* https://support.google.com/youtube/answer/4489286, https://support.google.com/youtube/answer/3382248.

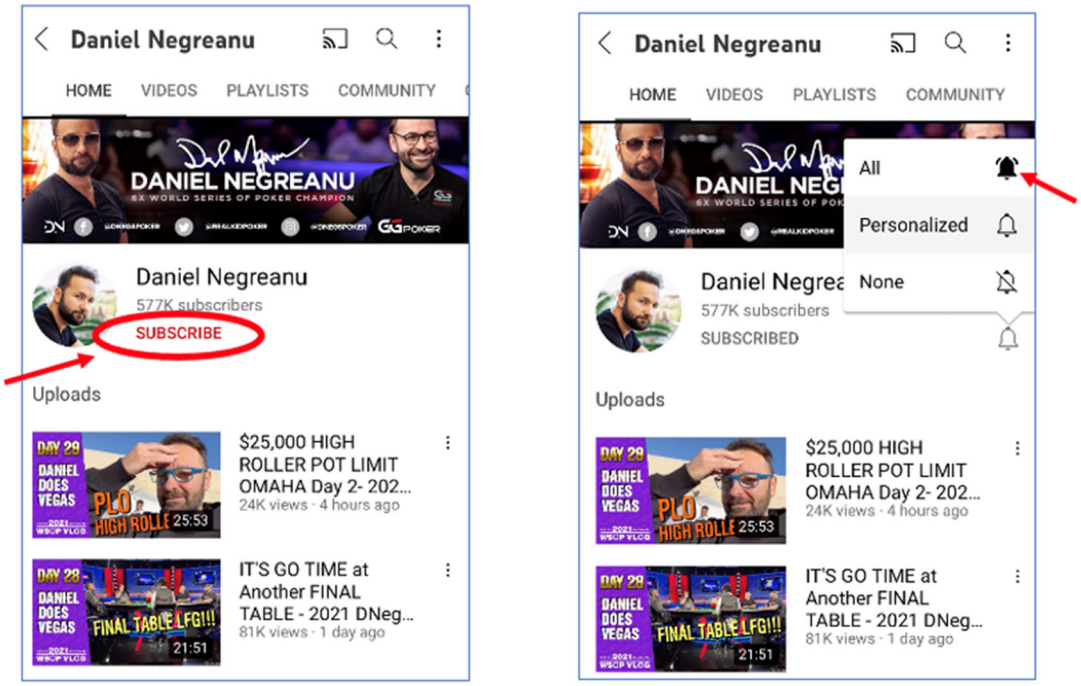
57. **Contributory:** Defendants are liable as contributory infringers of the '414 patent under 35 U.S.C. § 271(c) by offering to sell, selling and importing into the United States the Google Pixel cellular devices, the YouTube mobile app, Google video advertisements, and the YouTube website, to be especially made or adapted for use in an infringement of the '414 patent. The '414 Patent Accused Products are a material component for use in practicing the '414 patent and are specifically made and are not a staple article of commerce suitable for substantial non-infringing use.

58. **Claim 14:** As to claim 14, Defendants have directly infringed and continue to directly infringe, literally and/or under the doctrine of equivalents, by or through operating within the United States the YouTube servers and Google Ads servers.

59. The YouTube and Google Ads servers are articles of manufacture comprising a storage medium and a plurality of programming instructions stored on the storage medium and adapted to instantiate a server for providing content and advertisements to cellular devices, the server configured to cause actions to be performed. For example, YouTube and Google Ads

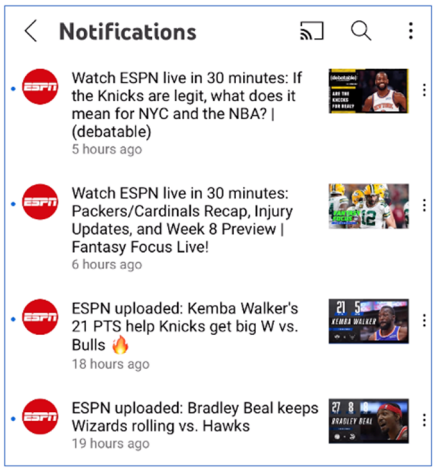
servers include hard drives (storage medium) that store software (programming instructions) and deliver content and advertisements to cellular devices.

60. The YouTube and Google Ads servers receive information associated with a user of a cellular device from the cellular device, independent of user input, the information taken by the cellular device from a message sent to the cellular device from another user of another cellular device, the message identifying characteristics of the user of cellular the device. For example, the YouTube app allows users to subscribe to YouTube channels. A subscriber can choose to receive a notification message every time the channel adds a new video.

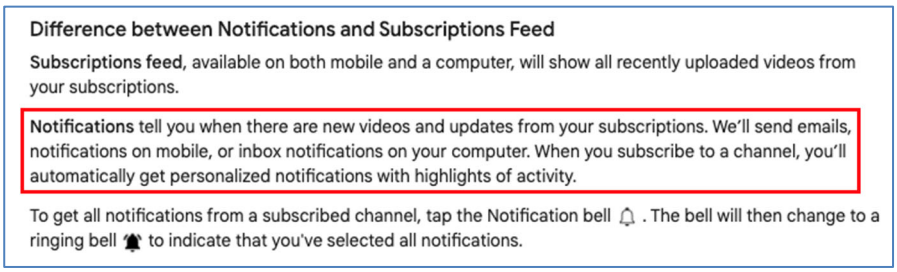


Source: YouTube app screenshots.

61. When a YouTube channel owner uploads a video using a cellular device a notification message is sent to each subscriber. Notification messages are delivered to subscribers' cellular devices via email and the YouTube app.

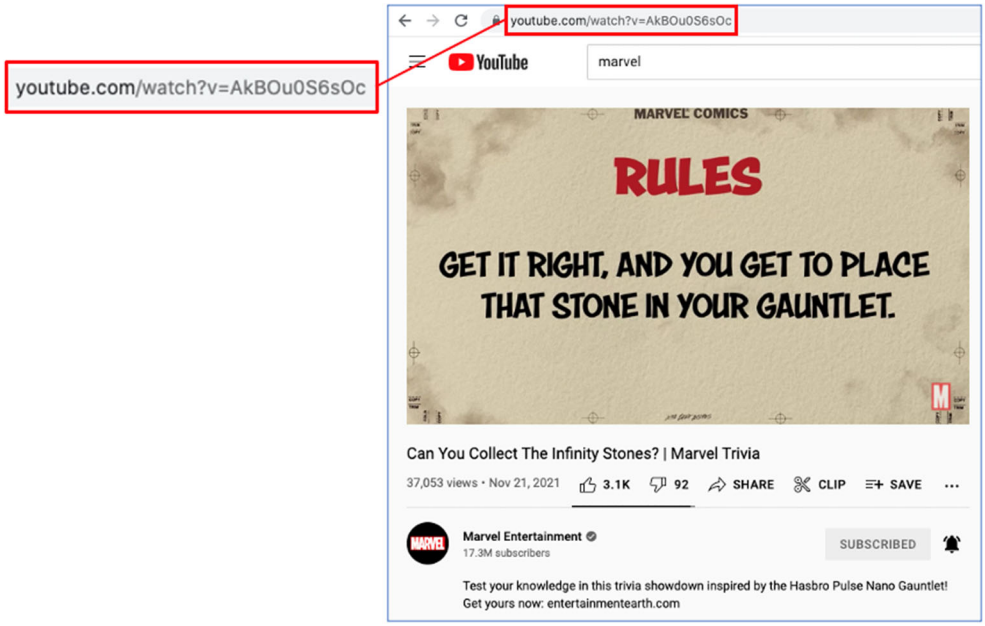


Source: YouTube app screenshot.



Source:
https://support.google.com/youtube/answer/3382248?co=GENIE.Platform%3DAndroid&oco=1#zippy=

62. The notification message is associated with a video, which is itself associated with a certain topic of interest to the subscriber (i.e., a characteristic of the user). Additionally, the notification message contains a unique identifier that identifies the video ("Video ID"). This video identifier is embedded in the URL used to retrieve the video for playback. The Video ID is shown in the URL used by a web browser to retrieve the YouTube video. For example, in the screenshot below, the Video ID is "AkBOu0S6sOc."



Source: https://www.youtube.com/watch?v=AkBOu0S6sOc.

63. Additionally, the Video ID is autonomously provided to the YouTube servers periodically via HTML Post methods (referred to as "docid" in this example) while the user watches the video.

Source: Screenshot of Chrome browser Developer Tools loading https://www.youtube.com/watch?v=AkBOu0S6sOc.

64. The Video ID identifies the video that the user is watching. YouTube uses the Video ID to track the videos that a user watches to create a profile of the user that YouTube uses to determine which targeted ads to send to the user.

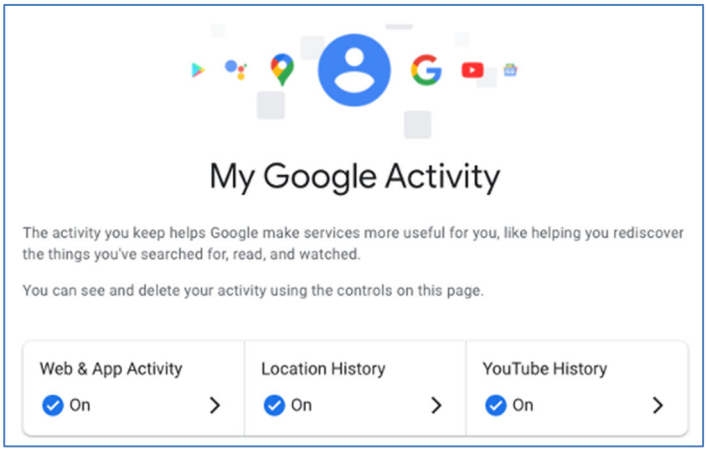
Audience targeting methods

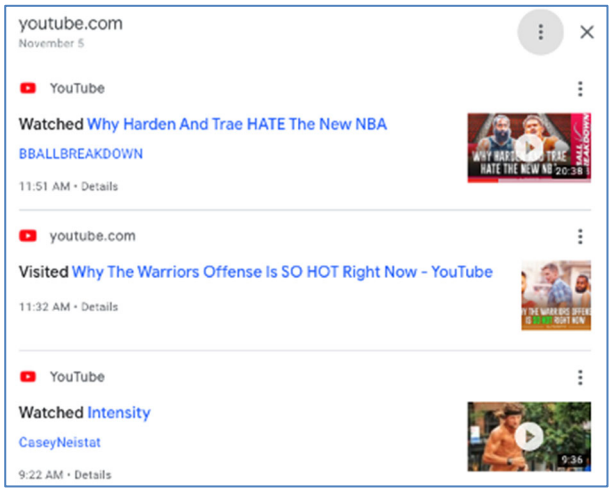
Audience targeting methods let you define who you want to reach. Audiences are groups of people with specific interests, intents, and demographics, as estimated by Google. These include:

- **Demographic groups:** Choose the age, gender, parental status, or household income of the audience you want to reach.
- **Detailed demographics:** Reach users based on additional broad, shared traits, such as college students, homeowners, or new parents.
- **Interests:** Pick from available audience categories to reach people interested in certain topics, even when they may be visiting pages about other topics. Learn more about audiences
  - **Affinity segments:** Raise brand awareness and drive consideration with your video ads by reaching people who already have a strong interest in relevant topics.
  - **Custom affinity segments:** With custom affinity segments, you can create audiences that are more tailored to your brands, compared to our broad, TV-like affinity segments. For example, rather than reaching "Sports Fans," a running shoe company may want to reach "Avid Marathon Runners" instead.

Source: https://support.google.com/youtube/answer/2454017

65. In Google's My Activity website, users can see the online activity that Google tracks. Google uses this information to target ads, including YouTube ads.





Source: https://myactivity.google.com/myactivity

66. The YouTube and Google Ads servers employ the received information to determine at least one advertisement to be played on the cellular device. For example, YouTube and Google Ads servers select advertisements to be played based on the provided information (user's topics of interest, interests, affinities, etc.).

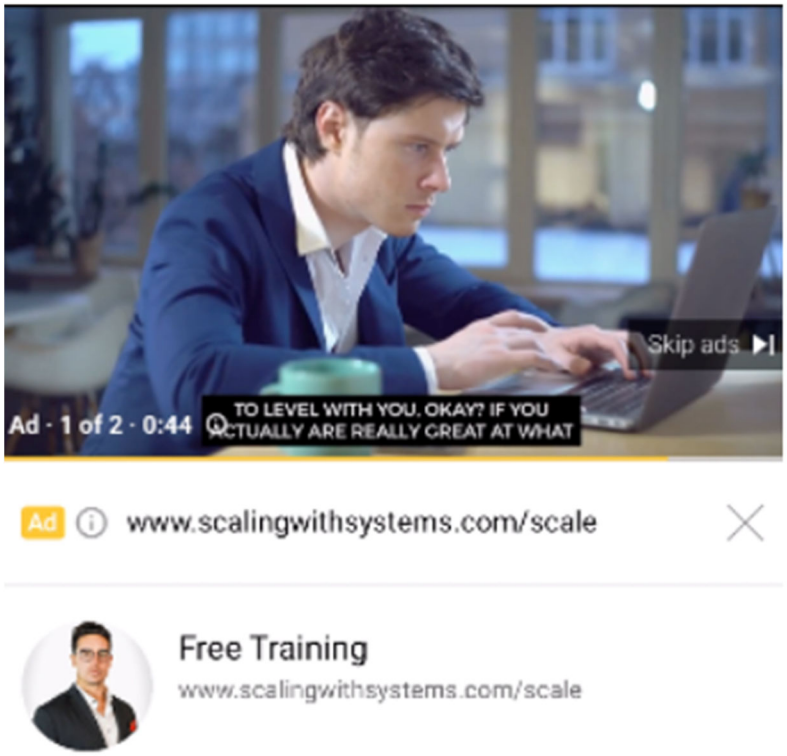
Audience targeting methods

Audience targeting methods let you define who you want to reach. Audiences are groups of people with specific interests, intents, and demographics, as estimated by Google. These include:

- **Demographic groups**: Choose the age, gender, parental status, or household income of the audience you want to reach.
- **Detailed demographics**: Reach users based on additional broad, shared traits, such as college students, homeowners, or new parents.
- **Interests**: Pick from available audience categories to reach people interested in certain topics, even when they may be visiting pages about other topics. Learn more about audiences
  - **Affinity segments**: Raise brand awareness and drive consideration with your video ads by reaching people who already have a strong interest in relevant topics.
  - **Custom affinity segments**: With custom affinity segments, you can create audiences that are more tailored to your brands, compared to our broad, TV-like affinity segments. For example, rather than reaching "Sports Fans," a running shoe company may want to reach "Avid Marathon Runners" instead.

Source: https://support.google.com/youtube/answer/2454017

67. The accused YouTube and Google Ads servers provide the at least one determined advertisement to the cellular device. The following shows an advertisement provided by the YouTube and Google Ads servers being played on the YouTube app.



Source: Screenshot of mid-roll ad playing on YouTube app.

68. If a determined time interval occurs, playing of the content by the cellular device is stopped and the at least one determined advertisement is played on the cellular device. For example, the cellular device can play advertisements during a video at set time intervals. YouTube allows for mid-roll ads that play at a determined time interval either set by the channel owner or automatically set by YouTube.

> **Manage mid-roll ad breaks in long videos**
>
> When you upload videos that are 8 minutes or longer, you can enable ads during the middle of the video (known as "mid-rolls") in addition to having them at the beginnings and ends of videos.

Source: https://support.google.com/youtube/answer/6175006

> There are 2 ways to place mid-roll ads:
>
> - **Automated ad breaks**: You can turn on automatically placed mid-roll ads, which means we'll find the best ad placement and frequency, creating a more balanced experience for viewers.
> - **Manual ad breaks**: If you choose to manually place ad breaks, try to place at natural breaks for best results. Avoid placing mid-roll breaks at disruptive points, such as mid-sentence or mid-action. If you've created your content to build in natural ad breaks, you may turn on manual ad break placement to ensure the ads show the way you want them to.

Source: https://support.google.com/youtube/answer/6175006

69. For manually placed mid-roll ads, the channel owner uses YouTube Studio to add "ad breaks" at the desired times.

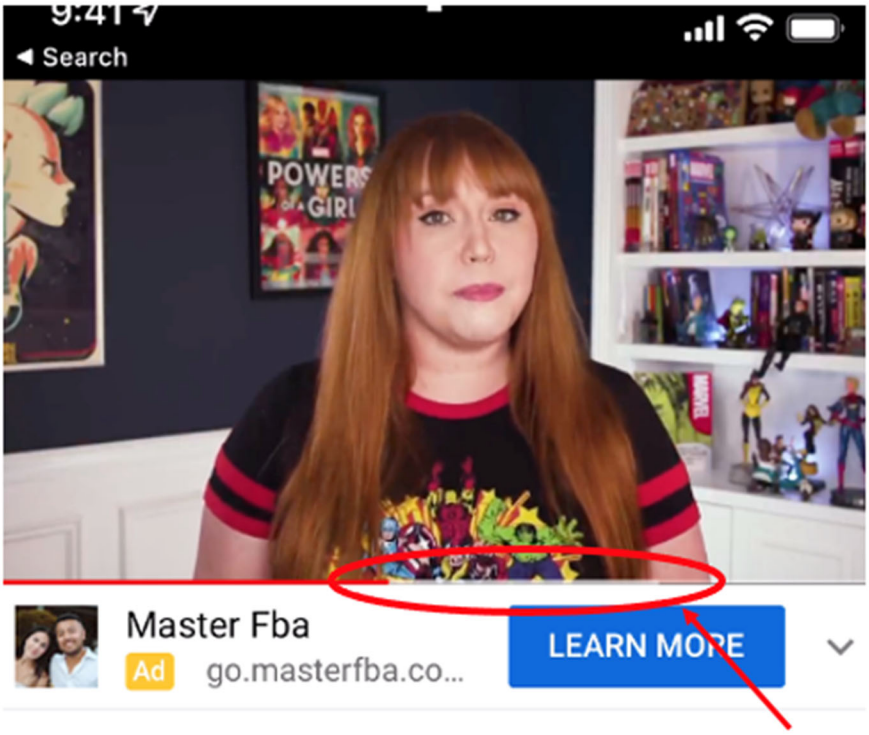
Manual placement

You can manually set mid-roll ad breaks if, for example, your video was already created to have mid-roll ad breaks appear in certain locations.

