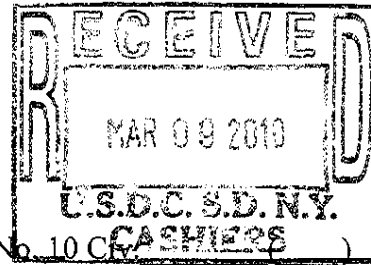


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
 WIRELESS INK CORPORATION, :
 :
 :
 Plaintiff, :
 :
 -against- :
 :
 FACEBOOK, INC. and GOOGLE, INC., :
 :
 :
 Defendants. :
 -----X



**COMPLAINT FOR PATENT
 INFRINGEMENT**

ECF CASE

DEMAND FOR JURY TRIAL

COMPLAINT

Plaintiff Wireless Ink Corporation (“Wireless Ink”), by its attorneys The Pitcock Law Group, for its Complaint against defendants Facebook, Inc. (“Facebook”) and Google, Inc. (“Google”) (defendants collectively referred to herein as “Defendants”) respectfully alleges as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement. Wireless Ink is the exclusive owner of all rights in U.S. Patent No. 7,599,983 (“the ‘983 patent,”) entitled “Method, Apparatus and System for Management of Information Content for Enhanced Accessibility over Wireless Communication Networks,” which was duly and legally issued on October 6, 2009. A true and correct copy of the ‘983 patent is attached hereto as Exhibit A. Upon information and belief, and as alleged in more detail below, Defendants have infringed and/or induced infringement of the ‘983 patent.

2. This Court should award Wireless Ink trebled monetary damages for Defendants willful infringement of the ‘983 patent.

JURISDICTION AND VENUE

3. This is an action arising under the patent laws of the United States, Title 35 of the United States Code §§ 101, *et. seq.* This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 (federal question) and 1338(a) (action arising under an Act of Congress relating to patents).

4. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(c) and 1400(b).

5. Defendants are doing business within the United States, including within this Judicial District. Upon information and belief, Defendants have committed numerous acts of infringement in this Judicial District and throughout the United States.

PARTIES

6. Plaintiff Wireless Ink Corporation (“Wireless Ink”) is a Delaware Corporation with its principal place of business in East Islip, New York.

7. Defendant Facebook, Inc. (“Facebook”) is a Delaware Corporation with its principal place of business in Palo Alto, California.

8. Defendant Google, Inc. (“Google”) is a Delaware Corporation with its principal place of business in Mountain View, California.

9. Upon information and belief, Defendants infringe and/or induce infringement of the ‘983 patent, as alleged more fully below.

FACTUAL ALLEGATIONS COMMON TO ALL CLAIMS

10. The ‘983 patent was duly and lawfully issued on October 6, 2009. However, the application that was filed in order to obtain the ‘983 patent was first published by the Patent and Trademark Office on January 22, 2004.

11. Upon information and belief, on February 4, 2004 (shortly after the application that became the '983 patent was published), Facebook founder Mark Zuckerberg launched "Thefacebook" website, originally located at www.thefacebook.com.

12. Upon information and belief, Facebook incorporated in the summer of 2004. Upon information and belief, on or about June 2004, Facebook moved its base of operations to Palo Alto, California. Upon information and belief, the company dropped "The" from its name after purchasing the domain name www.facebook.com in 2005.

13. Upon information and belief, Facebook launched its first mobile website on or about January 10, 2007. The official announcement, found at <http://blog.facebook.com/blog.php?post=2228532130> (entitled "Facebook Your Phone") reads in part: "Facebook was invented to make sharing information with your friends easier and better. Mobile phones were invented for pretty much the same reason. People needed an easier and better way to get in touch with each other, and mobile phones made it happen. We pondered this for a bit, quickly realized that pondering wasn't making anything awesome happen, and then started building Facebook Mobile. We're now happy to report that Facebook Mobile has services available for every Facebook user with a phone. Here's what they are: Mobile Web lets you surf Facebook on your phone just like the normal website . . . except that it actually fits on the screen." A true and correct copy of <http://blog.facebook.com/blog.php?post=2228532130> is attached hereto as Exhibit B.

14. Upon information and belief, since early 2007, Facebook has continued to maintain its mobile website at m.facebook.com and has launched additional mobile websites designed to work with mobile wireless devices. Upon information and belief, on or about

October 21, 2009 -- shortly after the '983 patent was issued -- Facebook launched a new mobile website at touch.facebook.com.

