

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

BUY2 NETWORKS LTD.,

Plaintiff,

v.

GOOGLE INC.,

Defendant.

Civil Action No. _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Buy2 Networks Ltd. (“Buy2”), by and through its attorneys, alleges upon information and belief as to all paragraphs except paragraph 1, as follows:

PARTIES

1. Plaintiff Buy2 is a company organized under the laws of Israel and publicly-traded on the Tel-Aviv stock exchange in Israel having a principal place of business located at 4 Hacharash St. Tower C, Hod-Hasharon, 45240 Israel. Established in 1998, Buy2’s business includes search and web navigation, ecommerce and e logistics, and statistical machine learning services.

2. Defendant Google Inc. (“Google”) is a corporation organized under the laws of the State of Delaware with its principal place of business located at 1600 Amphitheatre Pkwy, Mountain View, CA 94043. Google’s registered agent for service or process is Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808.

JURISDICTION AND VENUE

3. This action arises under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.* and, accordingly, this Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331

and 1338(a).

4. Google is subject to the personal jurisdiction of this Court because it is incorporated in Delaware, and because Google conducts business in this judicial district, regularly solicits business from, does business with, and derives value from services provided to customers in this judicial district, and has committed, or intends imminently to commit, acts of patent infringement in this judicial district, including by making, using, offering for sale, selling and otherwise making available its “I’m Feeling Lucky” Internet search service to users located in this judicial district.

5. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b) and (c) and § 1400(b) because Google resides in this judicial district and substantial acts of infringement have occurred and continue to occur in this judicial district.

FACTUAL BACKGROUND

6. On February 25, 2014, the United States Patent and Trademark Office duly and legally issued United States Letters Patent No. 8,661,094 B2 (“the ‘094 patent”) entitled “WWW Addressing” to Net-Express Ltd., Tel-Aviv, Israel. The ‘094 patent is a continuation of Application No. 09/529,792, issued as U.S. Patent No. 7,596,609, which was filed as the United States national stage of International Application No. PCT/IL99/00055 on January 28, 1999 and claims priority to Israeli Patent Application No. 123129 filed January 30, 1998. A true and correct copy of the ‘094 patent is attached as **Exhibit 1**.

7. Net-Express Ltd. changed its name to Netex (Net Express) Ltd., and Netex (Net Express) Ltd. changed its name to plaintiff Buy2. The foregoing changes of name were recorded in the United States Patent and Trademark Office on September 24, 2014 at reel 033835, frame 0399 and November 17, 2014 at reel 034248, frame 0097.

8. Plaintiff Buy2 is the lawful owner of all right, title and interest in and to the '094 patent, and has been at all times since its issuance, including the right to sue for and recover all past, present and future damages, and to seek injunctive relief.

9. The '094 patent is presumed valid pursuant to 35 U.S.C. § 282, and is valid and enforceable.

10. The '094 patent is directed to Internet search methodologies that enable a user to enter a substantially free-form designation of a world-wide-web ("WWW") site, and directly display the WWW site without the necessity of using an exact site address. *See, e.g.*, Ex. 1 at column 8, lines 43-48.

11. During the term of the '094 patent, Google has infringed and continues to infringe the '094 patent under any of 35 U.S.C. §§ 271(a), (b) or (c), either literally or under the doctrine of equivalents, by making, using, offering to sell, and/or selling in this judicial district and elsewhere within the United States or supplying or causing to be supplied in or from the this judicial district and elsewhere in the United States, or intentionally inducing others to make, use, offer to sell, or sell in this judicial district or elsewhere in the United States or supply or cause to be supplied in or from this judicial district or elsewhere in the United States, without authority from Buy2, its "I'm Feeling Lucky" service that provides a method of WWW page retrieval for enabling a user to retrieve a desired webpage that is covered by one or more claims of the '094 patent including at least claims 1-4, 6, 8-12 and 13-16.

12. For example, when a user click's on the Google "I'm Feeling Lucky" button, Google's servers:

(i) receive a text string (that is not a URL address) input by a user into a translator

input window overlaid on the user's browser,

(ii) use statistical data of web pages in web search results to determine a URL address for a webpage that is most likely to be the desired webpage associated with the input text string, and

(iii) send the determined URL address to the user's browser to enable retrieval and display of the web page responsive to the URL address directly on the user's browser without any additional user intervention.