1. Sign in to YouTube Studio .
2. From the left menu, select **Videos**.
3. Choose a video, then select **Monetization**.
4. If you haven't already, enable monetization for the video.
5. Beneath "Location of video ads", check the box next to "During video (mid-roll)".
6. Select **MANAGE MID-ROLLS**.
   - **Add an ad break**: Click **+ ADD BREAK**. Enter the start time of the ad, or drag the vertical bar to the desired time.
   - **Delete an ad break**: Click Delete next to the ad break .
7. In the top-right, click **Continue** and then **Save**.

Source: https://support.google.com/youtube/answer/6175006

70. The cellular device records the content that was stopped while the advertisement plays. Advertisements will pause the video content and play while the content is recorded. As shown when the video content starts up again, it has been recorded (e.g., buffered) while the advertisement played, as shown in the advancement of the grey bar showing the buffering of the video content after it is initiated again after the advertisement.



Source: Screenshot of mid-roll ad playing on YouTube app.

71. When the playing of the at least one determined advertisement is completed, the cellular device resumes playing the stopped content, from where the stopping of the playing of the content occurred, using the recorded (i.e., buffered) content.

72. Since the date of their receipt of notice, Defendants' infringement of the '414 patent has been willful and intentional under the standard announced in *Halo Elecs., Inc. v. Pulse Elecs., Inc.,* 136 S.Ct. 1923, 195 L.Ed 2d 278 (2016). Since at least November 30, 2021, Defendants have willfully infringed the '414 patent by refusing to take a license and continuing to make, use, test, sell, license, and/or offer for sale/license the '414 Patent Accused Products. Defendants have been aware that they infringe the '414 patent since at least November 30, 2021 and instead of taking a license, Defendants have opted to make the business decision to "efficiently infringe" the '414 patent. In doing so, Defendants willfully infringed the '414 Patent.

73. Defendants' infringement has damaged and injured and continues to damage and injure Wildseed Mobile.

COUNT II - INFRINGEMENT OF U.S. PATENT NO. 9,141,960

74. Plaintiff incorporates by reference the allegations contained in the preceding paragraphs of this Complaint as if fully set forth herein.

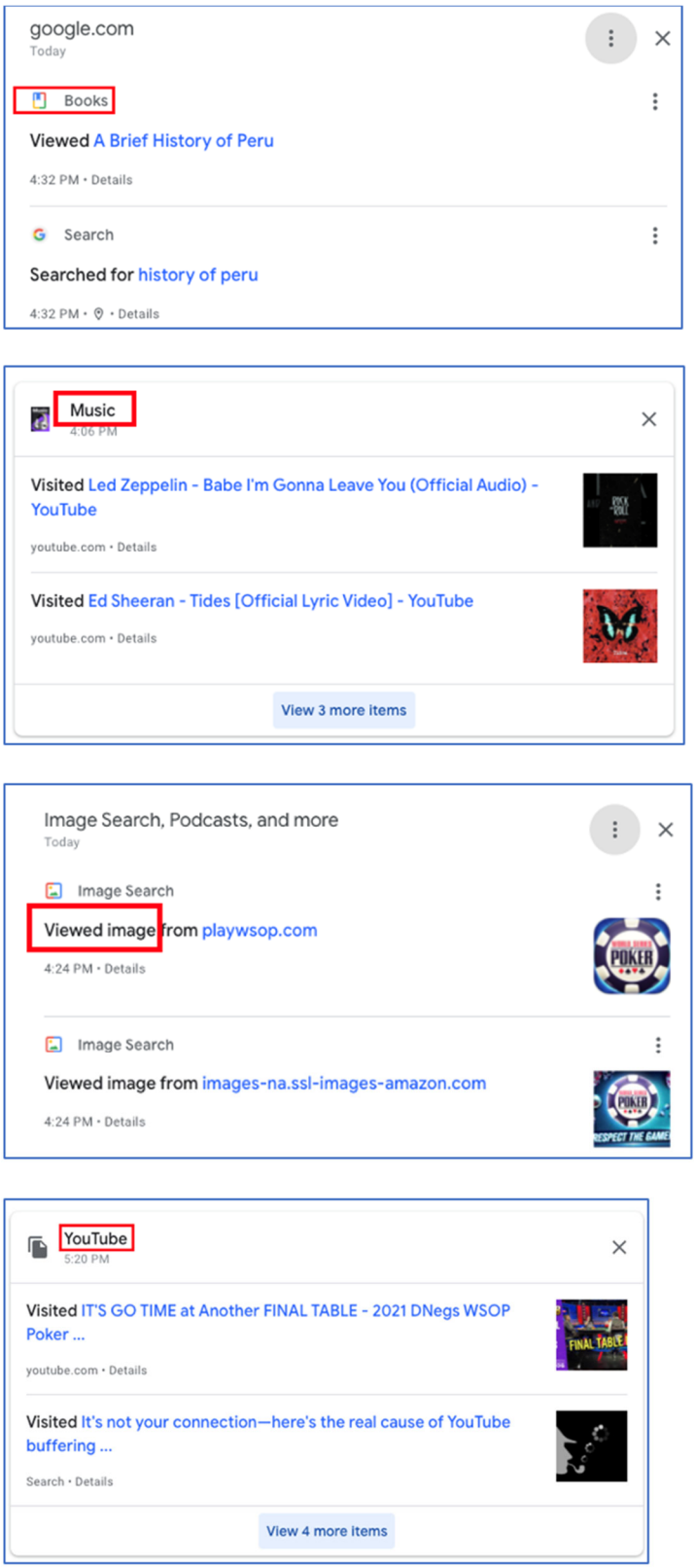
75. Defendants make, use, offer for sale, and/or sell in the United States and/or import into the United States products and services that provide event and venue recommendations and portable media player devices that receive event and venue recommendations. Google operates Google Search servers that provide venue and event search results to users of portable media player devices via the Google Search website and the Google app. Additionally, Google operates servers that track users' online activities so that Google can infer entertainment preferences of a user. Google provides the Google Pixel smartphones, which are portable media player devices. Additionally, YouTube provides the YouTube app, which executes on the Google Pixel smartphones and accesses and plays media files. (collectively, the "'960 Patent Accused Products").

76. The '960 Patent Accused Products infringe at least claims 1 and 16 of the '960 patent in the exemplary manner described below.

77. **Claim 1:** As to claim 1, Google has directly infringed and continues to directly infringe, literally and/or under the doctrine of equivalents, by operating Google Search servers that perform each and every limitation of Claim 1.

78. Google Search servers retrieve a plurality of media stored on or accessed using a portable media player device, or information about said plurality of media. For example, Google's My Activity website shows the information that Google servers track about user's online activity, including activity on mobile devices (portable media player devices), and whether the media

accessed was textual (e.g., books and websites with textual content), image (e.g., pictures), audio (e.g., music and podcasts), or video (e.g., videos on YouTube) media.



Source: https://myactivity.google.com

79. Google Search servers infer, based at least in part of the retrieved plurality of media or the retrieved information about said plurality of media, one or more entertainment preferences of a user of the portable media player device. For example, Google servers track users' activities on Google apps, sites, and services and use this information to provide better recommendations.

> **How recommendations work**
>
> Event recommendations are based on what's popular or trending on Google and similarities with popular events in the past. If you're signed in to your Google Account and have **Personal results** turned on, Google's recommendations are also based on your activity in Google products. These are events Google thinks you may be interested in, but it's up to you to decide what events are right for you. You can turn off **Personal results** in Your Data in Search .

Source: https://support.google.com/websearch/answer/9083858

80. Google Search servers access one or more sources of information about venues or events proximal to a current location of the user. For example, when a search is performed for an event without adding a location, Google Search servers access sources of information (Google Search Index) about venues or events near the user's location.

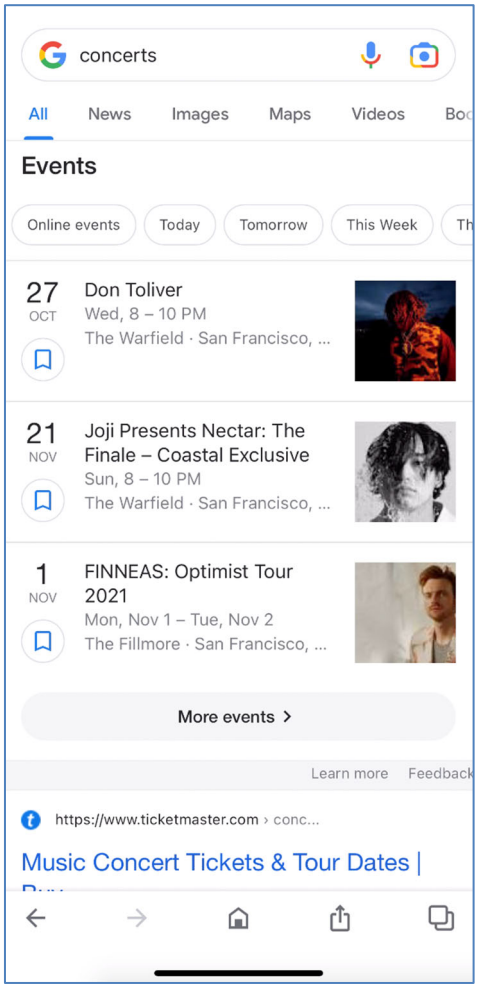
> **How Search organizes information**
>
> Before you search, web crawlers gather information from across hundreds of billions of webpages and organize it in the Search index.

Source: https://www.google.com/search/howsearchworks/crawling-indexing/

> **Search for events on Google**
>
> You can find events on google.com on your mobile device or computer. Choose an event that looks interesting to you to learn more about it, get directions, or find out where to buy tickets.
>
> **Important:** This feature is not available in all languages or countries.
>
> To get started, try these searches: `events near me` or `family friendly events`.
>
> **Search by location**
>
> - To find events near you: Search for an event without adding a location. For example, search `events` or `events near me`.
> - To find events somewhere else: Add a location to your search. For example, enter `concerts in Chicago`.

Source: https://support.google.com/websearch/answer/9083858

81. Google Search servers identify at least one of said venues or events as being of interest to the user based at least in part on the one or more entertainment preferences inferred by the server and the current location of the user. The Google Search servers generate a recommendation indicating the identified venue or event as a venue or event of interest to the user and communicate the recommendation to the user. For example, when a user searches for "concerts" in the Google App, the Google Search servers identify at least one venue and event of interest to and near the current location of the user (in this example, San Francisco) and send the recommendation to the user.



Source: Screenshot of Google app.

82. **<u>Claim 16:</u>** As to claim 16, Defendants have directly and/or indirectly infringed and continue to directly and/or indirectly infringe, literally and/or under the doctrine of

equivalents, by or through making, using, offering for sale, selling within the United States and/or importing Google Pixel smartphones with a web browser that can access Google Search servers and/or with the Google app and the YouTube app.

83. Google Pixel smartphones are portable media player devices comprising a storage medium configured to store one or more of a plurality of media and information about said plurality of media. For example, the Google Pixel 6 has 4GB of RAM and a 64GB hard drive that can store a variety of media files and metadata with information about those files.

Memory & storage	**Memory** 4GB LPDDR4x RAM **Storage** • Internal storage: 64GB[2] • Unlimited online storage for photos and videos[3]

Source: https://support.google.com/pixelphone/answer/7158570

Transfer files between your computer & Pixel phone

You can use your Google Account or a USB cable to move photos, music, and other files between your computer and phone.

Source: https://support.google.com/pixelphone/answer/2840804

84. The Google Pixel smartphones include a player coupled to the storage medium and endowed with executable instructions operable, upon execution, to cause the portable media player device to selectively play the media. For example, the Pixel 6 can play audio and video media files and display images and text media. Additionally, the YouTube app executing on a Google Pixel 6 can play media downloaded from YouTube servers.

85. The Google Pixel smartphones receive from the server, in response to providing the server with the current location, a recommendation indicating a venue or event of interest located proximal to the current location of the user as being of interest to the user. When a user

searches for events or venues in the Google app on a Google Pixel 6, the Pixel 6 provides its location to Google's servers, which in turn use the location information provided by the Pixel 6 to recommend a venue or event that is near the location of the user (in the example below, San Francisco).

Search for events on Google

You can find events on google.com on your mobile device or computer. Choose an event that looks interesting to you to learn more about it, get directions, or find out where to buy tickets.

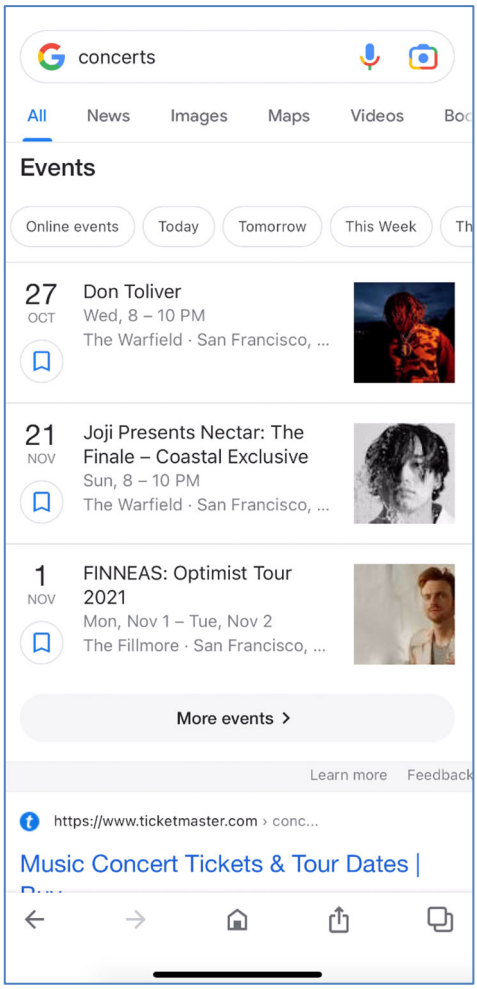
Important: This feature is not available in all languages or countries.

To get started, try these searches: `events near me` or `family friendly events`.

Search by location

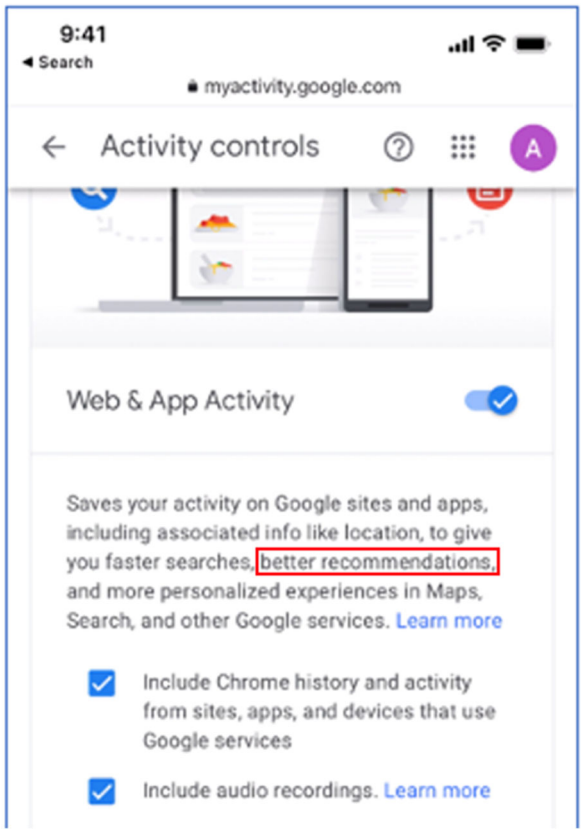
- To find events near you: Search for an event without adding a location. For example, search `events` or `events near me`.
- To find events somewhere else: Add a location to your search. For example, enter `concerts in Chicago`.

Source: https://support.google.com/websearch/answer/9083858



Source: Screenshot of Google app.

86. The recommendation received by the Google Pixel smartphones is generated by the server based at least in part on the inferred current location of the user, data accessed by the server from one or more sources of information about venues or events proximal to the current location of the user, and at least one inferred entertainment preference of the user, the event or venue of interest being one of said venues or events. As described above, when a user searches for events or venues in the Google app, the Google Search servers use the location of the user in determining the results. Additionally, the Google Search servers also infer the user's entertainment preferences by analyzing previous online activity, including the media accessed by the user.