15. On February 10, 2010, Facebook announced in a post on its official blog at <http://blog.facebook.com/blog.php?post=297879717130> that Facebook Mobile had more than 100 million users. The blog post (written by Chamath Palihapitiya -- Facebook's VP of User Growth, Mobile and International Expansion) reads in part: "We want as many people as possible to be able to access Facebook all the time, regardless of where they live or what device they carry. Today, we hit another milestone toward that goal, with more than 100 million people actively using Facebook from their mobile devices every month. This usage happens on almost every carrier in the world and comes less than six months after we announced 65 million people on Facebook Mobile . . . Our mobile sites m.facebook.com and touch.facebook.com have been redesigned, enabling people to access Facebook from any mobile browser in more than 70 languages. With the explosion of smart phones, we want to make sure people have a great Facebook experience that scales with their device especially as people have begun to upgrade their devices more frequently."). A true and correct copy of <http://blog.facebook.com/blog.php?post=297879717130> is attached hereto as Exhibit C.

16. Upon information and belief, on or about February 15, 2010, in a session on "Mobile Communications 2.0" at the Mobile World Congress in Barcelona, Chamath Palihapitiya shared Facebook's current mobile strategy and its plans for the future. Upon information and belief, Mr. Palihapitiya stated the following: (a) Facebook believes 2010 will be a watershed year for mobile; (b) 100 million users (25% of Facebook's 400 million total users) actively use Facebook's mobile products at least once a month; (c) 200 million people have interacted with Facebook on mobile devices at least once; (d) Over the next 5 to 10 years,

Facebook aims to invest heavily in expanding mobile experiences for their users and expects a lot of growth; (e) Facebook mobile users demonstrate twice as much engagement (twice the pageviews, interactions, consumptions and productions) as non-mobile users; and (f) the mobile websites m.facebook.com and touch.facebook.com have now been translated into 70+ languages, covering about 98% of the world population.

17. Upon information and belief, in part driven by the success of its Facebook mobile website offerings, Facebook recently has become the number two website for unique visitor traffic in the United States, surpassing Yahoo! Inc. Perhaps more importantly, upon information and belief, the amount of time that Internet users spend on Facebook (commonly called "Attention") has also steadily grown. Upon information and belief, average Internet users now spend twice as much time on the Facebook websites as they do on either the Google or Yahoo! Inc. websites (which have seen decreases in their Attention metrics over the last year).

18. Upon information and belief, Facebook's website www.facebook.com, in conjunction with one or more of its mobile websites infringe and/or induce infringement of one or more claims of the '983 patent.

19. Upon information and belief, on or about February 9, 2010, in response to the phenomenal growth of Facebook and its mobile website offerings, Google -- currently the number one ranked website for unique visitor traffic -- launched a social networking service called "Buzz" to compete with Facebook.

20. Upon information and belief, Google (inspired by Facebook's mobile website usage and success) launched its Buzz mobile application on at least one mobile website at m.google.com at the same time as its desktop Buzz website offering at mail.google.com.

21. Upon information and belief, Google launched Buzz through its free email service, Gmail, located at mail.google.com. Upon information and belief, as a result, Google was able to automatically populate its social networking site with existing users of its Gmail service. Upon information and belief, the total number of Gmail users exceeded 150,000,000 at the time Buzz was launched. Upon information and belief, the annual growth rate of Gmail's user base exceeded 40 percent at the time Buzz was launched.

22. Upon information and belief, Buzz allows a user of Gmail to "follow" other users, thereby causing the "followed" user's content postings to appear in the content stream of the "follower." Upon information and belief, at the time of launch, Buzz automatically turned Gmail users' frequent e-mail contact into "followers." Upon information and belief, those users' information and "followers" were also made public by default, including their photos and information shared in other Google products, like the Picasa photo-sharing site. Upon information and belief, Google set up these features of Buzz without any advance warning so that users of Gmail could opt out of Buzz, or at the very least, take steps to prevent others from "following" them or otherwise protect their information from reaching those with whom they may no longer have wished to maintain contact.

