IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

EHIERARCHY, LLC	)
	)
Plaintiff,	)
	) Civil Action No. 2:16-cv-564
v.	)
	) **JURY TRIAL DEMANDED**
MICROSOFT CORPORATION	)
	)
Defendant.	)
	)

COMPLAINT

For its Complaint, Plaintiff eHierarchy, LLC ("eHierarchy"), by and through the undersigned counsel, alleges as follows:

THE PARTIES

1.   eHierarchy is a Texas limited liability company with a place of business located at 1400 Preston Road, Suite 400, Plano, Texas 75093.

2.   Defendant Microsoft Corporation is a Washington company with, upon information and belief, a place of business located at 7000 SR-161, Irving, Texas 75039.

3.   Upon information and belief, Defendant has registered with the Texas Secretary of State to conduct business in Texas.

JURISDICTION AND VENUE

4.   This action arises under the Patent Act, 35 U.S.C. § 1 *et seq.*

5.   Subject matter jurisdiction is proper in this Court under 28 U.S.C. §§ 1331 and 1338.

6.   Upon information and belief, Defendant conducts substantial business in this forum, directly or through intermediaries, including: (i) at least a portion of the infringements

alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct and/or deriving substantial revenue from goods and services provided to individuals in this district.

7.   Venue is proper in this district pursuant to §§ 1391(b), (c) and 1400(b).

THE PATENTS-IN-SUIT

8.   On September 25, 2007, U.S. Patent No. 7,275,063 (the "'063 patent"), entitled "Computer System For Automatic Organization, Indexing and Viewing of Information From Multiple Sources," was duly and lawfully issued by the U.S. Patent and Trademark Office. A true and correct copy of the '063 patent is attached hereto as Exhibit A.

9.   On January 5, 2016, U.S. Patent No. 9,229,945 (the "'945 patent"), entitled "Computer System For Automatic Organization, Indexing and Viewing of Information From Multiple Sources," was duly and lawfully issued by the U.S. Patent and Trademark Office. A true and correct copy of the '063 patent is attached hereto as Exhibit B.

10.   On November 23, 2010, U.S. Patent No. 7,840,619 (the "'619 patent"), entitled "Computer System For Automatic Organization, Indexing and Viewing of Information From Multiple Sources," was duly and lawfully issued by the U.S. Patent and Trademark Office. A true and correct copy of the '063 patent is attached hereto as Exhibit C.

11.   On October 2, 2012, U.S. Patent No. 8,280,932 (the "'932 patent"), entitled "Computer System For Automatic Organization, Indexing and Viewing of Information From Multiple Sources," was duly and lawfully issued by the U.S. Patent and Trademark Office. A true and correct copy of the '063 patent is attached hereto as Exhibit D.

12.   eHierarchy is the assignee and owner of the right, title and interest in and to the '063, '945, '619 and '932 patents, including the right to assert all causes of action arising under

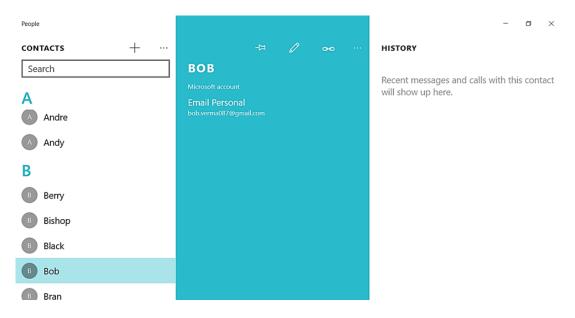said patents and the right to any remedies for infringement of them.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 7,275,063

13.   eHierarchy repeats and realleges the allegations of paragraphs 1 through 12 as if fully set forth herein.

14.   Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendant is liable for infringement of at least claim 1 of the '063 patent by making, using, importing, offering for sale, and/or selling systems and methods of management of informational objects by a computer system, including, but not limited to, Surface Pro 4, Surface Book and Surface 3.