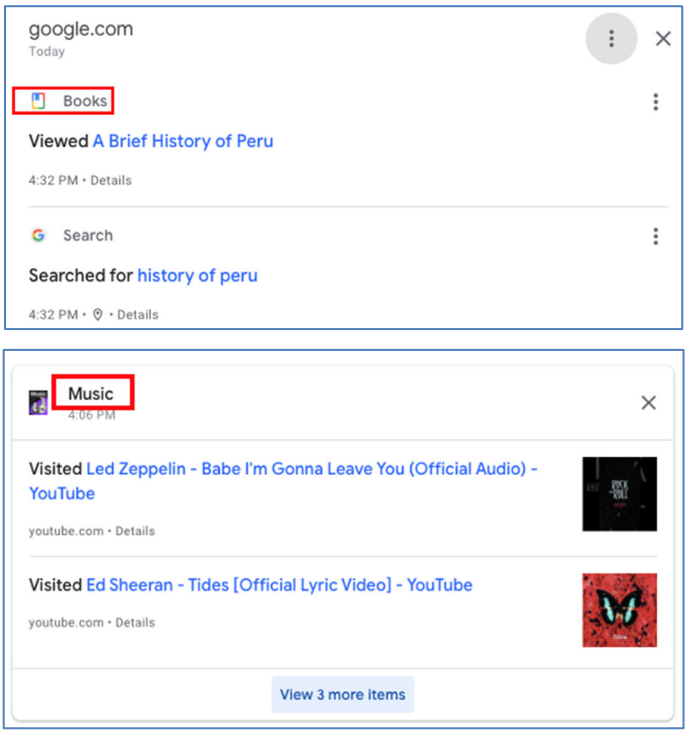
Source: https://myactivity.google.com

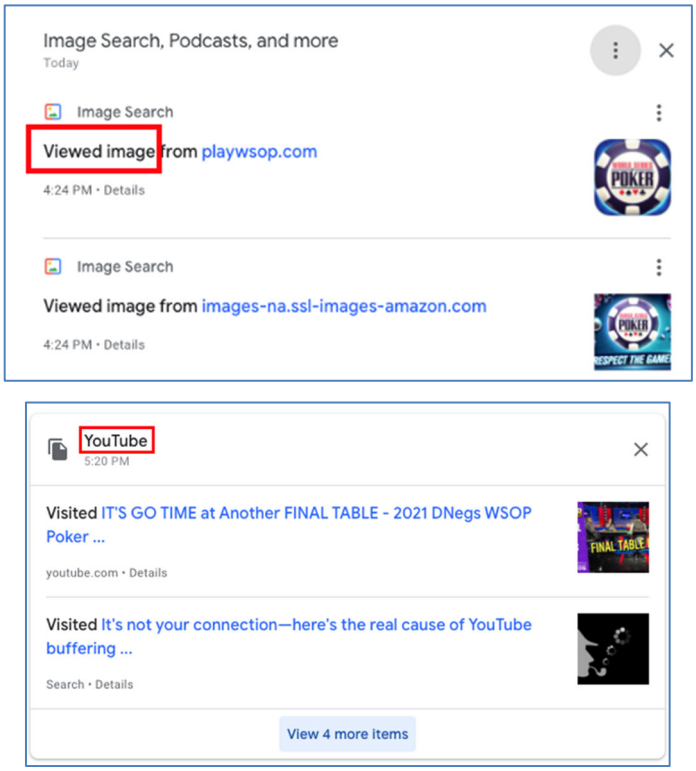
How recommendations work

Event recommendations are based on what's popular or trending on Google and similarities with popular events in the past. If you're signed in to your Google Account and have **Personal results** turned on, Google's recommendations are also based on your activity in Google products. These are events Google thinks you may be interested in, but it's up to you to decide what events are right for you. You can turn off **Personal results** in Your Data in Search .

Source: https://support.google.com/websearch/answer/9083858

87. The at least one entertainment preference is inferred by the server based at least in part on an analysis, by the server, of the plurality of media stored on or accessed using the portable media player device or the information about said plurality of media. As discussed above, the Google Search servers also infer the user's entertainment preferences by analyzing previous online activity, including the media accessed by the user. This includes considering the various media the user accessed using Google and YouTube products and services, including text, image, audio, and video media.





Source: https://myactivity.google.com

88. **<u>Inducement:</u>** Defendants were made aware of the '960 patent and their infringement thereof at least as early as November 30, 2021 when Wildseed Mobile provided notice of Google's infringement of the '960 patent to Sundar Pichai of Google and Susan Wojcicki of YouTube. From at least the time Defendants received notice, Defendants induced others to infringe at least claim 16 of the '960 patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to Defendants' clients, customers, and end users, whose use of the '960 Patent Accused Products constituted direct infringement of at least claim 16 of the '960 patent. In particular, Defendants' actions that aided and abetted others such as customers and end users to infringe included advertising and distributing the '960 Patent Accused Products and providing instruction materials, training, and services regarding the '960 Patent Accused Products. For example, Google sells Google Pixel phones to consumers on its website. *See* https://store.google.com/category/phones. Additionally, Google provides instruction to end users

on how to use Google to search for venues and events on its website. *See e.g.*, https://support.google.com/websearch/answer/9083858. Additionally, YouTube makes the YouTube app available for download onto computer systems through the Google Play Store and Apple App Store. *See* https://play.google.com/store/search?q=youtube, https://play.google.com/store/apps/details?id=com.google.android.youtube, https://apps.apple.com/us/app/youtube-watch-listen-stream/id544007664.

89. **Contributory:** Google is liable as a contributory infringer of the '960 patent under 35 U.S.C. § 271(c) by offering to sell, selling and importing into the United States the Google Pixel smartphones and Google app, to be especially made or adapted for use in an infringement of the '960 patent. The '960 Patent Accused Products are a material component for use in practicing the '960 patent and are specifically made and are not a staple article of commerce suitable for substantial non-infringing use.

90. **Willfulness:** Since the date of its receipt of notice, Defendants' infringement of the '960 patent has been willful and intentional under the standard announced in *Halo Elecs., Inc. v. Pulse Elecs., Inc.,* 136 S.Ct. 1923, 195 L.Ed 2d 278 (2016). Since at least November 30, 2021, Defendants have willfully infringed the '960 patent by refusing to take a license and continuing to make, use, test, sell, license, and/or offer for sale/license the '960 Patent Accused Products. Defendants have been aware that they infringe the '960 patent since at least November 30, 2021 and instead of taking a license, Defendants have opted to make the business decision to "efficiently infringe" the '960 patent. In doing so, Defendants willfully infringed the '960 Patent.

91. Defendants' infringement has damaged and injured and continues to damage and injure Wildseed Mobile.

COUNT III - INFRINGEMENT OF U.S. PATENT NO. 10,251,021

92. Plaintiff incorporates by reference the allegations contained in the preceding paragraphs of this Complaint as if fully set forth herein.

93. Defendants make, use, offer for sale, and/or sell in the United States and/or import into the United States products and services that provide event and venue recommendations and media player devices that receive event and venue recommendations. Google operates Google Search servers that provide venue and event search results to users of portable media player devices via the Google Search website and the Google app. Additionally, Google and YouTube operate servers that track users' online activities so that Google can infer entertainment preferences of a user. Google provides the Google Pixel smartphones, which are portable media player devices. Additionally, YouTube provides the YouTube app, which executes on the Google Pixel smartphones and accesses and plays media files. (collectively, the "'021 Patent Accused Products").

94. The '021 Patent Accused Products infringe at least claims 1 and 10 of the '021 patent in the exemplary manner described below.

95. **Claim 1:** As to claim 1, Defendants have directly infringed and continue to directly infringe, literally and/or under the doctrine of equivalents, by operating Google Search and YouTube servers that include each and every limitation of Claim 1.

96. Google Search and YouTube servers include one or more non-transitory computer-readable media comprising instructions written thereon, wherein execution of the instructions by one or more processors of a computer server cause the computer server to take certain actions. For example, Google Search and YouTube servers include hard drives (non-transitory computer-readable media) that store software code (instructions) that control the server.

97. Google Search and YouTube servers control receipt of media or information about the media, the media being stored on a portable media player device or accessed using the portable media player device. For example, when a user uses a mobile device to access text or image media through the Google app or Google Search website, or to access video or audio media through YouTube, Google and YouTube servers receive and store information about the media being accessed using the mobile device. Google's My Activity website shows the user information that Google tracks and that the '021 Patent Accused Products use, including whether the media accessed was textual (e.g., books and websites with textual content), image (e.g., pictures), audio (e.g., music and podcasts), or video (e.g., videos on YouTube) media.

google.com
Today

Books

Viewed A Brief History of Peru

4:32 PM • Details

Search

Searched for history of peru

4:32 PM • • Details

Music
4:06 PM

Visited Led Zeppelin - Babe I'm Gonna Leave You (Official Audio) - YouTube

youtube.com • Details

Visited Ed Sheeran - Tides [Official Lyric Video] - YouTube

youtube.com • Details

View 3 more items

Image Search, Podcasts, and more
Today

Image Search

Viewed image from playwsop.com

4:24 PM • Details

Image Search

Viewed image from images-na.ssl-images-amazon.com

4:24 PM • Details

YouTube
5:20 PM

Visited IT'S GO TIME at Another FINAL TABLE - 2021 DNegs WSOP Poker ...

youtube.com • Details

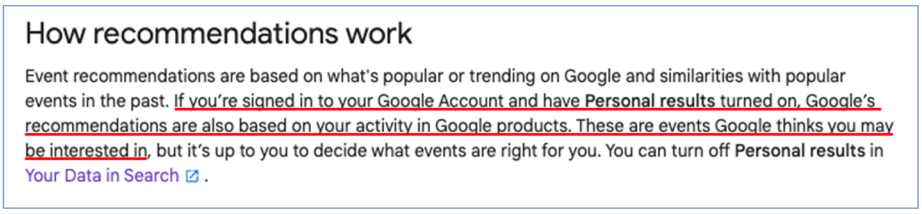
Visited It's not your connection—here's the real cause of YouTube buffering ...

Search • Details

View 4 more items

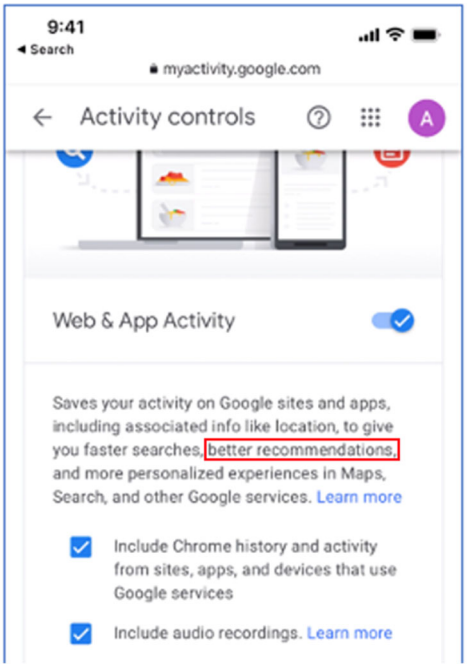
Source: https://myactivity.google.com.

98. Google Search servers infer one or more entertainment preferences of a user of the portable media player device based at least in part on the retrieved media, the retrieved information about the media, and a plurality of media content types of the media stored on or accessed by the portable media player device wherein the plurality of media content types comprises textual media, image media, audio media, and video media. As discussed above, Google and YouTube servers track users' online activities, including the types of media accessed by users such as text, image, audio, and video media. Google Search servers use this information about the users' previous online activities to infer one or more entertainment preferences of the user of the portable media player device.


How recommendations work

Event recommendations are based on what's popular or trending on Google and similarities with popular events in the past. If you're signed in to your Google Account and have **Personal results** turned on, Google's recommendations are also based on your activity in Google products. These are events Google thinks you may be interested in, but it's up to you to decide what events are right for you. You can turn off **Personal results** in Your Data in Search .

Source: https://support.google.com/websearch/answer/9083858



Source: https://myactivity.google.com

99. Google Search servers will access one or more sources of information about venues or events that are proximal to the location of the portable media player device. For example, the Google Search servers build a search index (source of information) that they access when responding to user searches for venues or events.

How Search organizes information

Before you search, web crawlers gather information from across hundreds of billions of webpages and organize it in the Search index.

Source: https://www.google.com/search/howsearchworks/crawling-indexing/

100. Additionally, the Google Search servers use the current location of the user when determining which venues or events to display in the search results.

Search for events on Google

You can find events on google.com on your mobile device or computer. Choose an event that looks interesting to you to learn more about it, get directions, or find out where to buy tickets.

Important: This feature is not available in all languages or countries.

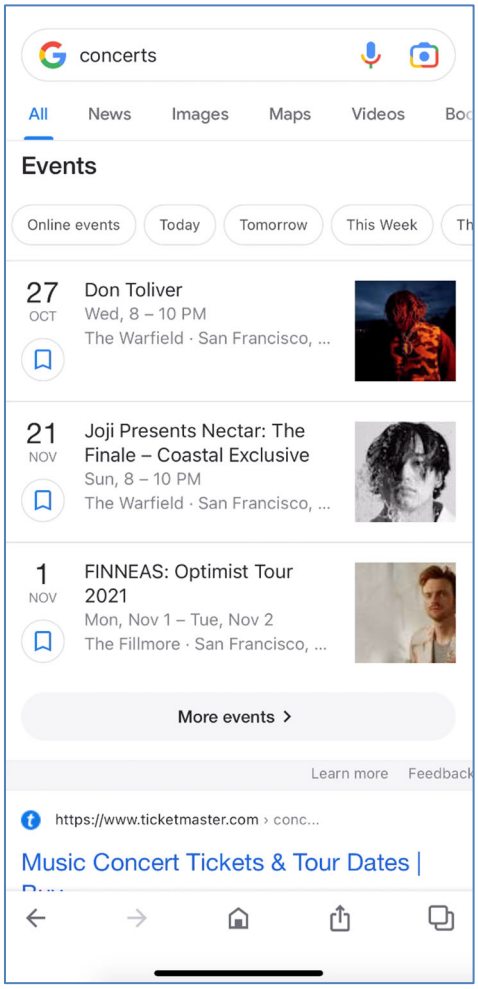
To get started, try these searches: `events near me` or `family friendly events`.

Search by location

- To find events near you: Search for an event without adding a location. For example, search `events` or `events near me`.
- To find events somewhere else: Add a location to your search. For example, enter `concerts in Chicago`.

Source: https://support.google.com/websearch/answer/9083858

101. Google Search servers will identify at least one of said venues or events as being of interest to the user based at least in part on the one or more entertainment preferences inferred by the server and the current location of the user. For example, when a user searches for "concerts" using the Google App, the Google Search servers provide search results, including event and venue information, based at least in part on the inferred entertainment preferences and current location of the user (in this example, in San Francisco).



Source: Screenshot of Google mobile app

102. Google Search servers generate a recommendation indicating the identified venue or event as a venue or event of interest to the user. For example, the Google Search servers will generate search results based on the venues or events identified in response to the user's search request, as discussed above.

103. The Google Search servers control communication of the recommendation to the user. For example, the Google Search servers control transmission of the search results including venues and events to the user. The results are displayed in the Google app.

104. **<u>Claim 10:</u>** As to claim 10, Defendants have directly and/or indirectly infringed and continue to directly and/or indirectly infringe, literally and/or under the doctrine of

equivalents, by or through making, using, offering for sale, selling within the United States and/or importing Google Pixel smartphones that can access Google Search servers with a web browser and/or the Google app and that can access YouTube with a web browser and/or the YouTube app.

105. Google Pixel smartphones include one or more non-transitory computer-readable media (NTCRM) comprising instructions that, when executed by one or more processors of a portable media player device, control the actions of the device. For example, the Google Pixel 6 has 4GB of RAM and a 64GB hard drive that software code (instructions) that control the device.

Memory & storage	**Memory** 4GB LPDDR4x RAM **Storage** • Internal storage: 64GB[2] • Unlimited online storage for photos and videos[3]

Source: https://support.google.com/pixelphone/answer/7158570?hl=en - zippy=,pixel-a

106. Google Pixel smartphones operate a media player application to access media from a local storage of the portable media player device or a remote storage. For example, Google Pixel 6 smartphones with the YouTube app access media, such as audio and video media, from remote YouTube servers.

107. Google Pixel smartphones establish a network connection with a server, the server to provide location and preference based venue or event recommendations. For example, a Pixel 6 smartphones establish a network connection with Google Search servers, via a web browser or the Google app, which provide event and venue recommendations located near the user in response to user searches.

Search for events on Google

You can find events on google.com on your mobile device or computer. Choose an event that looks interesting to you to learn more about it, get directions, or find out where to buy tickets.

Important: This feature is not available in all languages or countries.

To get started, try these searches: `events near me` or `family friendly events`.

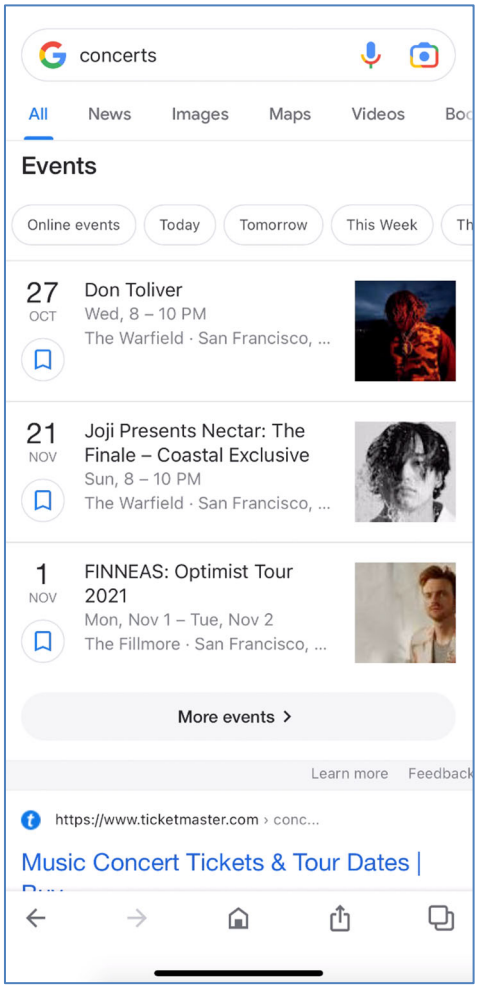
Search by location

- To find events near you: Search for an event without adding a location. For example, search `events` or `events near me`.
- To find events somewhere else: Add a location to your search. For example, enter `concerts in Chicago`.