23. As Todd Jackson (Product Manager for Gmail and Google Buzz) explained in the Official Gmail Blog at <http://gmailblog.blogspot.com/2010/02/new-buzz-start-up-experience-based-on.html> (a true and correct copy is attached hereto at Exhibit D): "First, auto-following. With Google Buzz, we wanted to make the getting started experience as quick and easy as possible, so that you wouldn't have to manually peck out your social network from scratch. However, many people just wanted to check out Buzz and see if it would be useful to

them, and were not happy that they were already set up to follow people. This created a great deal of concern.”

24. Upon information and belief, that “concern” caused the Electronic Privacy Information Center to file a complaint with the FTC, requesting an investigation into whether any consumers were harmed, and seeking to have enrollment in Buzz be optional. Upon information and belief, a short time later a putative class action was filed in U.S. District Court in San Francisco over that “concern,” alleging that Buzz violated federal privacy law by publicly disclosing users’ e-mail contacts.

25. Upon information and belief, Google’s Buzz strategy worked – its base of 150,000,000 plus Gmail users has made the social network a success. On or about February 11, 2010 -- two days after the launch of Google Buzz – Google announced on its official blog that “tens of millions of people have checked Buzz out, creating over 9 million posts and comments . . . we're seeing over 200 posts per minute from mobile phones around the world” at <http://gmailblog.blogspot.com/2010/02/google-buzz-in-gmail.html>. A true and correct copy of <http://gmailblog.blogspot.com/2010/02/google-buzz-in-gmail.html> is attached hereto as Exhibit E.

26. Upon information and belief, Google has recently begun to emphasize its mobile offerings, including its mobile Buzz offering. Upon information and belief, Google CEO Eric Schmidt announced at the Mobile World Congress 2010 in Barcelona that: “Everything that Google will create going forward will be done . . . through a ‘Mobile First’ lens . . . It’s like magic. All of a sudden you can do things that it never occurred to you was possible. The implication that has not been expressed here or in the industry now is Mobile First – the principal of everything being developed for mobile first.”

27. Upon information and belief, the Google desktop website at mail.google.com, in conjunction with one or more of Google's mobile websites, infringe and/or induce infringement of one or more claims of the '983 patent.

28. Defendants infringing products were launched years after the initial publication of the '983 patent application in 2004. Given the time and resources Defendants have invested in their desktop and mobile websites as well as their strategic importance, upon information and belief, both Defendants had knowledge of the '983 patent and have willfully infringed its claims.

FIRST CLAIM FOR RELIEF
(Infringement of the '983 Patent)

29. Wireless Ink repeats and realleges paragraphs 1 through 28 above as though fully set forth herein.

30. Upon information and belief, Wireless Ink alleges that Defendants have infringed and are currently infringing the '983 patent, have contributed and are currently contributing to the infringement of the '983 patent, and/or have actively induced and are actively inducing others to infringe the '983 patent, by committing acts defined in 35 U.S.C. § 271 as unlawful. All such acts have been without authority or license from Wireless Ink.

31. Upon information and belief, Defendants' infringement, inducement of infringement and/or contributory infringement of the '983 patent has been and continues to be willful and deliberate, and without regard for Wireless Ink's rights in the '983 patent.

PRAYER FOR RELIEF

WHEREFORE, Wireless Ink prays for the following relief:

- A. A judgment by the Court that the Defendants infringe the '983 patent;
- B. A judgment by the Court that Defendants are liable for contributory infringement and inducement of infringement of the '983 patent;
- C. A judgment by the Court that Defendants' infringement of the '983 patent has been and continues to be willful;
- D. An award of damages to compensate Wireless Ink for Defendants' infringement, including preliminary, pre- and post-judgment interests and costs, pursuant to 35 U.S.C. § 284;
- E. An award of treble damages based on the willfulness of Defendants' infringement, pursuant to 35 U.S.C. § 284;
- F. A judgment by the Court that this case is exceptional and for the Court to award Wireless Ink its reasonable attorney fees, disbursements, expert fees and costs in accordance with the law, including, but not limited to, 35 U.S.C. § 285;
- G. Preliminary and permanent injunctive relief; and
- H. For such other, further or different relief as this Court deems just and proper.

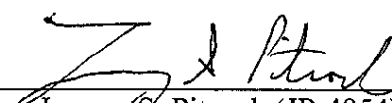
DEMAND FOR JURY TRIAL

Wireless Ink respectfully demands a trial by jury for all issues so triable in this
action.

Dated: Nanuet, New York
March 9, 2010

Respectfully submitted,

The Pitcock Law Group

By:  _____
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