15.   More specifically and upon information and belief, Defendant's Surface Pro 4, Surface Book and Surface 3 are computer data processing systems. *See* https://www.microsoft.com/surface/en-us (last accessed May 25, 2016). Defendant's Surface Book has an Intel Core processor ("a central processing unit"), Windows 10 Pro operating system software ("computer control software system"), a 13.5" display ("computer display") and it also supports up to 1 TB SSD storage device ("a computer readable memory").
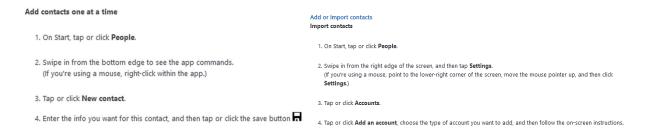
Tech specs

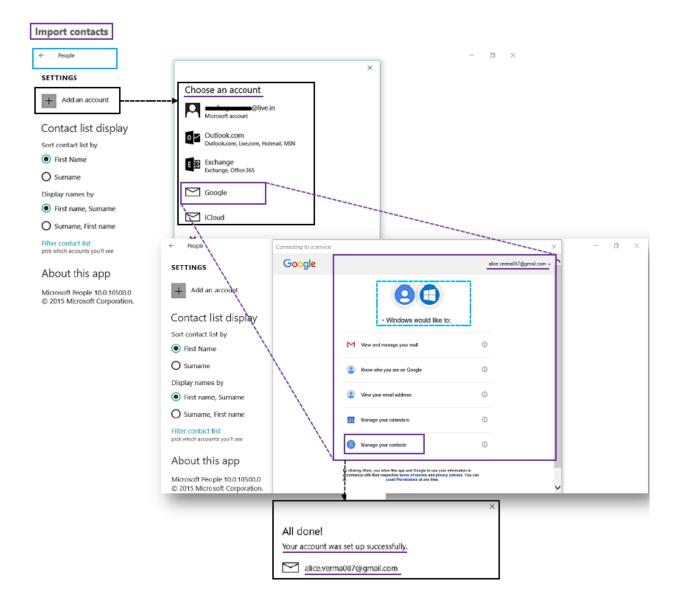|			
Dimensions	12.30" x 9.14" x 0.51 - 0.90" (312.3mm x 232.1mm x 13.0 - 22.8mm)	Storage[1]	Solid state drive (SSD) options: 128GB, 256GB, 512GB, or 1TB.
Display	Screen: 13.5" PixelSense™ display Resolution: 3000 x 2000 (267 PPI) Aspect ratio: 3:2 Touch: 10 point multi-touch	Battery life	Up to 12 hours of video playback[4]
		Graphics	i5: Intel® HD graphics 520 i5/i7: NVIDIA GeForce GPU with 1GB GDDR5 memory
Memory	8GB or 16GB RAM		
Processor	6th Gen Intel® Core™ i5 or i7	Ports	• Two full-size USB 3.0 • Full-size SD™ card reader • SurfaceConnect™ • Headset jack • Mini DisplayPort
Security	TPM chip for enterprise security		
Software	Windows 10 Pro Office 30-day trial	Cameras, video and audio	• Windows Hello[5] face-authentication camera (front-facing) • 5.0MP front-facing camera with 1080p