Source: https://support.google.com/websearch/answer/9083858

108. Google Pixel smartphones control transmission, to the server, of location information associated with the portable media player device to facilitate the server in inferring a current location of a user of the portable media player device. For example, Google Pixel 6 smartphones send location information to Google Search servers, either through the web browser or the Google app, to facilitate Google Search servers in inferring the location of the user.

109. Google Pixel smartphones control receipt, from the server, of a recommendation indicating an event or venue of interest that is proximate to the inferred current location of the user. For example, when a user searches for "concerts," the Google App shows search results received from Google's servers, including event and venue information, near the location of the Accused Product (in this example, in San Francisco).

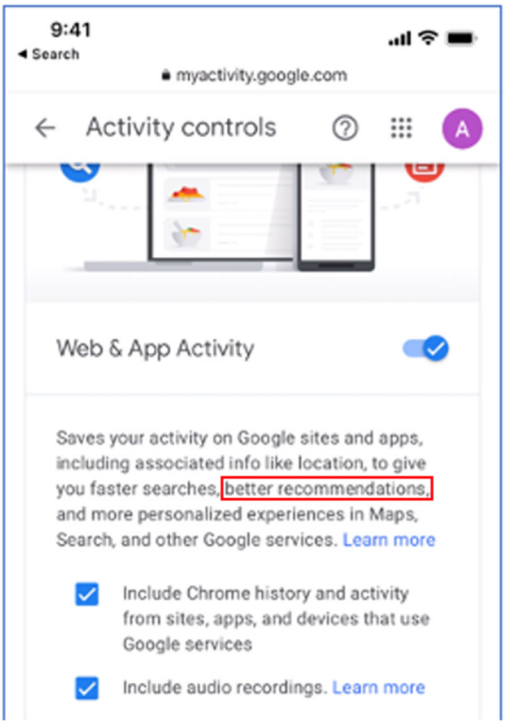


Source: Screenshot of Google app.

110. The recommendation is based on one or more inferred preferences of the user and the location information. As discussed above, Google Search servers consider the location of the user when determining search results for venues and events. Additionally, when searching for venues and events, Google Search servers determine the user's entertainment preferences by analyzing the user's previous online activity

> **How recommendations work**
>
> Event recommendations are based on what's popular or trending on Google and similarities with popular events in the past. If you're signed in to your Google Account and have **Personal results** turned on, Google's recommendations are also based on your activity in Google products. These are events Google thinks you may be interested in, but it's up to you to decide what events are right for you. You can turn off **Personal results** in Your Data in Search .

Source: https://support.google.com/websearch/answer/9083858



Source: https://myactivity.google.com

111. The inferred preferences are based at least in part on the accessed media, media content types of the accessed media from among a plurality of media content types, and information about the accessed media, wherein the plurality of media content types comprises textual media, image media, audio media, and video media. For example, Google's My Activity website shows the user information that Google tracks and that Google Search servers use, including whether the media accessed was textual (e.g., books and websites with textual content), image (e.g., pictures), audio (e.g., music and podcasts), or video (e.g., videos on YouTube) media.

google.com
Today

Books

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4:32 PM • Details

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Searched for history of peru

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4:06 PM

Visited Led Zeppelin - Babe I'm Gonna Leave You (Official Audio) - YouTube

youtube.com • Details

Visited Ed Sheeran - Tides [Official Lyric Video] - YouTube

youtube.com • Details

View 3 more items

Image Search, Podcasts, and more
Today

Image Search

Viewed image from playwsop.com

4:24 PM • Details

Image Search

Viewed image from images-na.ssl-images-amazon.com

4:24 PM • Details

YouTube
5:20 PM

Visited IT'S GO TIME at Another FINAL TABLE - 2021 DNegs WSOP Poker ...

youtube.com • Details

Visited It's not your connection—here's the real cause of YouTube buffering ...

Search • Details

View 4 more items

Source: https://myactivity.google.com

112. The event or venue of interest is selected from one or more sources of information about a plurality of venues or events proximate to the current location of the user. For example, Google Search servers will access one or more sources of information about venues or events (e.g., Google's Search Index) and select an event or venue near the user's current location.

> How Search organizes information
>
> Before you search, web crawlers gather information from across hundreds of billions of webpages and organize it in the Search index.

Source: https://www.google.com/search/howsearchworks/crawling-indexing/

113. **Inducement:** Defendants were made aware of the '021 patent and their infringement thereof at least as early as November 30, 2021 when Wildseed Mobile provided notice of Defendants' infringement of the '021 patent to Sundar Pichai of Google and Susan Wojcicki of YouTube. From at least the time Defendants received notice, Defendants induced others to infringe at least claim 10 of the '021 patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to Defendants' clients, customers, and end users, whose use of the '021 Patent Accused Products constituted direct infringement of at least claim 10 of the '021 patent. In particular, Defendants' actions that aided and abetted others such as customers and end users to infringe included advertising and distributing the '021 Patent Accused Products and providing instruction materials, training, and services regarding the '021 Patent Accused Products. For example, Google sells Google Pixel phones to consumers on its website. *See* https://store.google.com/category/phones. Additionally, Google provides instruction to end users on how to use Google to search for venues and events on its website.

See e.g., https://support.google.com/websearch/answer/9083858. Additionally, YouTube makes the YouTube app available for download onto computer systems through the Google Play Store and Apple App Store. *See* https://play.google.com/store/search?q=youtube, https://play.google.com/store/apps/details?id=com.google.android.youtube, https://apps.apple.com/us/app/youtube-watch-listen-stream/id544007664.

114. **Contributory:** Defendants are liable as contributory infringers of the '021 patent under 35 U.S.C. § 271(c) by offering to sell, selling and importing into the United States the Google Pixel smartphones, Google app, and YouTube app, to be especially made or adapted for use in an infringement of the '021 patent. The Google Pixel smartphones, Google app, and YouTube app are a material component for use in practicing the '021 patent and are specifically made and are not a staple article of commerce suitable for substantial non-infringing use.

115. **Willfulness:** Since the date of its receipt of notice, Defendants' infringement of the '021 patent has been willful and intentional under the standard announced in *Halo Elecs., Inc. v. Pulse Elecs., Inc.,* 136 S.Ct. 1923, 195 L.Ed 2d 278 (2016). Since at least November 30, 2021, Defendants have willfully infringed the '021 patent by refusing to take a license and continuing to make, use, test, sell, license, and/or offer for sale/license the '021 Patent Accused Products. Defendants have been aware that they infringe the '021 patent since at least November 30, 2021 and instead of taking a license, Defendants have opted to make the business decision to "efficiently infringe" the '021 patent. In doing so, Defendants willfully infringed the '021 Patent.

116. Defendants' infringement has damaged and injured and continues to damage and injure Wildseed Mobile.

COUNT IV - INFRINGEMENT OF U.S. PATENT 10,959,040

117. Plaintiff incorporates by reference the allegations contained in the preceding paragraphs of this Complaint as if fully set forth herein.

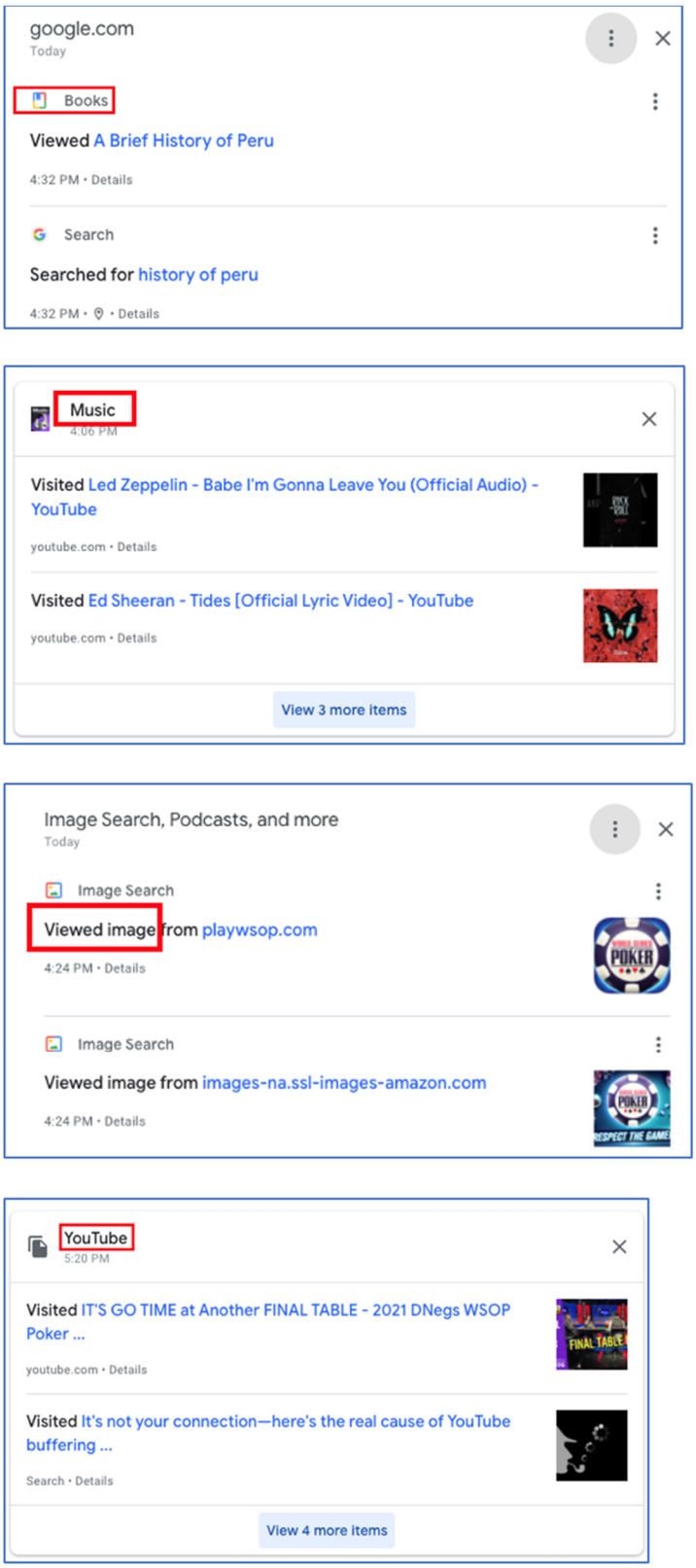
118. Defendants make, use, offer for sale, and/or sell in the United States and/or import into the United States products and services that provide event and venue recommendations and mobile devices that receive event and venue recommendations. Google operates Google Search servers that provide venue and event search results to users of portable media player devices via the Google Search website and the Google app. Additionally, Google operates servers that track users' online activities so that Google can infer entertainment preferences of a user. Google provides the Google Pixel smartphones, which are mobile devices. Additionally, YouTube provides the YouTube app, which executes on the Google Pixel smartphones and accesses and plays media files. (collectively, the "'040 Patent Accused Products").

119. The '040 Patent Accused Products infringe at least claims 1 and 10 of the ' 040 patent in the exemplary manner described below.

120. **Claim 1:** As to claim 1, Google has directly infringed and continues to directly infringe, literally and/or under the doctrine of equivalents, by operating Google Search servers that perform each and every limitation of Claim 1.

121. Google Search servers are servers comprising processor circuitry arranged to infer one or more entertainment preferences of a user of a mobile device based on retrieved information about media accessed by the mobile device and a plurality of media content types of the media, the plurality of media content types including textual media, image media, audio media, and video media. For example, Google's My Activity website shows the user information that Google tracks and that Google Search servers use to infer entertainment preferences of a user of a mobile device,

including whether the media accessed was textual (e.g., books and websites with textual content), image (e.g., pictures), audio (e.g., music and podcasts), or video (e.g., videos on YouTube) media.



Source: https://myactivity.google.com

122. Google Search servers access one or more sources of information about venues or events proximal to a current location of the user or the mobile device. When a user searches for venues or events, Google Search servers will access Google's Search Index (a source of information) to identify venues or events near the location of the user.

How Search organizes information

Before you search, web crawlers gather information from across hundreds of billions of webpages and organize it in the Search index.

Source: https://www.google.com/search/howsearchworks/crawling-indexing/

Search for events on Google

You can find events on google.com on your mobile device or computer. Choose an event that looks interesting to you to learn more about it, get directions, or find out where to buy tickets.

Important: This feature is not available in all languages or countries.

To get started, try these searches: `events near me` or `family friendly events`.

Search by location

- To find events near you: Search for an event without adding a location. For example, search `events` or `events near me`.
- To find events somewhere else: Add a location to your search. For example, enter `concerts in Chicago`.

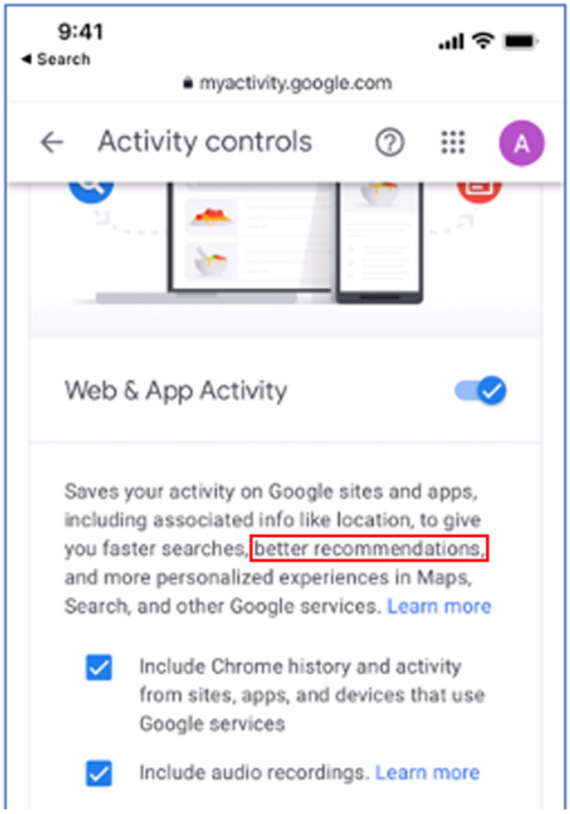
Source: https://support.google.com/websearch/answer/9083858

123. Google Search servers identify at least one of the venues or events as being of interest to the user based at least in part on the inferred one or more entertainment preferences and the current locations. As discussed above, Google Search servers use the location of the user to identify the recommended venue or event. Additionally, Google Search servers use the inferred entertainment preferences of the user to identify a venue or event as being of interest to the user.

How recommendations work

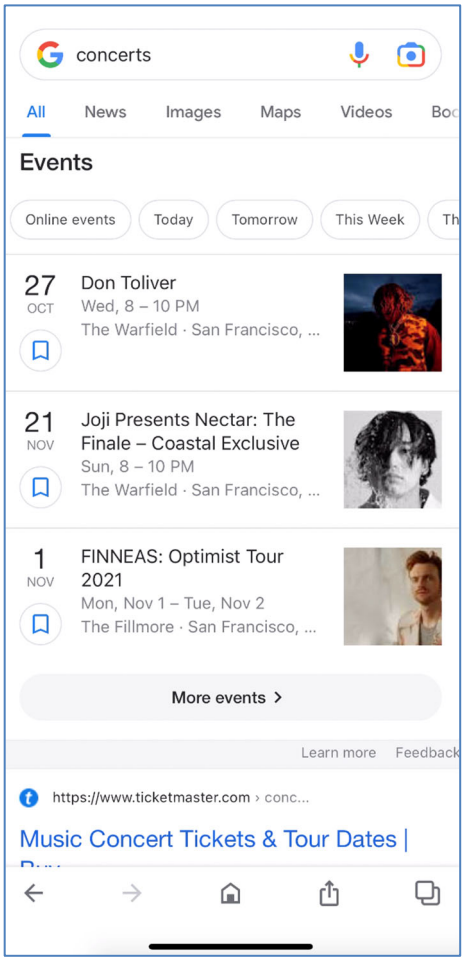
Event recommendations are based on what's popular or trending on Google and similarities with popular events in the past. If you're signed in to your Google Account and have **Personal results** turned on, Google's recommendations are also based on your activity in Google products. These are events Google thinks you may be interested in, but it's up to you to decide what events are right for you. You can turn off **Personal results** in Your Data in Search.

124. **Source:** https://support.google.com/websearch/answer/9083858



Source: https://myactivity.google.com

125. Google Search servers generate a recommendation message indicating the identified venue or event. This message is received by the mobile device and displayed in the Google App or the web browser.



Source: Screenshot of Google app.

126. Google Search servers include network interface circuitry communicatively coupled to the processor circuitry, the network interface circuitry arranged to receive the information about the media, and send the recommendation message to the mobile device. For example, Google Search servers have network interface circuitry that is connected to the Internet that receives searches for venues and events and transmit search results to the mobile device.

Data Centers

Google operates data centers in the Americas, Europe and Asia that we use for computation and backend storage.

Our data centers are the heart of Google content and services.

Google has built a large, specialized data network to link all of its data centers together so that content can be replicated across multiple sites for resilience, and services can be delivered closest to the end user.

Source: https://peering.google.com/#/infrastructure

127. **Claim 10:** As to claim 10, Defendants have directly and/or indirectly infringed and continue to directly and/or indirectly infringe, literally and/or under the doctrine of equivalents, by or through making, using, offering for sale, selling within the United States and/or importing Google Pixel smartphones with access to Google Search through a web browser and/or the Google App and the YouTube app.