Google's "I'm Feeling Lucky" button as used by its search service available at www.google.com is shown in **Exhibit 2**.

13. Google has been aware of the existence of the '094 patent, but nevertheless has infringed and continues to infringe the '094 patent. On November 12, 2014, Buy2 sent a letter to Google offering a license a portfolio of its patents including the '094 patent. A copy of the 2014 letter is attached as **Exhibit 3**.

14. On March 25, 2016, Buy2's counsel sent a letter to the President of Google providing further notice of the '094 patent and Buy2's infringement claims, and offering Google a license for use of the '094 Patent ("Notice Letter"). A copy of the Notice Letter is attached as **Exhibit 4**. Buy2's counsel did not receive any response to the Notice Letter.

15. Google's infringements of the '094 patent have been willful and deliberate and in total disregard for Buy2's lawful rights under the '094 patent, thus rendering this case "exceptional" as that term is set forth in 35 U.S.C. § 285.

**AS AND FOR A CLAIM FOR RELIEF
Infringement of the '094 Patent**

16. Buy2 repeats and realleges the allegations in paragraphs 1 to 15 as though fully set forth herein.

17. Google's "I'm Feeling Lucky" Internet search service available at www.google.com utilizes a method of WWW page retrieval for enabling a user to retrieve a desired webpage to the user's browser in a manner that infringes at least claims 1-4, 6, 8-12 and 13-16 of the '094 patent in violation of 35 U.S.C. §§ 271(a), (b) or (c). By making, operating, using and/or selling its "I'm Feeling Lucky" service, Google has infringed and continues to infringe, contribute to the infringement of, or induce the infringement of at least claims 1-4, 6, 8-12 and 13-16 of the '094 patent, either literally or under the doctrine of equivalents.

18. Google committed these acts of infringement without license or authorization.

19. Google's infringement has been and continues to be willful.

20. Google's acts of infringement of the '094 patent, as alleged above, have injured Buy2. Buy2 is therefore entitled to recover damages adequate to compensate it for Google's acts of infringement, which in no event can be less than a reasonable royalty.

21. Buy2 has suffered and will continue to suffer severe and irreparable harm unless this Court issues a permanent injunction prohibiting Google, its agents, servants, employees, representatives, and all others acting in active concert therewith from infringing the '094 patent.

DEMAND FOR JURY TRIAL

22. Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Buy2 requests a trial by jury of any issues so triable by right.

PRAYER FOR RELIEF

WHEREFORE, Buy2 prays for the following judgment and relief against Google:

A. For a judgment declaring that Google infringed at least one claim of the '094 patent under any of 35 U.S.C. §§ 271(a), (b) or (c);

B. For a judgment awarding Buy2 compensatory damages as a result of Google's

infringement of the '094 patent, together with interest and costs, and in no event less than a reasonable royalty;

C. For a judgment declaring that Google's infringement of the '094 patent was willful and deliberate;


D. For a judgment awarding Buy2 treble damages and pre-judgment interest under 35 U.S.C. § 284 as a result of the Google's willful and deliberate infringement of the '094 patent;

E. For a judgment declaring that this case is exceptional and awarding Buy2 its expenses, costs, and attorneys' fees under 35 U.S.C. § 285;

F. For a grant of permanent injunction pursuant to 35 U.S.C. § 283, enjoining Google from further acts of infringement; and

G. For such other and further relief as the Court deems just and proper.

Dated: June 21, 2016



Jeffrey S. Goddess (No. 630)
Jessica Zeldin (No. 3558)
ROSENTHAL, MONHAIT & GODDESS, P.A.
919 Market Street, Suite 1401
P.O. Box 1070
Wilmington, DE 19899-1070
jgoddess@rmgglaw.com
(302) 656-4433

Glenn F. Ostrager
Joshua S. Broitman
Roberto L. Gomez
OSTRAGER CHONG FLAHERTY
& BROITMAN P.C.
570 Lexington Avenue
New York, NY 10022
(212) 681-0600