Surface Book has a touch screen display and a keyboard/touchpad ("a computer user interface device") for providing input.   *See* https://www.microsoft.com/surface/en-us/devices/surface-book#techspec-block (last accessed May 25, 2016).   Surface Book comes with pre-installed People app ("an applications program having component architecture code") that manages contacts   ("information   data   objects").   *See*   https://www.microsoft.com/surface/en-us/support/apps-and-windows-store/all-about-apps?os=windows-10   (last   accessed   May   25, 2016);   http://www.gcflearnfree.org/windows8/11   (last   accessed   May   25,   2016); http://www.thewindowsclub.com/link-unlink-contacts-windows-8-people-app   (last   accessed May 25, 2016).   Surface Book with pre-installed People app stores contacts and their details (e.g., name, email etc.) ("object metadata") in its storage device such that details about a contact can be viewed by accessing the contact's name entry ("reference objects") in the contact list. Surface Book with People app stores the contacts and displays them in a desktop style interface (People App GUI):
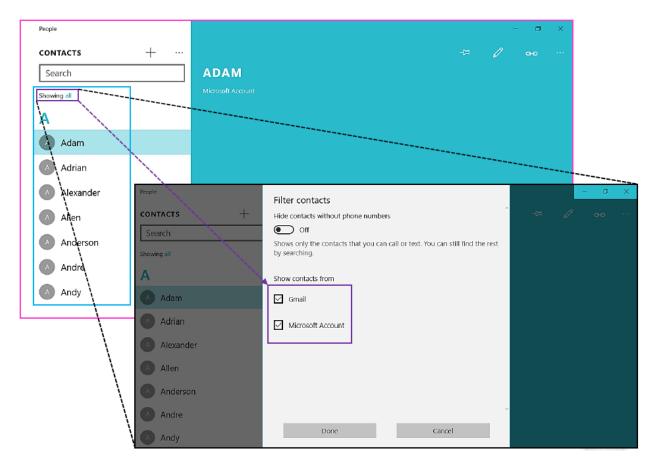

When using the People app, a user can input contacts manually or import multiple contacts by adding multiple accounts like Gmail, etc. ("external sources").
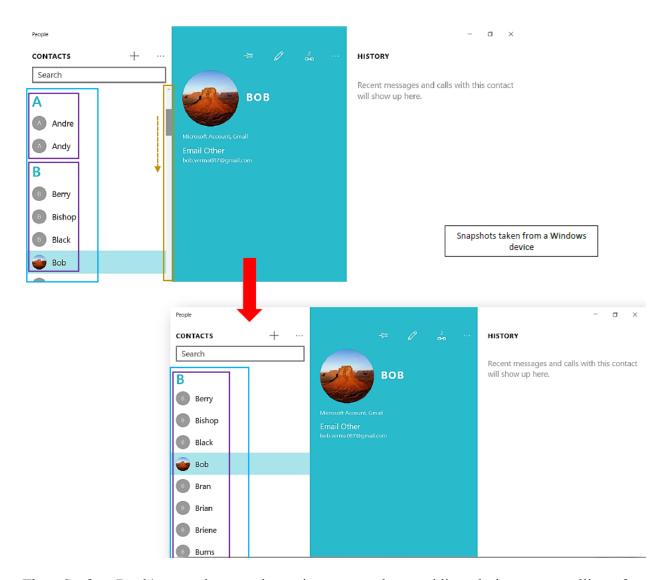
Add contacts one at a time

1. On Start, tap or click **People**.

2. Swipe in from the bottom edge to see the app commands.
   (If you're using a mouse, right-click within the app.)

3. Tap or click **New contact**.

4. Enter the info you want for this contact, and then tap or click the save button 🖫

Add or import contacts
Import contacts

1. On Start, tap or click **People**.

2. Swipe in from the right edge of the screen, and then tap **Settings**.
   (If you're using a mouse, point to the lower-right corner of the screen, move the mouse pointer up, and then click **Settings**.)

3. Tap or click **Accounts**.

4. Tap or click **Add an account**, choose the type of account you want to add, and then follow the on-screen instructions.