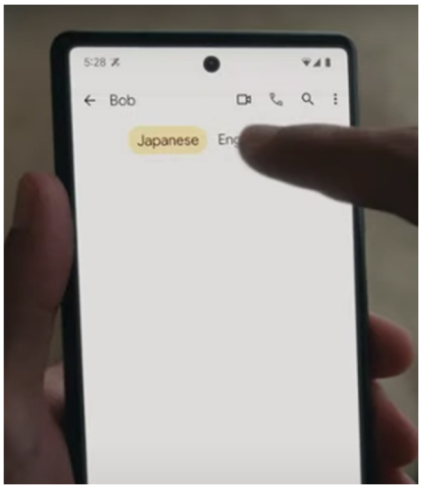
128. Google Pixel smartphones include user interface circuitry. For example, the Google Pixel 6 is a mobile phone that includes a touchscreen user interface and related circuitry. The screen is a 6.4 inch FHD+ (1080 x 2400) OLED display.

Display

Full-screen 6.4-inch (163 mm)[1] display	High brightness mode
20:9 aspect ratio	>1,000,000:1 contrast ratio
FHD+ (1080 x 2400) OLED at 411 ppi	HDR support
Smooth Display (up to 90 Hz)[2]	Full 24-bit depth for 16 million colors
Corning® Gorilla® Glass Victus™ cover glass	
Always-on display with At a Glance and Now Playing	

Source: https://store.google.com/us/product/pixel_6_specs

129. The Google Pixel 6's touchscreen allows users to control the functions of the '040 Patent Accused Products.



Source: https://store.google.com/product/pixel_6 (video at 0:15)

130. The Google Pixel mobile devices include transceiver circuitry. For example, the Google Pixel 6 includes cellular and Wi-Fi transceiver circuitry.

Network[14]

[5G Sub 6GHz][15] Model GB7N6

GSM/EDGE: Quad-band (850, 900, 1800, 1900 MHz)

UMTS/HSPA+/HSDPA: Bands 1,2,4,5,6,8,19

LTE: Bands

B1/2/3/4/5/7/8/12/13/14/17/18/19/20/25/26/28/29/30/32/38/39/40/41/42/46/48/66/71

5G Sub-6[15]: Bands

n1/2/3/5/7/8/12/14/20/25/28/30/38/40/41/48/66/71/77/78

eSIM

[5G mmWave + Sub 6GHz][15]

Model G9S9B[16]

GSM/EDGE: Quad-band (850, 900, 1800, 1900 MHz)

UMTS/HSPA+/HSDPA: Bands 1,2,4,5,6,8,19

LTE: Bands

B1/2/3/4/5/7/8/12/13/14/17/18/19/20/25/26/28/29/30/32/38/39/40/41/42/46/48/66/71

5G Sub-6[15]: Bands n1/2/3/5/7/8/12/14/20/25/28/30/38/40/41/48/66/71/77/78

5G mmWave[15]: Bands n257/n258/n260/n261

eSIM

Source: https://store.google.com/product/pixel_6_specs

Connectivity & Location

Wi-Fi 6E (802.11ax) with 2.4G+5GHz+6GHz, HE160, MIMO

Bluetooth® v5.2 with dual antennas for enhanced quality and connection

NFC

Google Cast

Dual Band GNSS

GPS, GLONASS, Galileo, QZSS

Source: https://store.google.com/product/pixel_6_specs

131. The Google Pixel mobile devices include processor circuitry communicatively coupled to the user interface circuitry and the transceiver circuitry. For example, the Google Pixel 6 includes a Google Tensor processor which is connected to the cellular and Wi-Fi communications circuitry and the touchscreen interface via a circuit board.

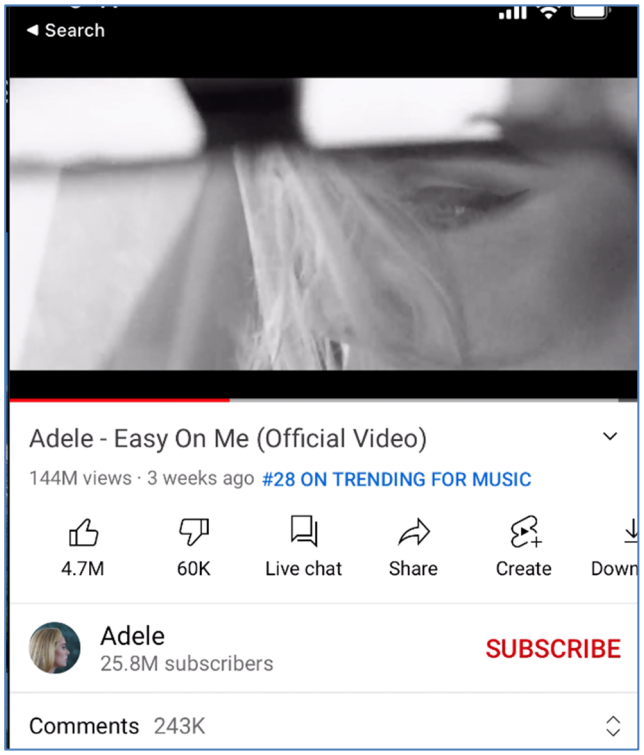
Processors

Google Tensor

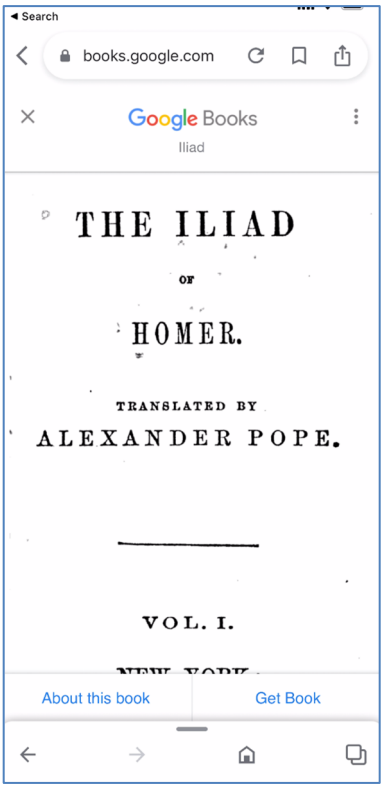
Titan M2™ security coprocessor

Source: https://store.google.com/product/pixel_6_specs

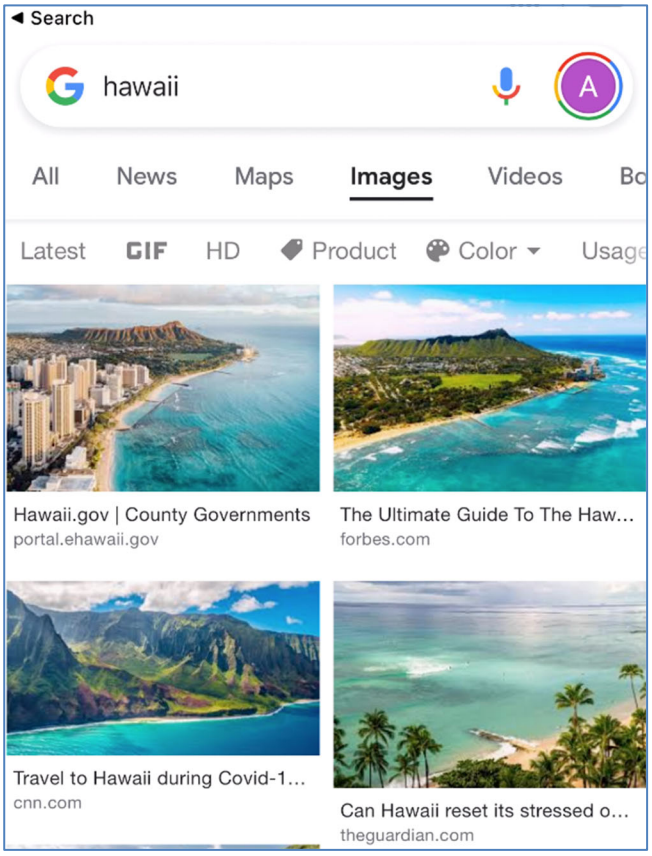
132. The Google Pixel mobile devices operate a media player application to access media, and output the accessed media via the user interface circuitry. For example, the Google Pixel 6 can access and display media, including text and image media through the Google App or web browser and video and audio media through the YouTube app or web browser.



Source: Screenshot of video playing on the YouTube app.

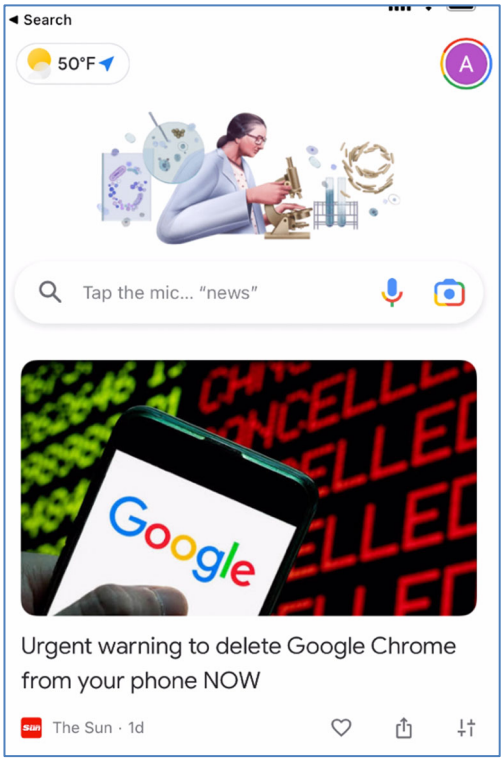


Source: Screenshot of the Google app.



Source: Screenshot of Google app.

133. The Google Pixel mobile devices establish a network connection with a server via the transceiver circuitry. For example, the '040 Patent Accused Products can connect to the Google Search servers via the Internet.



Source: Home screen of Google app.

134. The '040 Patent Accused Products connect to the Internet through cellular or Wi-Fi network connections. For example, the Google Pixel 6 includes cellular and Wi-Fi network transceiver circuitry.

Network[14]

[5G Sub 6GHz][15] Model GB7N6

GSM/EDGE: Quad-band (850, 900, 1800, 1900 MHz)

UMTS/HSPA+/HSDPA: Bands 1,2,4,5,6,8,19

LTE: Bands

B1/2/3/4/5/7/8/12/13/14/17/18/19/20/25/26/28/29/30/32/38/39/40/41/42/46/48/66/71

5G Sub-6[15]: Bands

n1/2/3/5/7/8/12/14/20/25/28/30/38/40/41/48/66/71/77/78

eSIM

[5G mmWave + Sub 6GHz][15]

Model G9S9B[16]

GSM/EDGE: Quad-band (850, 900, 1800, 1900 MHz)

UMTS/HSPA+/HSDPA: Bands 1,2,4,5,6,8,19

LTE: Bands

B1/2/3/4/5/7/8/12/13/14/17/18/19/20/25/26/28/29/30/32/38/39/40/41/42/46/48/66/71

5G Sub-6[15]: Bands n1/2/3/5/7/8/12/14/20/25/28/30/38/40/41/48/66/71/77/78

5G mmWave[15]: Bands n257/n258/n260/n261

eSIM

Source: https://store.google.com/product/pixel_6_specs

Connectivity & Location

Wi-Fi 6E (802.11ax) with 2.4G+5GHz+6GHz, HE160, MIMO

Bluetooth® v5.2 with dual antennas for enhanced quality and connection

NFC

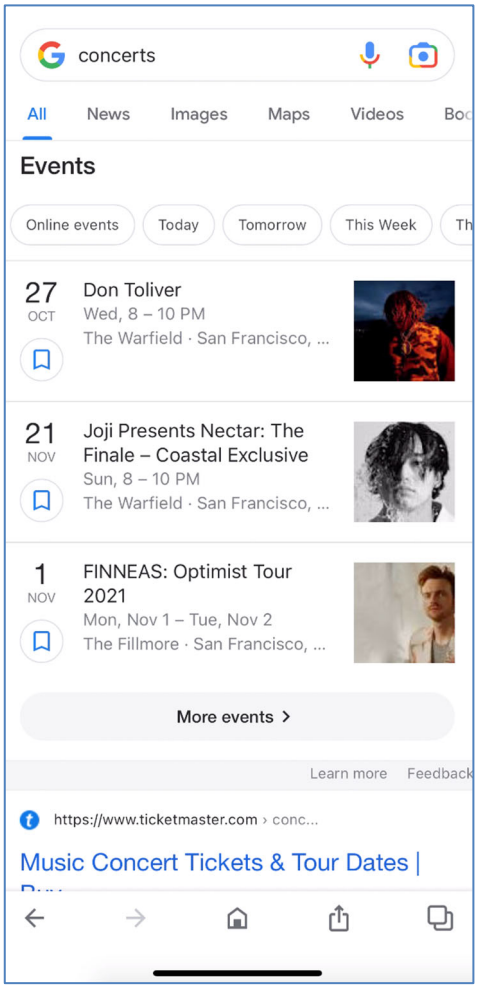
Google Cast

Dual Band GNSS

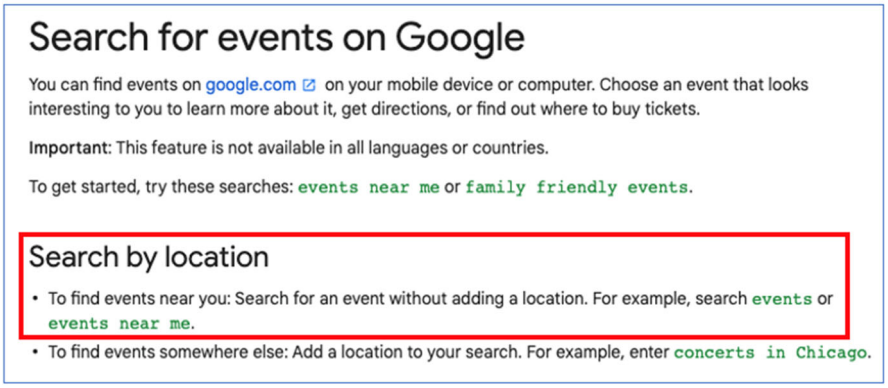
GPS, GLONASS, Galileo, QZSS

Source: https://store.google.com/product/pixel_6_specs

135. The Google Pixel mobile devices' transceiver circuitry receives a recommendation message from the server, the recommendation message indicating an event or venue of interest that is proximate to an inferred current location of a user. For example, when a user searches for "concerts" using the Google App, the Google Pixel transceiver circuitry receives search results from Google Search servers, including event and venue information, near the location of the user (in this example, in San Francisco).



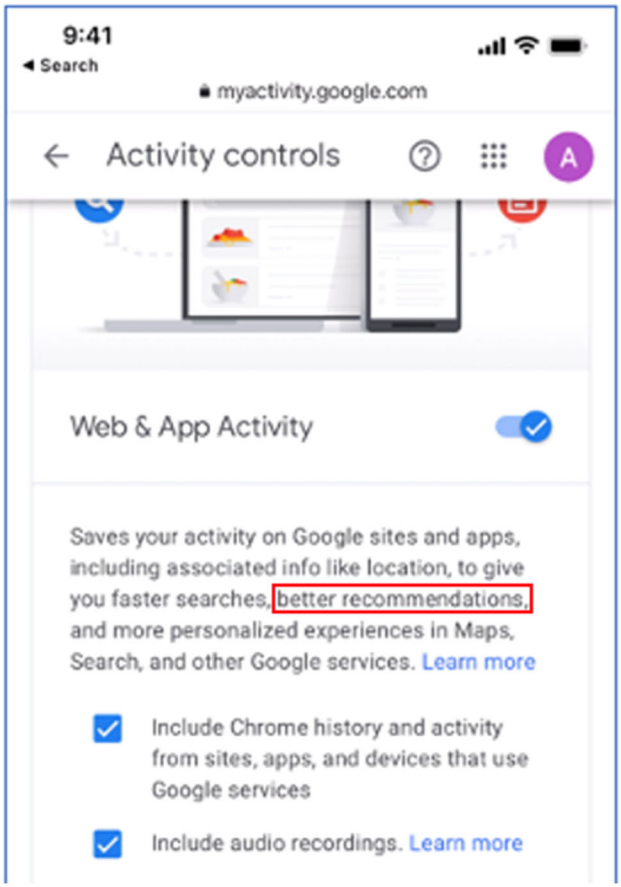
Source: Screenshot of Google app.



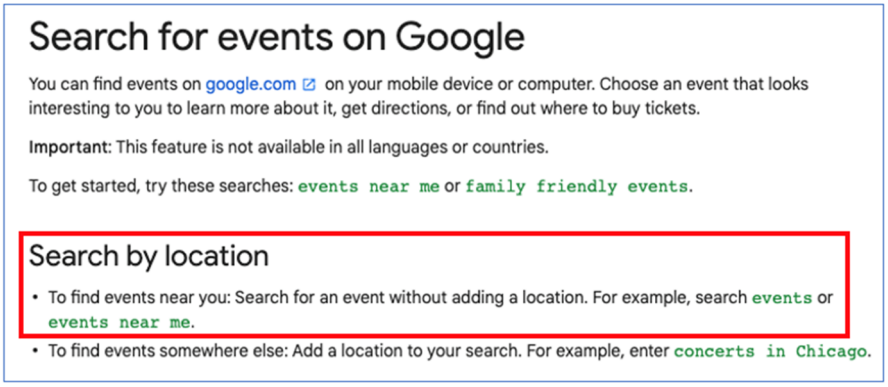
Source: https://support.google.com/websearch/answer/9083858

136. The event or venue of interest is based on one or more inferred preferences of the user and the inferred current location. For example, Google Search servers track users' activities on Google apps, sites, and services and use this information to infer the user's preferences and

provide better recommendations. Additionally, Google Search servers use the location of the user in identifying events or venues of interest near the user's location.



