IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

William Grecia,	Case No.
Plaintiff,	
v.	Judge:
	Magistrate Judge:
Microsoft Corp.,	**JURY TRIAL DEMANDED**
Defendant.	

COMPLAINT

William Grecia brings this patent-infringement action against Microsoft

Corporation.

Parties

1.   William Grecia lives in Brooklyn, New York.

2.   Microsoft is a corporation organized under the laws of the State of

Washington, with its principal place of business located at One Microsoft Way,

Redmond, Washington 98052

Jurisdiction and Venue

3.   This action arises under the patent laws of the United States, 35 U.S.C. §§

101 *et seq*.

4.   This Court has subject matter jurisdiction over this action under 28 U.S.C.

§§ 1331 and 1338(a).

5.   This Court has personal jurisdiction over Microsoft. Microsoft conducts

continuous and systematic business in Illinois and in this District. For example,

Microsoft designs and manufactures computer software, consumer electronic products, and computers that Microsoft licenses and sells in this District. Microsoft maintains corporate offices and retail locations in this District. Microsoft uses a cloud-computing system that authorizes Microsoft users in this District access to digital content such as movies, music, television shows, photos, documents, and other electronic files. This patent-infringement claim arises directly from Microsoft's continuous and systematic activity in this District. In short, this Court's exercise of jurisdiction over Microsoft would be consistent with the Illinois long-arm statute, 735 ILCS 5/2-209, and traditional notions of fair play and substantial justice.

6.   Venue is proper in this District pursuant to 28 U.S.C. § 1391(b)(2) and 1400(b).

Background

7.   William Grecia owns United States Patent 8,533,860 (the "'860 patent") and at least one continuing application claiming back to the original priority date of March 21, 2010. William Grecia invented the methods and products claimed in the '860 patent.

8.   The field of the invention of the '860 patent is digital rights management, commonly referred to as "DRM." The movement of books, movies, and music to digital form has presented a challenge to the copyright owners of the content. The owners wish to sell the content in a digital form and transfer all attributes of ownership to the buyer, and yet the owners of the content must protect value by preventing "pirating" of the content through illicit copying.

9.   DRM schemes to date had locked the purchased content, a movie for example, to specific devices and in some cases limited playback rights to a single device. These prior art DRM methods required the content providers (a movie studio in the example) to maintain computer servers to receive and send session authorization keys to clients, and the prior DRM methods required that the client reconnect with the servers to obtain reauthorization. These DRM schemes may be characterized by limiting acquired content to a specific device that the client continually had to reauthorize to enjoy the acquired content.

10.   The '860 invention provides a solution. With this invention, a consumer of digital content may enjoy the content on a multiple number of the consumer's devices and share the content with the consumer's friends and family, all while protecting against unlicensed use of the digital content.

Claim of Patent Infringement

11.   William Grecia is the exclusive owner of the '860 patent, which is attached as Exhibit 1.

12.   The '860 patent is valid and enforceable.

13.   Microsoft has and is directly infringing claims of the '860 patent. Microsoft makes, uses, sells, and offers for sale products, methods, equipment, and services that practice claims 1, 2, 3, 4, 5, 9, 10, 21, 22, 25, 28, and 29 of the '860 patent.

14.   For example, and without limiting the claims of the '860 patent asserted or the Microsoft devices and services accused of infringing the '860 patent claims, Microsoft's cloud computing service Windows Store directly infringes claim 1 of the '860 patent.

15.   Claim 1 is "[a] method for authorizing access to digital content using a cloud system . . . ." Windows Store practices a method of authorizing access to digital content—such as music, movies, photos, and calendars—using a cloud computing system.

16.   The method of claim 1 is one "facilitating access rights between a plurality of devices . . . ." "All of the Windows 8 and Windows 8.1 apps you own are in the Your apps section of the Windows Store. You can see which of your apps are installed on the different PCs you use, and can install apps directly from here . . . ." http://windows.microsoft.com/en-us/windows-8/install-apps-windows-store#1TC=t1.