When the user adds an account in People app, the app asks the user to select the account and provide the account details.
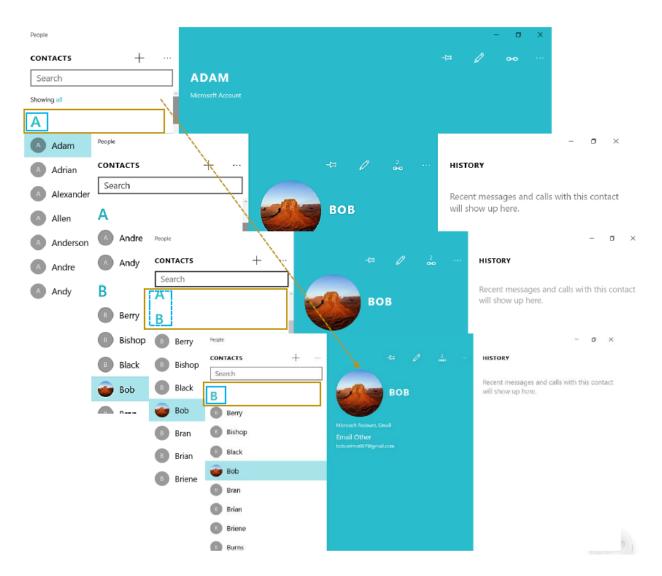

5

When the user provides correct account details, the account will be added in People app such that contacts can be imported from that account, and the app syncs contacts and their details. People app manages and organizes the contacts from multiple sources (e.g., Gmail and Microsoft accounts). It provides automatic organization, indexing and viewing of said information objects.
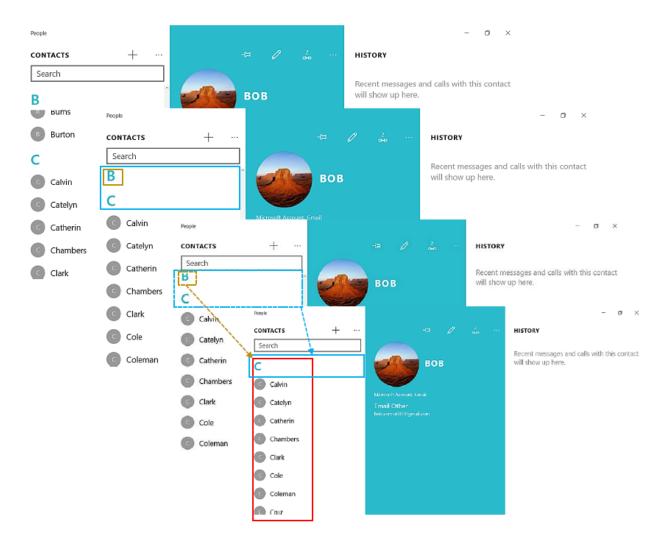

For example, the contacts having names starting with "A" are grouped in container "A" and contacts starting with "B" are grouped in container "B" and so on. At the top of People app, a "sticky path" is displayed showing the name of a container (e.g., "A") which dynamically changes when the user scrolls into another group (e.g., contacts corresponding to container "B").

Thus, Surface Book's central processing unit processes by providing, during user scrolling of an expandable outline in a single window where the contents of multiple branches and multiple levels of a hierarchy are visible at once, views of objects and their containment relationships or location paths within said hierarchy in said single window on said display.

As the user scrolls till the point it crosses the end of "B" branch, "C" branch is entered, and the container of the "B" branch is deleted from the sticky path window portion.
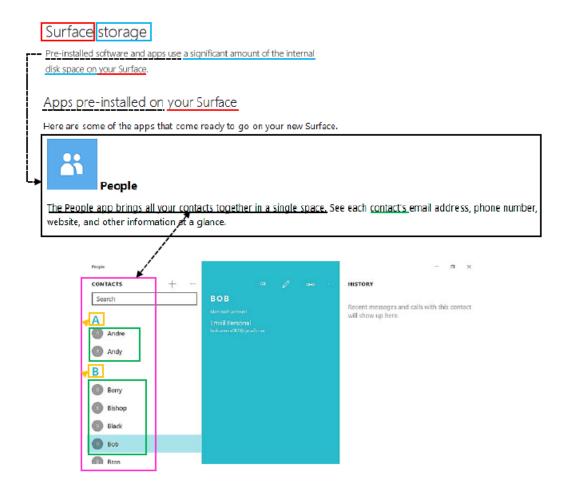
In other words, when the scrolling continues past the end of the entries of a new branch, group or level of the structure to exit it such that the entries of the new branch are no longer visible in the view (e.g., a user scrolls past all contacts grouped in the "B" container), the new identifier of the new branch is removed from the dynamically-updating sticky path display area (e.g., "B" is removed from the sticky path display area) while any identifiers of previously-entered branches remain until they in turn are exited (e.g., the "C" group is entered before the "B" group is exited, and the "C" identifier remains until it is in turn exited).