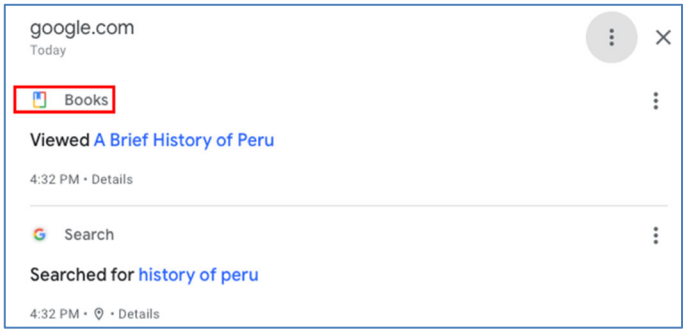
Source: https://myactivity.google.com

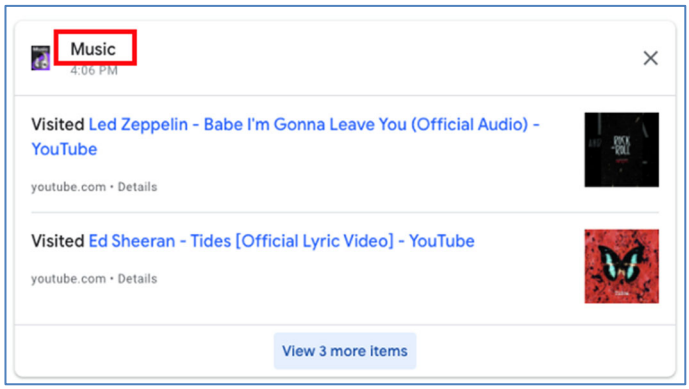


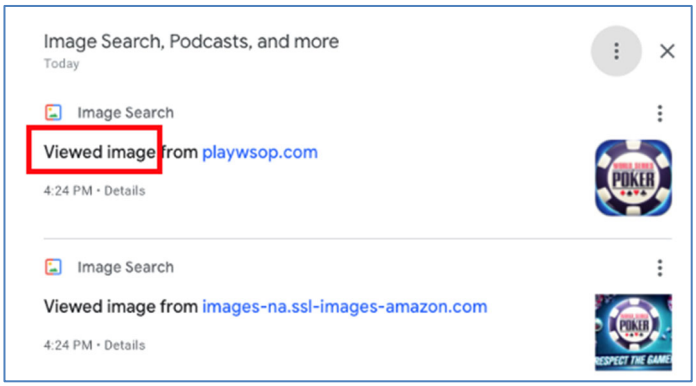
Source: https://support.google.com/websearch/answer/9083858

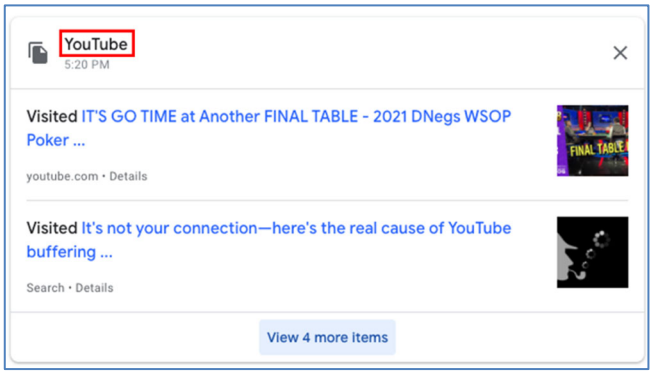
137. The inferred preferences are based at least in part on information about the accessed media from among a plurality of media content types, the plurality of media content

types including textual media, image media, audio media, and video media. When searching for events, Google's servers determine the user's entertainment preferences by analyzing the user's previous online activity. Google's My Activity website shows the user information that Google tracks and that Google Search servers use, including whether the media accessed was textual (e.g., books and websites with textual content), image (e.g., pictures), audio (e.g., music and podcasts), or video (e.g., videos on YouTube) media.



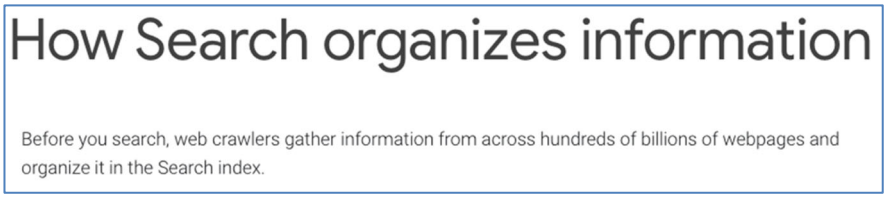




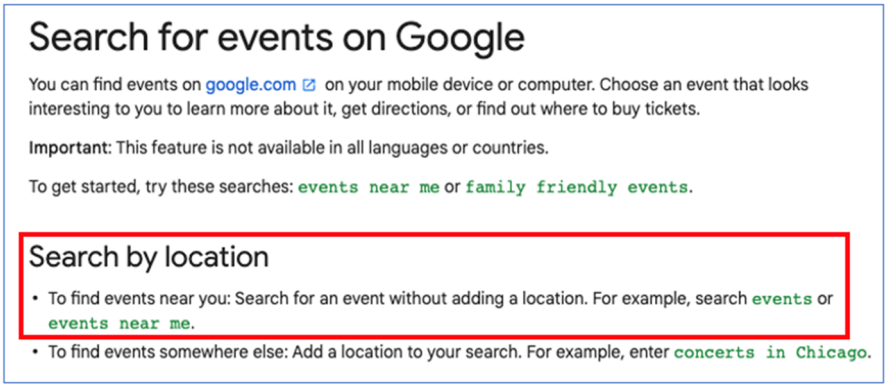


Source: https://myactivity.google.com

138. The event or venue of interest is selected from one or more sources of information about a plurality of venues or events proximate to the inferred current location of the user. For example, Google Search servers will access one or more sources of information about venues or events (e.g., Google's Search Index), as well as the user's current location, to provide search results.



Source: https://www.google.com/search/howsearchworks/crawling-indexing/



Source: https://support.google.com/websearch/answer/9083858

139. **Inducement:** Defendants were made aware of the '040 patent and their infringement thereof at least as early as November 30, 2021 when Wildseed Mobile provided

notice of Google's infringement of the '040 patent to Sundar Pichai of Google and Susan Wojcicki of YouTube. From at least the time Defendants received notice, Defendants induced others to infringe at least claim 10 of the '040 patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to Defendants' clients, customers, and end users, whose use of the '040 Patent Accused Products constituted direct infringement of at least claim 10 of the '040 patent. In particular, Defendants' actions that aided and abetted others such as customers and end users to infringe included advertising and distributing the '040 Patent Accused Products and providing instruction materials, training, and services regarding the '040 Patent Accused Products. For example, Google sells Google Pixel phones to consumers on its website. *See* https://store.google.com/category/phones. Additionally, Google provides instruction to end users on how to use Google to search for venues and events on its website. *See e.g.*, https://support.google.com/websearch/answer/9083858. Additionally, YouTube makes the YouTube app available for download onto computer systems through the Google Play Store and Apple App Store. *See* https://play.google.com/store/search?q=youtube, https://play.google.com/store/apps/details?id=com.google.android.youtube, https://apps.apple.com/us/app/youtube-watch-listen-stream/id544007664.

140. **Contributory:** Google is liable as a contributory infringer of the '040 patent under 35 U.S.C. § 271(c) by offering to sell, selling and importing into the United States the Google Pixel smartphones and Google app, to be especially made or adapted for use in an infringement of the '040 patent. The '040 Patent Accused Products are a material component for use in practicing the '040 patent and are specifically made and are not a staple article of commerce suitable for substantial non-infringing use.

141. **Willfulness:** Since the date of its receipt of notice, Defendants' infringement of the '040 patent has been willful and intentional under the standard announced in *Halo Elecs., Inc. v. Pulse Elecs., Inc.,* 136 S.Ct. 1923, 195 L.Ed 2d 278 (2016). Since at least November 30, 2021, Defendants have willfully infringed the '040 patent by refusing to take a license and continuing to make, use, test, sell, license, and/or offer for sale/license the '040 Patent Accused Products. Defendants have been aware that they infringe the '040 patent since at least November 30, 2021 and instead of taking a license, Defendants have opted to make the business decision to "efficiently infringe" the '040 patent. In doing so, Defendants willfully infringed the '040 Patent.

142. Defendants' infringement has damaged and injured and continues to damage and injure Wildseed Mobile.

COUNT V - INFRINGEMENT OF U.S. PATENT NO. 10,869,169
(GOOGLE PHOTOS)

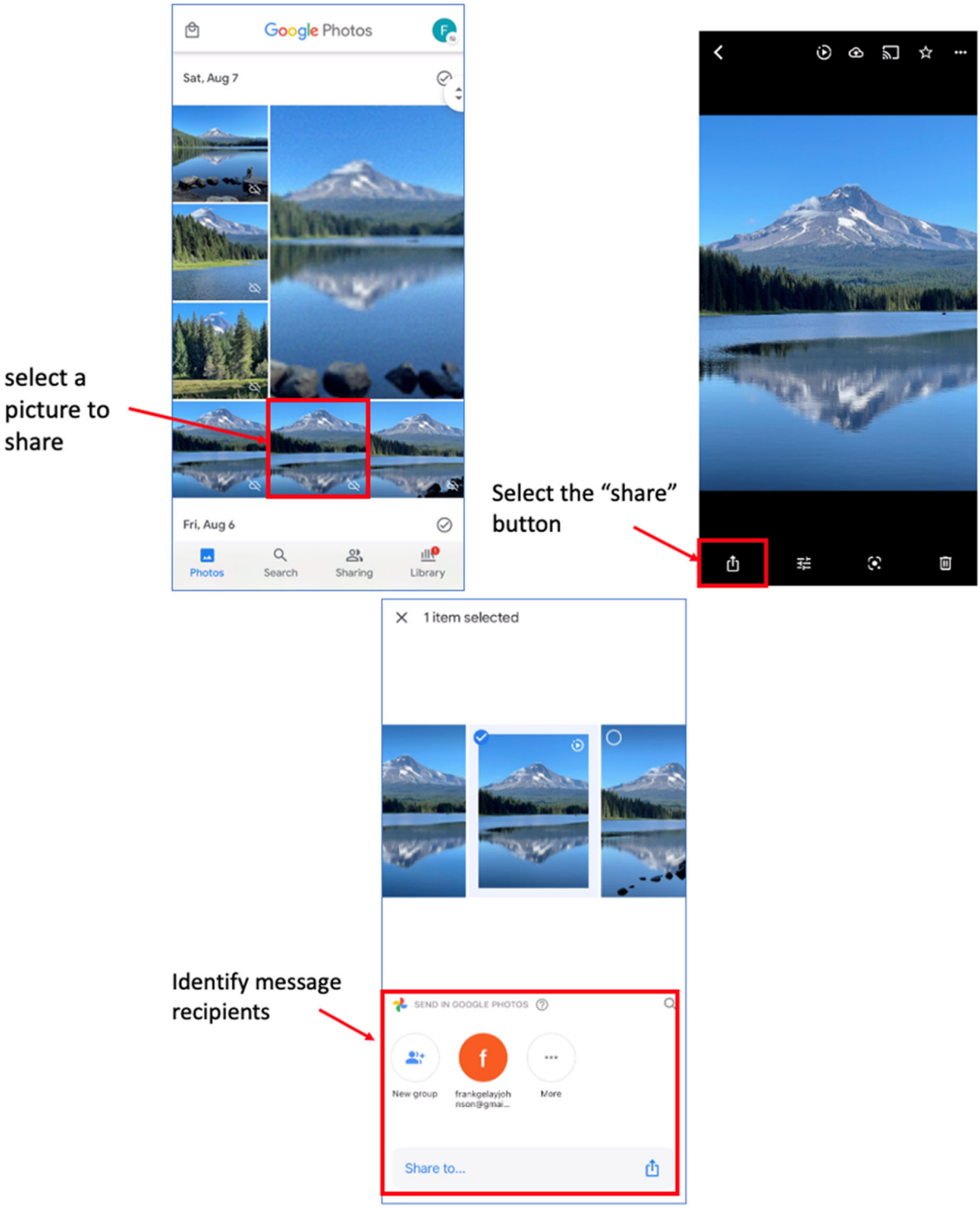
143. Plaintiff incorporates by reference the allegations contained in the preceding paragraphs of this Complaint as if fully set forth herein.

144. Google makes, uses, offers for sale, and/or sells in the United States and/or imports into the United States products and services that provide send and receive hot link messages. Google operates Google Photos servers that generate hot link messages. Additionally, Google, through its online store and retailers, provides smartphones, including the Google Pixel line of smartphones, to consumers, which can access Google Photos through the Google Photos app or through a web browser, such as the Chrome browser, to receive hot link messages. (collectively, the "'169 Patent Google Photos Accused Products").

145. The '169 Patent Google Photos Accused Products infringe at least claims 10 and 18 of the '169 patent in the exemplary manner described below.

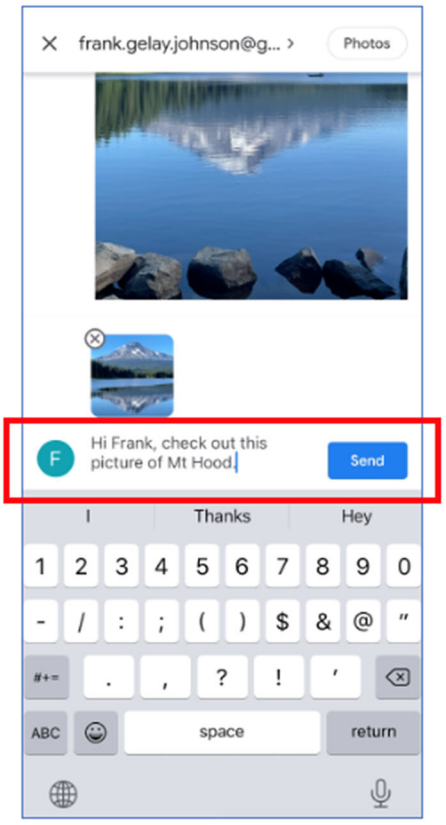
146. **Claim 10:** As to claim 10, Google has directly infringed and continues to directly infringe, literally and/or under the doctrine of equivalents, by operating Google Photos servers that include each and every limitation of Claim 10.

147. Google Photos servers are computer systems comprising network interface circuitry to receive, from a first user device, a request to generate a hot link along with information of a set of second user devices to receive the hot link. For example, when someone uploads a picture to Google Photos to share it, Google servers, through their network interface circuitry, receive a request to generate a notification message including a hot link and to send it to the specified recipient. The below images illustrate how a request to generate a hot link is sent to the Google Photos servers.



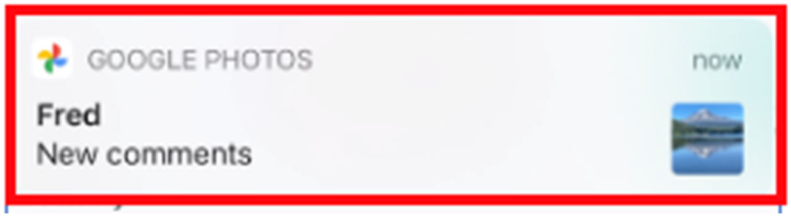
Source: Screenshots of the Google Photos app.

148. Additionally, the user can specify an alphanumeric message to be transmitted with the hot link.



Source: Screenshot of Google Photos app.

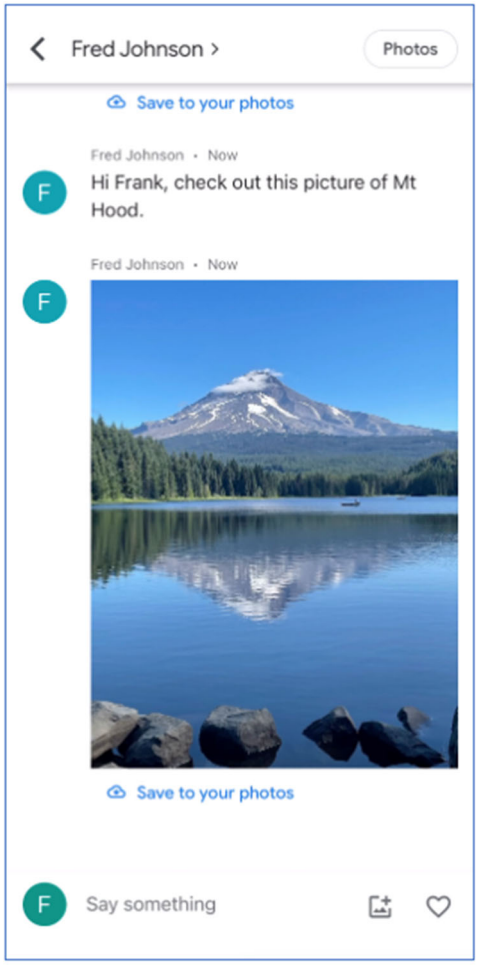
149. Google Photos servers transmit a hot link message to the set of second user devices. The hot link appears as a push notification on the recipient's device and in the Google Photos app, which displays the name of the sender and a thumbnail of the picture to be shared.



Source: Screenshot of push notification of Google Photos app.