17.   According to the method of claim 1, a read or write request of metadata of the digital content is received. This request comprises a verification token of a user, such as, for example, the user's email address and password. A Windows Store user requests access to her digital content by means of her Microsoft account—an email and password: "A Microsoft account is an email address and password. . . . You can use your Microsoft account to see your photos, documents and files from wherever you sign in, on you phone, laptop, and tablet." http://windows.microsoft.com/en-us/windows-8/microsoft-account.

18.   In claim 1, after the verification token has been authenticated, a connection is established between a communications console and a server. The connection is established through a web service capable of facilitating a two-way exchange between the console and the server relaying the unique identity of the devices for which access to the digital content is sought. Microsoft establishes a connection between the communications console (e.g., the Windows Store app) and the Microsoft

servers. The Windows Store web service is capable of facilitating a two-way exchange to complete the verification process: "After you've installed apps from the Windows Store, when you sign in to another Windows 8.1 or Windows RT 8.1 PC using your Microsoft account, your apps are automatically synced on the new PC you're using—so it's easier for you to pick up right where you left off." http://windows.microsoft.com/en-us/windows-8/apps-windows-store-tutorial#1TC=t1.

19.   Next, claim 1 involves the step of requesting an identification reference, such as a unique identifier associated with a device for which the user wishes access to digital content. The Windows Store service requests an identification reference from the communications console (e.g., the Windows Store app) in order to connect the user's device to the user's Windows Store content associated with the user's Microsoft Account: "[W]hen you sign in, the Microsoft account service receives and logs your credentials and other information, such as the 64-bit unique ID number assigned to your credentials, your IP address, your web browser version and a time and date." http://www.microsoft.com/privacystatement/en-us/core/default.aspx?componentid=pspMicrosoftAccountModule&View=description.

20.   Next, according to claim 1, the identification reference is received from the communications console. The Windows Store service receives an identification reference from the Windows Store app. As shown below, the identification of PCs are communicated to the Microsoft account service:

21.   Finally, claim 1 involves writing either the verification token or the identification reference into the metadata. Windows Store writes, among other things, the user's device information into the metadata stored on Windows Store, authorizing the user access to the content stored on Windows Store: "You can use your Microsoft account to see your photos, documents and files from wherever you sign in, on you phone, laptop, and tablet." http://windows.microsoft.com/en-us/windows-8/microsoft-account.

22.   Microsoft knows of the '860 patent and nonetheless willfully infringes the claims, contributes to the infringement of the claims, and induces the infringement of the claims. Microsoft actually knows of the '860 patent. Microsoft disclosed the '860 patent as prior art in patent application 13/187,767.

23.   Microsoft sells telephones, tablet computers, laptop computers, and desktop computers that contain components for use in practicing the steps of the claims of the '860 patent. These components within these devices (e.g., Windows Store app) perform a material part of claims of the '860 patent. Microsoft knows that these components on these devices are especially adapted for use in infringement of the '860 patent claims. These components on these devices are not suitable for a substantial non-infringing use.

24.   Microsoft induces consumers of telephones, tablet computers, laptop computers, and desktop computers to infringe the '860 patent claims: "Signing in with your Microsoft Account . . . also gives you access to a world of apps from the Windows Store, and lets you save, view, and edit your documents and photos online with SkyDrive." http://windows.microsoft.com/en-us/windows-8/features#personalize=startscreen.

Prayer for Relief

WHEREFORE, William Grecia prays for the following relief against Microsoft:

(a)   Judgment that Microsoft has directly infringed claims of the '860 patent claims;

(b)   Judgment that Microsoft has contributed to the infringement of the '860 patent claims;

(c)   Judgment that Microsoft has induced the infringement of the '860 patent claims;

(d)   For a fair and reasonable royalty;

(e)   For treble damages based on a finding that the infringement of the '860

        patent claims was willful;

(f)   For pre-judgment interest and post-judgment interest at the maximum rate

        allowed by law;

(g)   For such other and further relief as the Court may deem just and proper.

Demand for Jury Trial

William Grecia demands a trial by jury on all matters and issues triable by jury.

Date: December 6, 2013   /s/ Matthew M. Wawrzyn
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