16.   On or about November 9, 2009, Defendant received a letter informing it of the '063 patent and potential uses by Defendant of the patented technology. The letter also offered Defendant an opportunity to acquire the '063 patent.

17.   Defendant decided not to acquire the '063 patent.

18.   Defendant incorporated the claimed technology of the '063 patent into the accused instrumentalities, as mentioned above, after receiving notice of the '063 patent.

19.   eHierarchy is entitled to recover from Defendant the damages sustained by eHierarchy as a result of Defendant's infringement of the '063 patent in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.
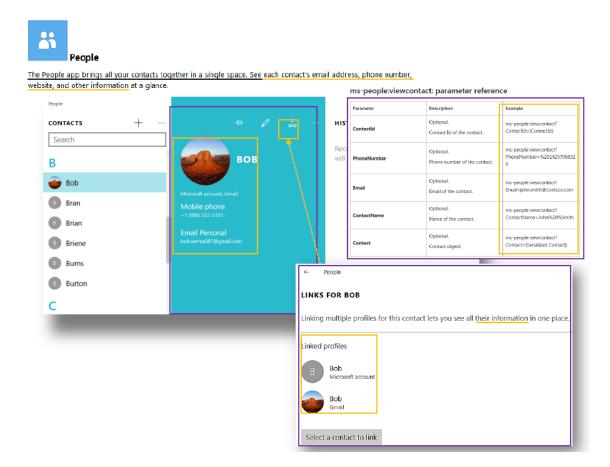
COUNT II – INFRINGEMENT OF U.S. PATENT NO. 9,229,945

20.   eHierarchy repeats and realleges the allegations of paragraphs 1 through 19 as if fully set forth herein.

21.   Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendant is liable for infringement of at least claim 1 of the '945 patent by making, using, importing, offering for sale, and/or selling systems and methods of management of informational objects by a computer system, including, but not limited to, Surface Pro 4, Surface Book and Surface 3.

