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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

RIPL CORP.

Plaintiff,

v.

GOOGLE, INC.

Defendant.

Cause No.

COMPLAINT FOR
TRADEMARK INFRINGEMENT,
FALSE DESIGNATION OF
ORIGIN AND UNFAIR
BUSINESS PRACTICES

JURY TRIAL DEMANDED

Plaintiff RIPL Corp. (“RIPL”) complains of Defendant Google, Inc. (“Google”) as follows:

NATURE OF LAWSUIT

1. This is an action for infringement of federally registered and common law trademark rights (Counts I and II), false designation of origin under Section 43(a) of the Lanham Act (Count III), Unfair Competition (Count IV) and violation of the Washington Consumer Protection Act (Count V).

THE PARTIES

2. RIPL is a Washington Corporation having a principal place of business in this District at Seattle, Washington.

1 3. RIPL Corp. was founded in 2005 as Kahuna Technologies, Inc. to develop and
2 operate proprietary software for the purpose of facilitating and intelligently automating the
3 sharing of content among Internet users, and specifically to promote and depict and exploit
4 the effect that occurs as content is shared from person to person in a social network. After
5 successfully obtaining the Internet domain name “ripl.com” in early 2006, Kahuna
6 Technologies changed its name to RIPL Corp. and began establishing itself with investors and
7 partners under the name and trading style, “RIPL.” Since that time essentially all of Plaintiff’s
8 efforts, activities and resources in fund raising, software engineering, product design,
9 developer evangelism, business development, marketing and promotions have been dedicated
10 to reinforcing the association between “RIPL” and the propagation of content in a social
11 network. Plaintiff’s consumer service was released using the name RIPL in March of 2007,
12 and extensive marketing activities were initiated at that time to establish the consumer brand.
13 Plaintiff later conducted extensive business development and outreach activities to establish
14 the RIPL brand with major media companies, advertising agencies, investors and technology
15 companies including Google, Inc. Among the benefits to advertisers that Plaintiff has
16 associated with its RIPL brand is its ability to analyze, identify and communicate with users
17 who are particularly influential in propagating specific types of content. At all relevant times,
18 RIPL has been doing business and providing such services and goods under the name and
19 trading-style, “RIPL.”

20 4. RIPL is the owner of United States Service Mark Registration No. 3,490,487
21 (duly and legally issued by the United States Patent and Trademark Office on August 19,
22 2008) which protects one or more aspects of the name, “RIPL” as used by RIPL in providing
23 its goods and services. A true and correct copy of RIPL’s U.S. Service Mark Registration
24 No. 3,490,487 is attached as Exhibit A.

25 5. The distinctive appearance, sound and associated connotations of the “RIPL”
26 name and mark are the subject matter of the aforementioned United States Servicemark
27 Registration and is protected under and by that United States Registration.
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1 advertising products it sells to marketers and to refine its proprietary targeting algorithms,
2 business processes and strategies. Google has continued to offer new and advanced services in
3 connection with the Google+ service.

4 11. As a core component of its of Google+ product, Google, in or about October,
5 2011, introduced a new service that it offers under the name and trading style “RIPPLES.”
6 The “RIPPLES” service that Google offers displays how content is shared and distributed
7 among users of the Google+ service. In this manner, users of the Google+ service are able to
8 see which of their various posts are shared by others and to whom they are distributed in the
9 social network. Upon information and belief, Google also monitors and analyzes such sharing
10 and other information about both the people and content involved and uses such information
11 to offer advertisers and potential advertisers (a) improved access to consumers who meet
12 specific criteria and (b) improved insight, through its reporting services, on the types of
13 content and messages that are most effective with any specified audience. This formula
14 permits Google to deliver higher response rates to its paying advertisers than would be the
15 case without the RIPPLES service, achieve better utilization of its advertising inventory, and
16 monetize all of its audiences more effectively on all of the platforms and devices on which it
17 operates.

18 12. Upon information and belief, Google uses the data generated by the Google+
19 service to identify users who are particularly influential in propagating specific types of
20 content. Upon information and belief, the RIPPLES feature offered by Google is designed to
21 evidence Google’s ability to identify and contact such users on behalf of its advertiser clients.

22 13. On October 24, 2011, Google filed an application with the United States Patent
23 and Trademark Office for registration of the “RIPPLES” service mark, claiming the
24 “RIPPLES” mark is used in conjunction with “Marketing, advertising and promotion
25 services” in International Class 35 and in conjunction with “Providing temporary use of
26 online non-downloadable software for the visualization of user-generated content in online
27 member communities” in International Class 42.

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COUNT I

(INFRINGEMENT OF REGISTERED TRADEMARKS)

14. RIPL repeats and realleges the allegations in Paragraphs 1 through 13 as if fully set forth herein.

15. Google’s offering, distribution and provision of services of the type described in United States Service Mark Registration No. 3,490,487 infringes RIPL’s rights in contravention of Title 15 U.S.C. §1114.