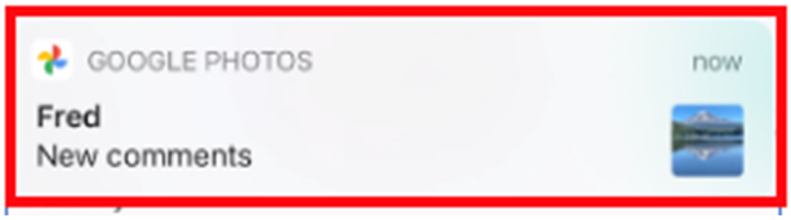
150. Google Photos servers include processor circuitry communicatively coupled with the network interface circuitry, the processor circuitry communicatively coupled with the network interface circuitry. Google Photos servers are computers with processors and network interface circuitry located in Google datacenters. See, e.g., www.google.com/about/datacenters/locations/.

151. Google Photos servers, in response to detection of a trigger, determine an action to be performed upon activation of the hot link, wherein activation of the hot link by individual second user devices of the set of second user devices is to cause the individual second user devices to execute program code to perform the action. For example, when a channel owner uploads a picture to the Google Photos servers, the Google Photos servers identify this as a trigger to determine the action to be performed upon activation of the hot link, namely, to execute program code to access the video at the URL that is included in the hot link. When the recipient selects the hot link message, program code executes and accesses the uploaded picture and alphanumeric message in the Google Photos app, as shown in the image below.



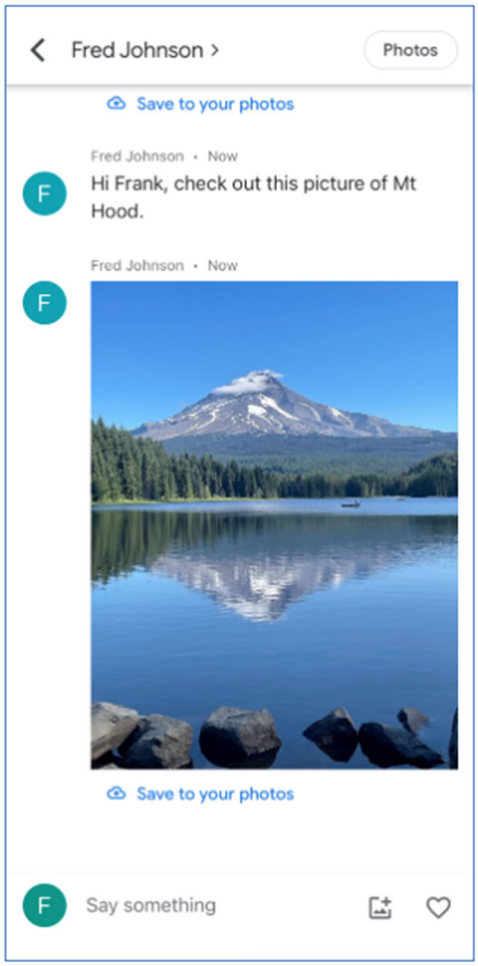
Source: Screenshot of Google Photos app.

152. The Google Photos servers respond to the trigger of the picture upload by determining the action to be performed upon activation of the hot link and transmitting a hot link message to the specified recipient.



Source: Screenshot of push notification of Google Photos app.

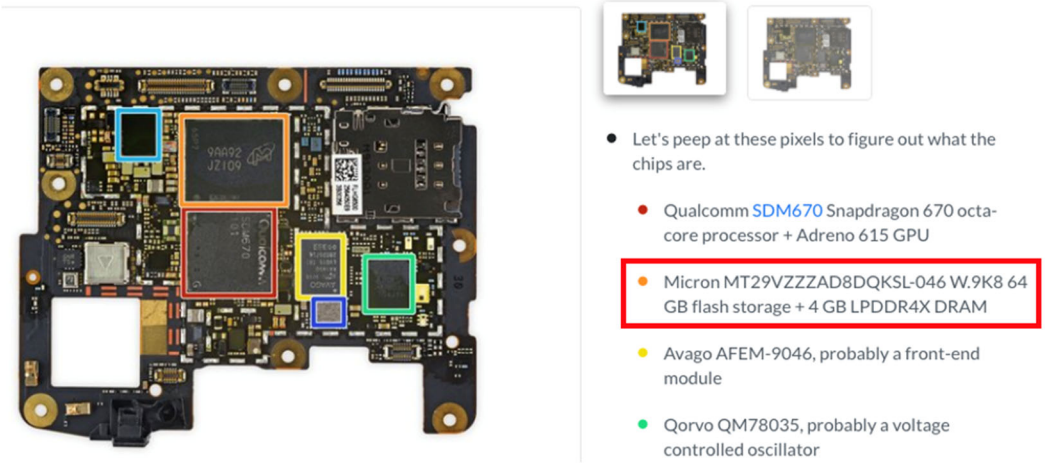
153. Google Photos servers generate the hot link message to include the determined action and instructions for rendering and displaying the hot link at each of the set of user devices. As discussed above, the hot link message includes the determined action, which is to access the uploaded picture and alphanumeric message when the hot link is selected.



Source: Screenshot of Google Photos app.

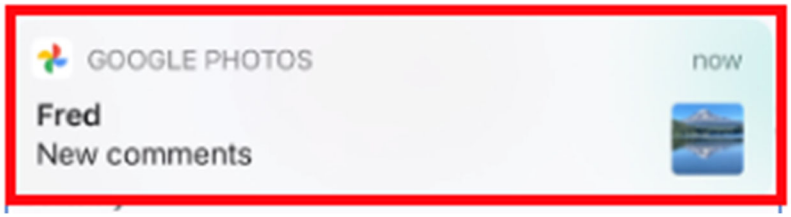
154. **<u>Claim 18:</u>** As to claim 18, Google has directly and/or indirectly infringed and continues to directly and/or indirectly infringe, literally and/or under the doctrine of equivalents, by or through making, using, offering for sale, selling within the United States and/or importing Google Pixel smartphones with web browsers, such as the Chrome browser, that can access the Google Photos website and/or with the Google Photos app, that include each and every limitation of Claim 18.

155. Google Pixel smartphones include one or more non-transitory computer-readable media (NTCRM) including program code. For example, the Pixel 3a includes a 64GB flash storage hard drive that stores program code.



Source: https://www.ifixit.com/Teardown/Google+Pixel+3a+Teardown/123256

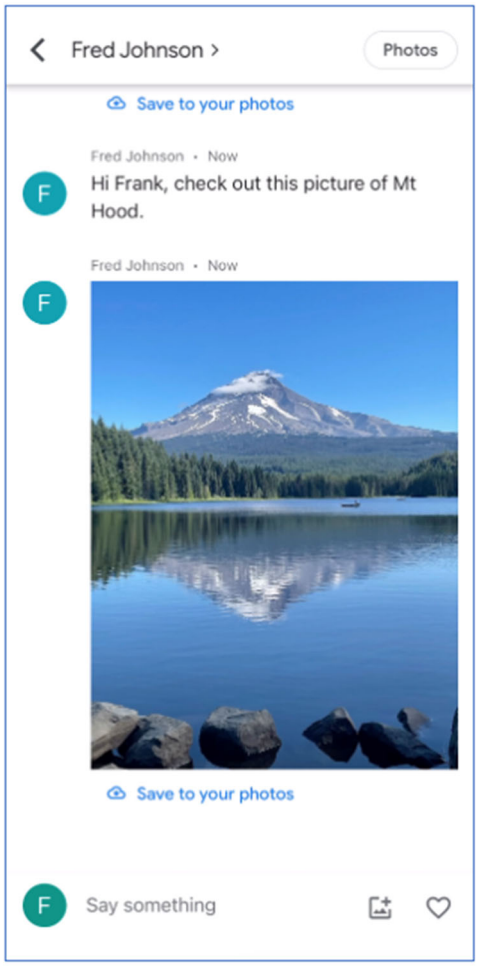
156. Google Pixel smartphones executing the Google Photos app control receipt of a hot link message comprising a hot link and assignment information, the assignment information to assign the hot link to a graphical control element (GCE), and the hot link comprising instructions to perform an action and instructions for rendering and displaying the hot link. The hot link message received by the device includes the hot link, which includes instructions to perform an action, namely display the uploaded picture. Additionally, the hot link message includes the sender's name and thumbnail associated with the picture, which operate to assign the hot link to graphical elements on the recipient's device.



Source: Screenshot of push notification of Google Photos app

157. Google Pixel smartphones generate a graphical user interface (GUI) to include the GCE to which the hot link is assigned according to the assignment information. For example, the recipient's smartphone displays the hot link message in accordance with the sending user's name and a thumbnail of the uploaded picture.

158. Google Pixel smartphones, in response to activation of the GCE, execute the instructions of the hot link to perform the action. When the recipient selects the hot link message, the instructions of the hot link are executed, and the uploaded picture is displayed along with the alphanumeric message.



Source: Screenshot of Google Photos app.

159. **<u>Inducement:</u>** Google was made aware of the '169 patent and its infringement thereof at least as early as November 30, 2021 when Wildseed Mobile provided notice of Google's infringement of the '169 patent to Sundar Pichai of Google. From at least the time Google received notice, Google induced others to infringe at least claim 18 of the '169 patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to Google's clients, customers,

and end users, whose use of the '169 Patent Google Photos Accused Products constituted direct infringement of at least claim 18 of the '169 patent. In particular, Google's actions that aided and abetted others such as customers and end users to infringe included advertising and distributing the '169 Patent Google Photos Accused Products and providing instruction materials, training, and services regarding the '169 Patent Google Photos Accused Products. For example, Google sells Google Pixel phones to consumers on its website. *See* https://store.google.com/category/phones. Additionally, Google provides instruction to end users on how to use Google Photos on its website. *See* https://support.google.com/photos/answer/6131416?co=GENIE.Platform%3DAndroid&oco=1.

160. **Contributory:** Google is liable as a contributory infringer of the '169 patent under 35 U.S.C. § 271(c) by offering to sell, selling and importing into the United States the Google Pixel smartphones and Google Photos app, to be especially made or adapted for use in an infringement of the '169 patent. The Google Pixel smartphones and Google Photos app are a material component for use in practicing the '169 patent and are specifically made and are not a staple article of commerce suitable for substantial non-infringing use.

161. **Willfulness:** Since the date of its receipt of notice, Google's infringement of the '169 patent has been willful and intentional under the standard announced in *Halo Elecs., Inc. v. Pulse Elecs., Inc.,* 136 S.Ct. 1923, 195 L.Ed 2d 278 (2016). Since at least November 30, 2021, Google has willfully infringed the '169 patent by refusing to take a license and continuing to make, use, test, sell, license, and/or offer for sale/license the '169 Patent Google Photos Accused Products. Google has been aware that it infringes the '169 patent since at least November 30, 2021 and instead of taking a license, Google has opted to make the business decision to "efficiently infringe" the '169 patent. In doing so, Google willfully infringes the '169 Patent.

162. Google's infringement has damaged and injured and continues to damage and injure Wildseed Mobile.

COUNT VI - INFRINGEMENT OF U.S. PATENT NO. 10,869,169
(YOUTUBE NOTIFICATIONS)

163. Plaintiff incorporates by reference the allegations contained in the preceding paragraphs of this Complaint as if fully set forth herein.

164. Defendants make, use, offer for sale, and/or sell in the United States and/or import into the United States products and services that provide send and receive hot link messages. YouTube operates YouTube servers that generate hot link messages. Additionally, Google, through its online store and retailers, provides smartphones, including the Google Pixel line of smartphones, to consumers, which can access YouTube through the YouTube app or through a web browser, such as the Chrome browser, to receive hot link messages. (collectively, the "'169 Patent YouTube Notifications Accused Products").

165. The '169 Patent YouTube Notifications Accused Products infringe at least claims 10 and 18 of the '169 patent in the exemplary manner described below.

166. **Claim 10:** As to claim 10, YouTube has directly infringed and continues to directly infringe, literally and/or under the doctrine of equivalents, by operating YouTube servers that include each and every limitation of Claim 10

167. YouTube servers are computer systems comprising network interface circuitry to receive, from a first user device, a request to generate a hot link along with information of a set of second user devices to receive the hot link. For example, when a YouTube channel owner uploads a video to YouTube, YouTube servers, through their network interface circuitry, receive a request to generate a notification message including a hot link and to send it to each of the channel owner's subscribers.

Difference between Notifications and Subscriptions Feed

Subscriptions feed, available on both mobile and a computer, will show all recently uploaded videos from your subscriptions.

Notifications tell you when there are new videos and updates from your subscriptions. We'll send emails, notifications on mobile, or inbox notifications on your computer. When you subscribe to a channel, you'll automatically get personalized notifications with highlights of activity.

To get all notifications from a subscribed channel, tap the Notification bell . The bell will then change to a ringing bell to indicate that you've selected all notifications.

Source:

https://support.google.com/youtube/answer/3382248?co=GENIE.Platform%3DAndroid&oco=1#zippy=

168. Additionally, when a YouTube channel owner uploads a video, the channel owner specifies whether all subscribers will receive the hot link message or whether only a subset of subscribers, such as viewers over age 18, will receive the hot link message. This allows the channel owner to specify a set of second user devices to receive the hot link.

Select audience

This video is set to not made for kids

Set by you

Regardless of your location, you're legally required to comply with the Children's Online Privacy Protection Act (COPPA) and/or other laws. You're required to tell us whether your videos are made for kids. What's content made for kids?

Yes, it's made for kids

No, it's not made for kids

Age restriction (advanced)

Do you want to restrict your video to an adult audience?

Age-restricted videos are not shown in certain areas of YouTube. These videos may have limited or no ads monetization.

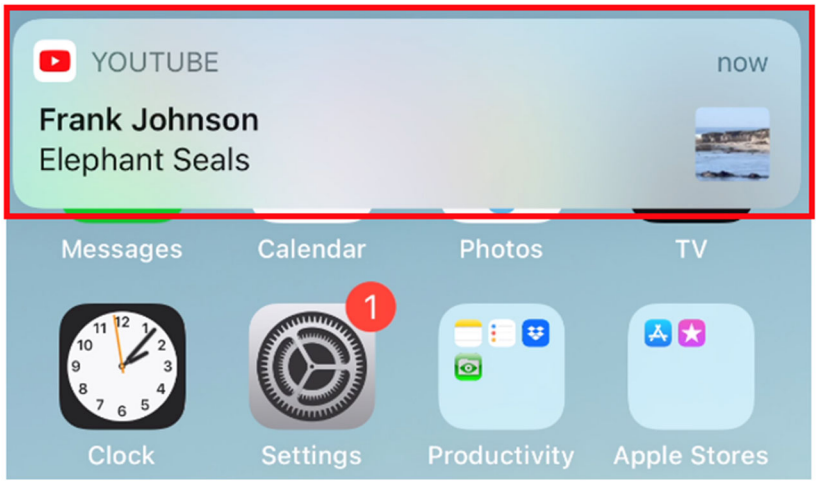
Yes, restrict my video to viewers over 18

No, don't restrict my video to viewers over 18

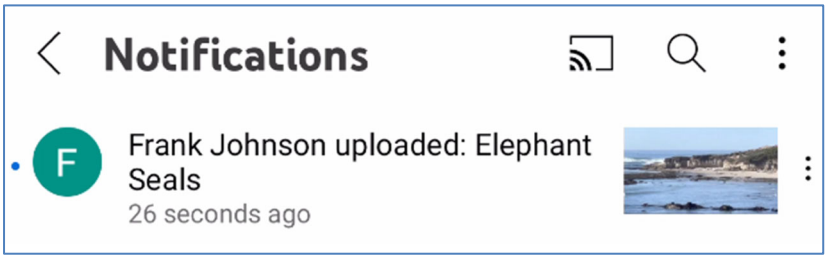
UPLOAD VIDEO

Source: Screenshot of the YouTube app.

169. YouTube servers transmit a hot link message to the set of second user devices. The hot link appears as a push notification on the recipient's device and in the "Notifications" screen of the YouTube app.



Source: Screenshot of push notification from YouTube app

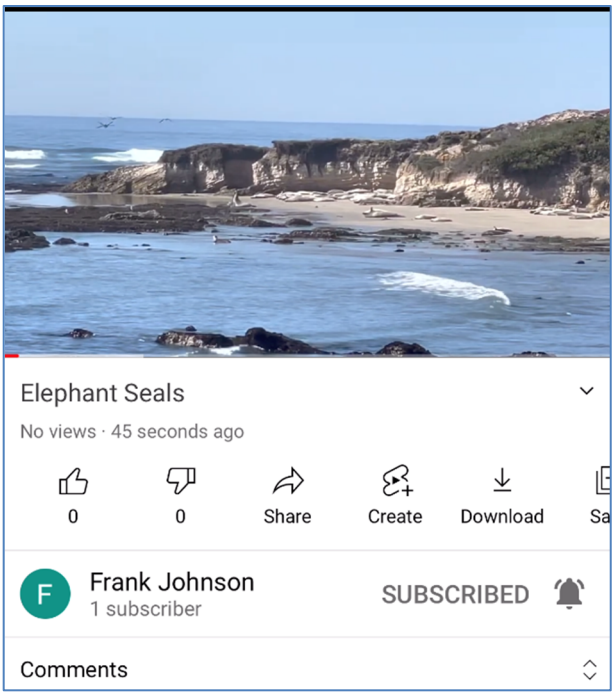


Source: Screenshot of YouTube app.

170. YouTube servers include processor circuitry communicatively coupled with the network interface circuitry, the processor circuitry communicatively coupled with the network interface circuitry. YouTube servers are computers with processors and network interface circuitry located in Google datacenters. See, e.g., www.google.com/about/datacenters/locations/.