22.   More specifically and upon information and belief, Defendant's Surface Pro 4, Surface Book and Surface 3 are computer data processing systems. *See* https://www.microsoft.com/surface/en-us (last accessed May 25, 2016). Defendant's Surface Book has an Intel Core processor ("a central processing unit"), Windows 10 Pro operating system software ("computer control software system"), a 13.5" display ("computer display") and it also supports up to 1 TB SSD storage device ("a computer readable memory"). Surface Book
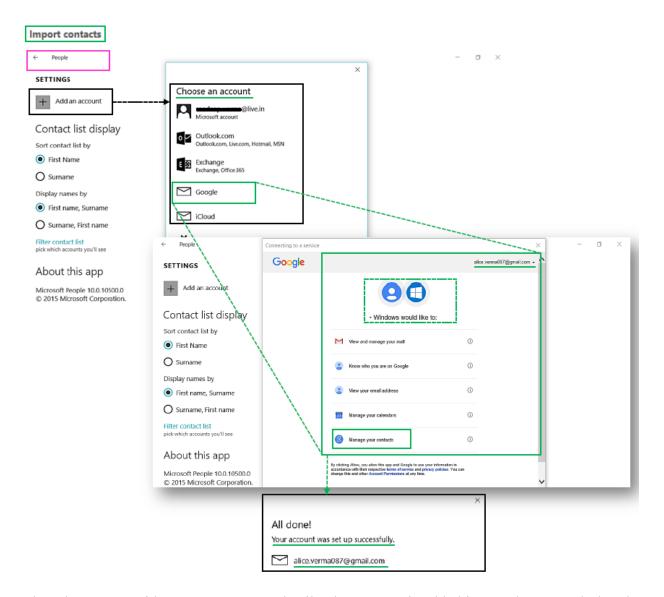
has a touch screen display and a keyboard/touchpad ("a computer user interface device") for providing input.   *See* https://www.microsoft.com/surface/en-us/devices/surface-book#techspec-block (last accessed May 25, 2016).   Surface Book comes with pre-installed People app ("an applications program having component architecture code") that manages contacts ("information data objects").   *See* https://www.microsoft.com/surface/en-us/support/apps-and-windows-store/all-about-apps?os=windows-10 (last accessed May 25, 2016); http://www.gcflearnfree.org/windows8/11 (last accessed May 25, 2016); http://www.thewindowsclub.com/link-unlink-contacts-windows-8-people-app (last accessed May 25, 2016).   Surface Book with pre-installed People app, stores contacts in its storage device such that details about a contact can be viewed by accessing the contact's name entry ("reference objects") in the contact list.   Further, People app stores labels that group the contacts with same first alphabet of the first name in one group.   These labels are identified as "A," "B" and so on ("foundation objects").
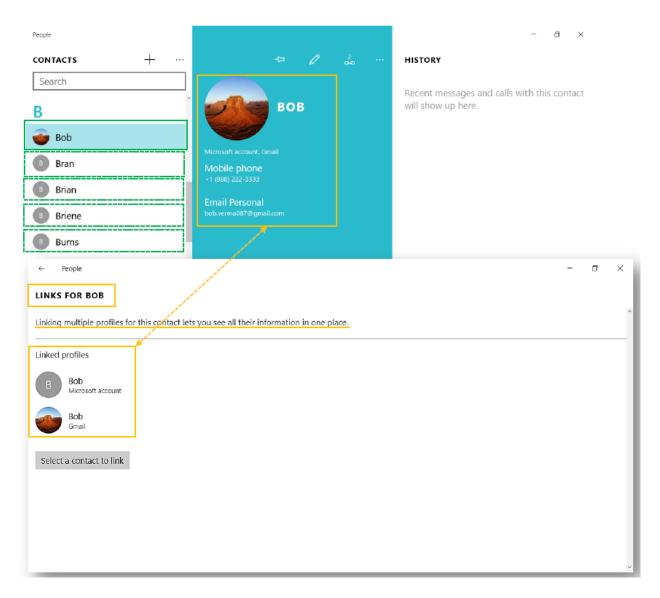
Metadata related to contacts like phone numbers, email addresses and profile linkage ("link metadata") are stored in a metadata structure ("catalog database").

When a user adds an account in People app, the user is asked to select the account and provide the account details.

When the user provides correct account details, the account is added in People app such that the contact can be imported from that account. When the account is added, People app syncs contacts and details. For example, when a person's Gmail account is added, the contact details (e.g., photo, email, phone number, etc. ("metadata")) are synced ("added") in People app from the Gmail account. When People app syncs contacts, it automatically links similar contacts synced from different accounts. People app manages and organizes the contacts from multiple sources (e.g., Gmail and Microsoft accounts).

14

People app links and merges the contacts' details which are similar and stores a single contact item ("reference object") for them.
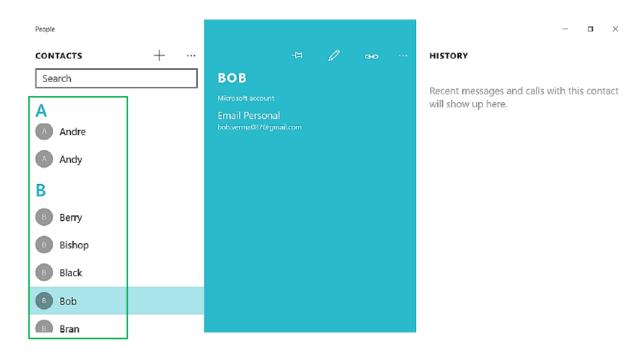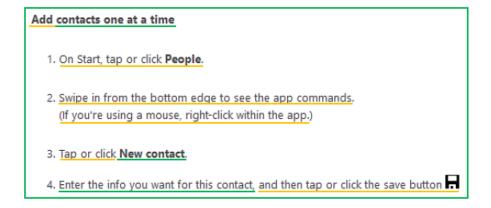
Using the People app

The People app is the central place for all your **contacts,** and it's one of the most important apps you'll use in Windows 8. The People app can also be integrated with your favorite **social networks**, such as Facebook and Twitter. In this lesson, you'll learn how to **add, manage,** and **organize** your contacts, as well as how to **connect** your social networks.