16. Google’s offering, distribution and provision of services of the type described in United States Service Mark Registration No. 3,490,487 has caused and will cause RIPL great and irreparable harm unless enjoined by this court.

COUNT II

(INFRINGEMENT OF COMMON LAW TRADEMARK)

17. RIPL repeats and realleges the allegations in Paragraphs 1 through 16 as if fully set forth herein.

18. Google’s offering, distribution and provision of services of the type described in United States Service Mark Registration No. 3,490,487 infringes RIPL’s trademark rights in contravention of the common law of Washington and other states in which Google sells or otherwise offers such hinges.

19. Google’s offering, distribution and provision of services of the type described in United States Service Mark Registration No. 3,490,487 in contravention of the common law of Washington and other states in which Google sells or otherwise offers such hinges, has caused and will cause RIPL great and irreparable harm unless enjoined by this court.

COUNT III

(FALSE DESIGNATION OF ORIGIN)

20. RIPL repeats and realleges the allegations in Paragraphs 1 through 19 as if fully set forth herein.

1 21. Google’s offering, distribution and provision of services of the type described
2 in United States Service Mark Registration No. 3,490,487 falsely designates the origin of
3 Google’s service in contravention of Title 15 U.S.C. §1125(a).

4 22. Google’s offering, distribution and provision of services of the type described
5 in United States Service Mark Registration No. 3,490,487 in contravention of Title 15 U.S.C.
6 §1125(a), has caused and will cause RIPL great and irreparable harm unless enjoined by this
7 court.

8 **COUNT IV**

9 **(UNFAIR COMPETITION)**

10 23. RIPL repeats and realleges the allegations in Paragraphs 1 through 22 as if
11 fully set forth herein.

12 24. Google’s offering, distribution and provision of services of the type described
13 in United States Service Mark Registration No. 3,490,487 constitutes unfair competition
14 under the common law of Washington and other states in which Google sells or otherwise
15 offers such hinges.

16 25. Google’s offering, distribution and provision of services of the type described
17 in United States Service Mark Registration No. 3,490,487 in contravention of the common
18 law of Washington and other states, has caused and is causing RIPL great and irreparable
19 harm unless enjoined by this court.

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21 **COUNT V**

22 **(VIOLATION OF WASHINGTON CONSUMER PROTECTION ACT)**

23 26. RIPL incorporates the allegations made in paragraphs 1-25 as if fully set forth
24 herein.

25 27. Google’s offering, distribution and provision of services of the type described
26 in United States Service Mark Registration No. 3,490,487 falsely suggests a connection
27 between RIPL's services on the one hand, and its own services on the other to promote the use
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1 of its competing services and to deceive consumers as to the actual origin of the services
2 offered, distributed and/or sold through their respective businesses and are having a
3 deleterious impact on the public interest and have cause injury to RIPL's business or property.

4 28. Google's actions as alleged above amount to a violation of the Washington
5 Consumer Protection Act, RCW § 19.86 et seq.

6 29. RIPL is and will continue to be irreparably harmed by Google's actions unless
7 Google is enjoined from continuing its unauthorized use of RIPL's registered service mark
8 and other materials and from falsely representing the actual origin of its own goods and
9 services.

10 30. RIPL is entitled to collect damages under RCW 19.86.090 for Google's willful
11 actions, as well as trebling of damages and an award of attorney's fees.

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13 **PRAYER FOR RELIEF**

14 WHEREFORE, RIPL Technologies, Inc. demands judgment as follows:

15 A. That Google and all its agents, servants, employees, attorneys and all others
16 holding by, or through it, or controlled by it, or controlling it, or in act of concert or
17 participation with it, be temporarily and permanently enjoined and restrained from:

18 (1) distributing selling, advertising or offering for services of the same or
19 confusingly similar type described in United States Service Mark Registration No. 3,490,487;

20 (2) doing any act or thing in breach of any duty owed RIPL;

21 (3) doing any other act or thing calculate to, tending to, or likely to compete
22 unfairly with RIPL.

23 B. That Google be ordered to pay over and account to RIPL for all damages
24 suffered by RIPL and all profits wrongfully derived by Google as a result of its
25 misappropriation and misuse of RIPL's service mark and other rights.

26 C. That RIPL be awarded its costs and reasonable attorneys fees.
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1 D. That RIPL be awarded such other and further relief as the court may deem just
2 and proper.

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4 RIPL demands a trial by jury on all issues presented in this Complaint.

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6 Dated this 21st day of November, 2012.

7 Respectfully submitted,

8 /s/ Philip P. Mann
9 Philip P. Mann, WSBA No. 28860
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