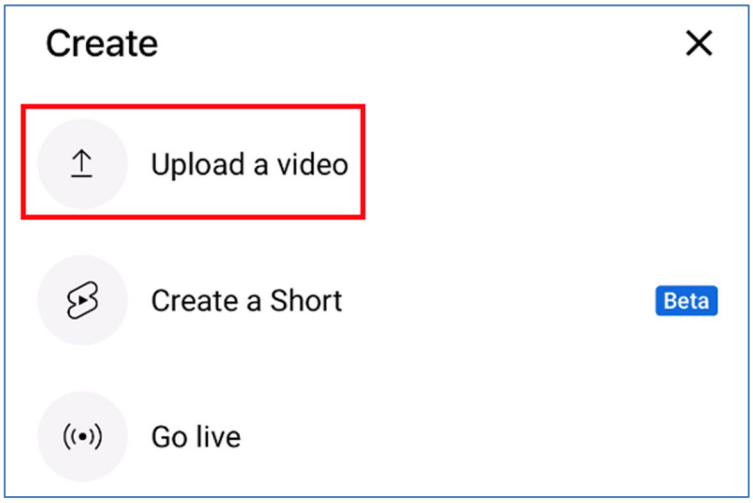
171. YouTube servers, in response to detection of a trigger, determine an action to be performed upon activation of the hot link, wherein activation of the hot link by individual second user devices of the set of second user devices is to cause the individual second user devices to

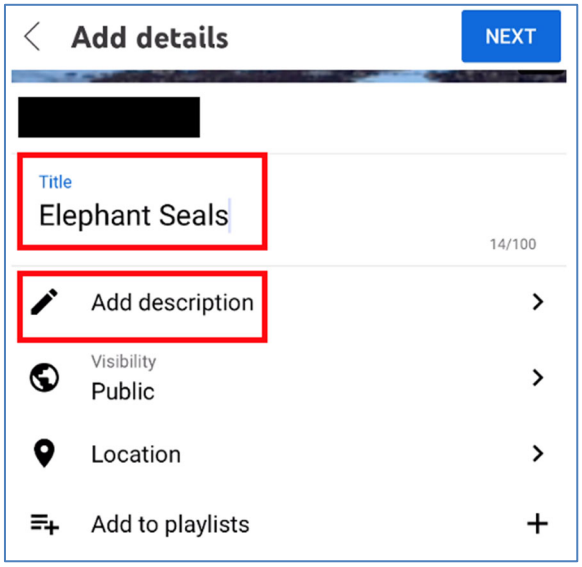
execute program code to perform the action. For example, when a channel owner uploads a video, to the YouTube servers, the YouTube servers identify this as a trigger to determine the action to be performed upon activation of the hot link, namely, to execute program code to access the video at the URL that is included in the hot link. When the recipient selects the hot link message, program code executes and accesses the uploaded video in the YouTube app, as shown in the image below.



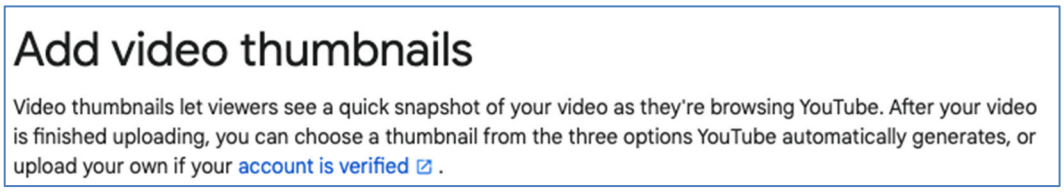
Source: Screenshot of YouTube app.

172. YouTube servers generate the hot link message to include the determined action and instructions for rendering and displaying the hot link at each of the set of user devices. As discussed above, the hot link message includes the determined action, which is to access the uploaded video when the hot link is selected. Additionally, when uploading the video, the channel owner can specify the title for the video and thumbnail that are rendered and appear in the hot link message, as illustrated in the figures below.





Source: Screenshots of the YouTube app.

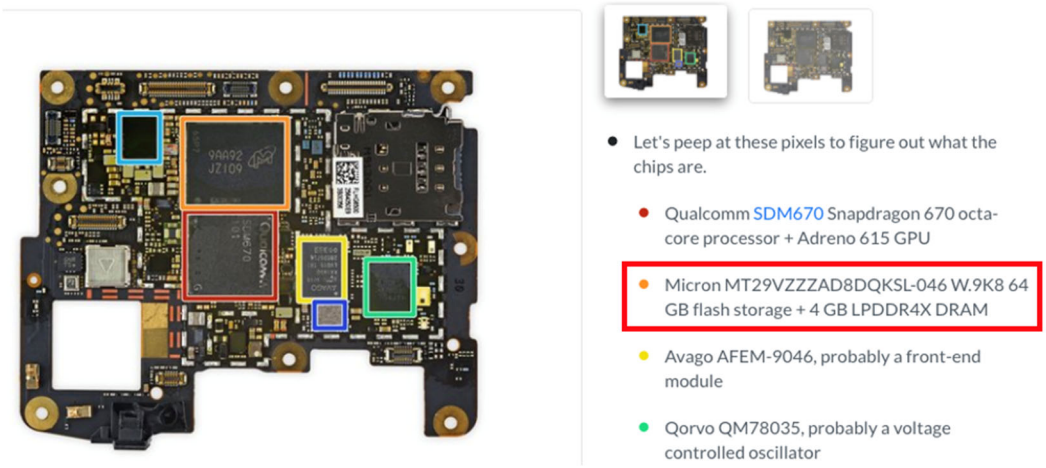


Source: https://support.google.com/youtube/answer/72431

173. **<u>Claim 18:</u>** As to claim 18, Defendants have directly and/or indirectly infringed and continue to directly and/or indirectly infringe, literally and/or under the doctrine of equivalents, by or through making, using, offering for sale, selling within the United States and/or importing Google Pixel smartphones with web browsers, such as the Chrome browser, that can access the

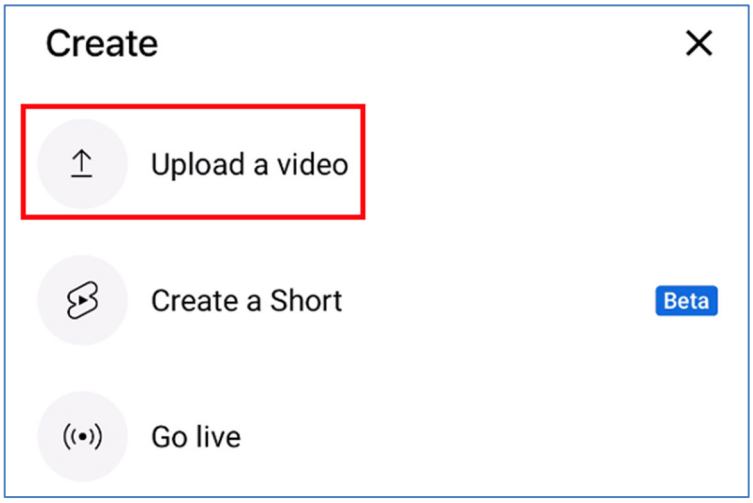
YouTube website and/or with the YouTube app, that include each and every limitation of Claim 18.

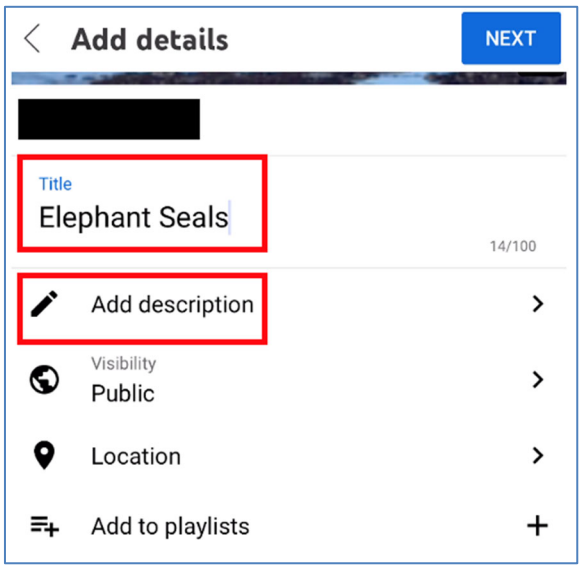
174. Google Pixel smartphones include one or more non-transitory computer-readable media (NTCRM) including program code. For example, the Pixel 3a includes a 64GB flash storage hard drive that stores program code.



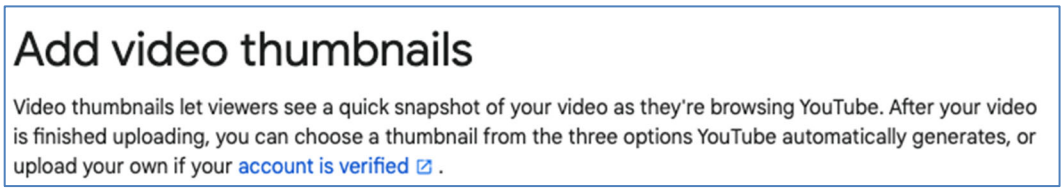
Source: https://www.ifixit.com/Teardown/Google+Pixel+3a+Teardown/123256

175. Google Pixel smartphones executing the YouTube app control receipt of a hot link message comprising a hot link and assignment information, the assignment information to assign the hot link to a graphical control element (GCE), and the hot link comprising instructions to perform an action and instructions for rendering and displaying the hot link. The hot link message received by the device includes the hot link, which includes instructions to perform an action, namely play the uploaded video. Additionally, the hot ink message includes the title and thumbnail associated with the video, which operate as instructions on how the recipient's device should display the hot link.



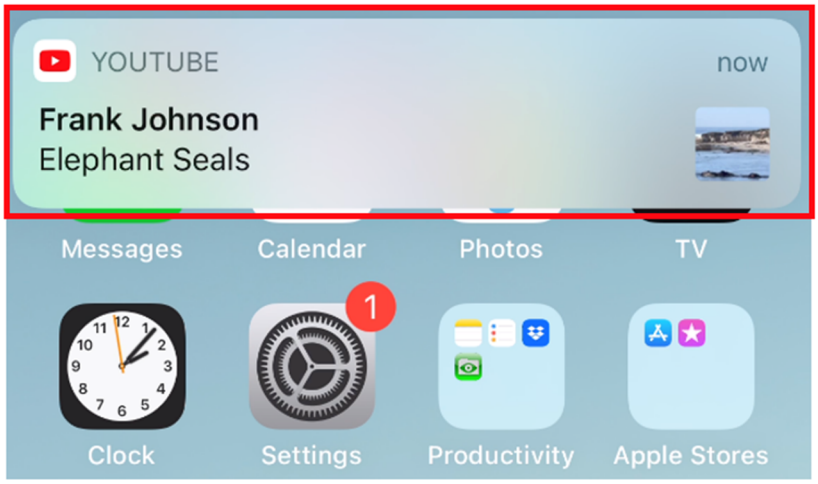


Source: Screenshots of the YouTube app.

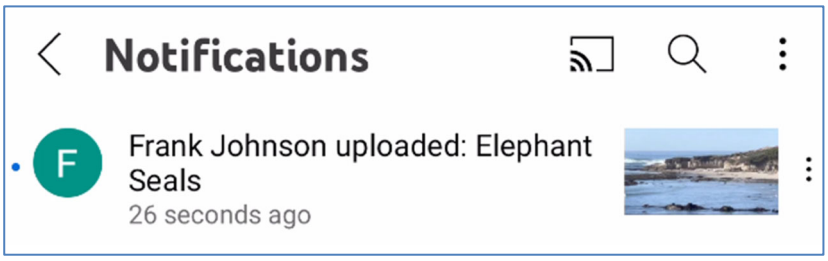


Source: https://support.google.com/youtube/answer/72431

176. Google Pixel smartphones generate a graphical user interface (GUI) to include the GCE to which the hot link is assigned according to the assignment information. For example, the recipient's smartphone displays the hot link message in accordance with the title and thumbnail specified by the channel owner.

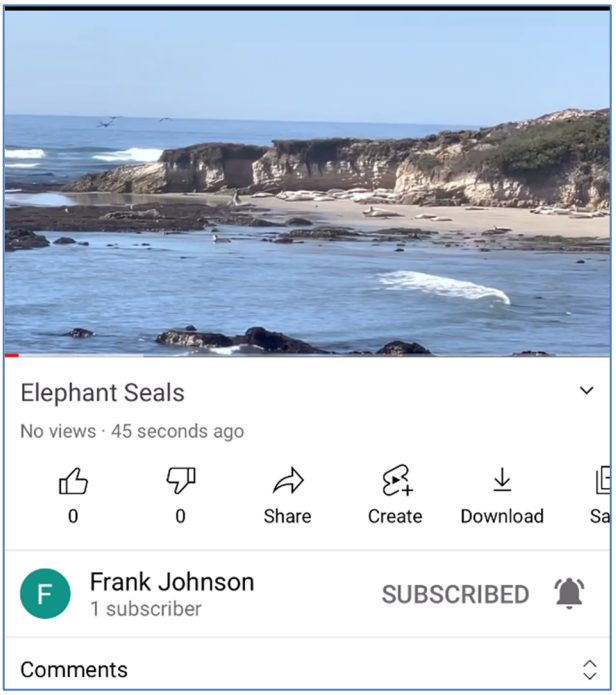


Source: Screenshot of push notification from YouTube app.



Source: Screenshot of YouTube app.

177. Google Pixel smartphones, in response to activation of the GCE, execute the instructions of the hot link to perform the action. When the recipient selects the hot link message, the instructions of the hot link are executed, and the uploaded video is played.



Source: Screenshot of YouTube app.

178. **<u>Inducement:</u>** Defendants were made aware of the '169 patent and their infringement thereof at least as early as November 30, 2021 when Wildseed Mobile provided notice of Google's infringement of the '169 patent to Sundar Pichai of Google and Susan Wojcicki of YouTube. From at least the time Google received notice, Google induced others to infringe at least claim 18 of the '169 patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to Google's clients, customers, and end users, whose use of the '169 Patent YouTube Notifications Accused Products constituted direct infringement of at least claim 18 of the '169 patent. In particular, Google's actions that aided and abetted others such as customers and end users to infringe included advertising and distributing the '169 Patent YouTube Notifications Accused Products and providing instruction materials, training, and services regarding the '169 Patent Accused Products. For example, Google sells Google Pixel phones to consumers on its website. *See* https://store.google.com/category/phones. Additionally, YouTube makes the YouTube app available for download onto computer systems through the Google Play Store and

Apple App Store. *See* https://play.google.com/store/search?q=youtube, https://play.google.com/store/apps/details?id=com.google.android.youtube, https://apps.apple.com/us/app/youtube-watch-listen-stream/id544007664. Further, Defendants provide instructional materials to end users regarding YouTube subscriptions and notifications on Google's website. *See* https://support.google.com/youtube/answer/4489286, https://support.google.com/youtube/answer/3382248.

179. **Contributory:** Defendants are liable as contributory infringers of the '169 patent under 35 U.S.C. § 271(c) by offering to sell, selling and importing into the United States the Google Pixel smartphones and YouTube app, to be especially made or adapted for use in an infringement of the '169 patent. The '169 Patent YouTube Notifications Accused Products are a material component for use in practicing the '169 patent and are specifically made and are not a staple article of commerce suitable for substantial non-infringing use.

180. **Willfulness:** Since the date of its receipt of notice, Defendants' infringement of the '169 patent has been willful and intentional under the standard announced in *Halo Elecs., Inc. v. Pulse Elecs., Inc.,* 136 S.Ct. 1923, 195 L.Ed 2d 278 (2016). Since at least November 30, 2021, Defendants have willfully infringed the '169 patent by refusing to take a license and continuing to make, use, test, sell, license, and/or offer for sale/license the '169 Patent YouTube Notifications Accused Products. Defendants have been aware that they infringe the '169 patent since at least November 30, 2021 and instead of taking a license, Defendants have opted to make the business decision to "efficiently infringe" the '169 patent. In doing so, Defendants willfully infringed the '169 Patent.

181. Defendants' infringement has damaged and injured and continues to damage and injure Wildseed Mobile.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests that the Court enter judgment for Plaintiff and against Defendant as follows:

182. That U.S. Patent No. 7,376,414 be judged valid, enforceable, and infringed by Defendant;

183. That U.S. Patent No. 9,141,960 be judged valid, enforceable, and infringed by Defendant;

184. That U.S. Patent No. 10,251,021 be judged valid, enforceable, and infringed by Defendant;

185. That U.S. Patent No. 10,959,040 be judged valid, enforceable, and infringed by Defendant;

186. That U.S. Patent No. 10,869,169 be judged valid, enforceable, and infringed by Defendant;

187. That Plaintiff be awarded judgment against Defendant for damages together with interests and costs fixed by the Court including an accounting of all infringements and/or damages not presented at trial;

188. That the Court declare this an exceptional case and award Plaintiff its attorneys' fees, as provided by 35 U.S.C. § 285 and that Plaintiff be awarded enhanced damages up to treble damages for willful infringement as provided by 35 U.S.C. § 284; and

189. That Plaintiff be awarded such other and further relief as this Court may deem just and proper.

JURY DEMAND

Plaintiff respectfully requests a jury trial on all issues so triable.

Dated: December 1, 2021

/s/ *Deron R. Dacus*
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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Complaint was filed electronically in compliance with Local Rule CV-5(a). Therefore, this document was served on all counsel who are deemed to have consented to electronic service on this 1st day of December, 2021.

/s/ *Deron R. Dacus*
Deron R. Dacus