Source: http://www.gcflearnfree.org/windows8/11

Surface Book with People app stores the contacts and displays them in a desktop style interface (People App GUI).

Using People app, a user can input contacts and contact details either manually or import from other accounts using touchscreen, keyboard, touchpad, etc.

23.   eHierarchy is entitled to recover from Defendant the damages sustained by eHierarchy as a result of Defendant's infringement of the '945 patent in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

COUNT III – INFRINGEMENT OF U.S. PATENT NO. 7,840,619

24.   eHierarchy repeats and realleges the allegations of paragraphs 1 through 23 as if fully set forth herein.

25.   Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendant is liable for infringement of at least claim 1 of the '945 patent by making, using, importing, offering for sale, and/or selling computer data processing systems having a central processing unit configured with an integrated computer control software system for the management of informational objects relating to multiple levels of objects organized in at least one of an expandable hierarchy structure and a group structure which include said objects, multiple branches, groups, and/or levels of said objects and their container relationships, and names, identifiers or location paths of said objects within said structure, including, but not limited to, Windows Phones.

26.   More specifically and upon information and belief, Defendant's Windows Phones are computer data processing systems having a processor and running computer control software for management of information (e.g., contact information). The Windows Phone operating system provides User-Interface (UI) Element Framework for implementing graphical and event-based applications. The UI Element Framework enables applications, such as the People app, to manage information (e.g., contact information) that is organized in a grouped structure. That is, all the contacts having first names starting with "a" could be considered to be grouped in container "b" and all the contacts starting with "b" are grouped in container "b" and so on. The relationship between contact information and the container is maintained in a memory by the Windows Phone operating system.

18

In addition, at the top of People app, a "sticky path" is displayed showing the name of a container (e.g., "a") which dynamically changes when the user scrolls into another group (e.g., contacts corresponding to container "b").

The information displayed in the "sticky path" is fixed (e.g., "a") until the user scrolls into another group (e.g., "b"). *See* http://code.msdn.microsoft.com/wpapps/PeopleHub-Windows-Phone-80-88abe94d (last accessed May 25, 2016); http://msdn.microsoft.com/en-

US/library/windowsphone/develop/microsoft.phone.controls.longlistselector(v=vs.105).aspx?cs-save-lang=1&cs-lang=csharp#code-snippet-1 (last accessed May 25, 2016).   Windows Phones include computer readable memory that includes a storage structure for storing information related to objects selected from at least one of the objects, the object metadata and the object names, identifiers or location paths.   A user's contacts are one example of objects that are stored in a storage structure by the Windows devices.   For example, when storing "People," the Windows Phone memory also stores the information related to the objects such as first name, last name, phone number, etc., and uses the stored information to create a storage structure.   The first name of a contact is used to organize the stored objects, and the contacts are grouped in containers having identifiers (e.g., "a" is an identifier for a container of all objects having last names   starting   with   "a").   *See*   http://www.windowsphone.com/en-US/how-to/wp8/people/contacts (last accessed May 25, 2016).   Windows Phones include a computer display connected to a memory and displays objects, object metadata, and object identifiers from said storage structure in a view. *See id.*   The Windows Phone operating system includes a user interface for selectively displaying a portion of a group structure.   For example, the user interface displays a portion of the People group structure, such as, in one example, a portion of the "a" group of contacts, and the group structure is scrollable (i.e., a selective display).   When a user scrolls within the People app view, a sticky path display portion dynamically updates as a user scrolls from one group (contacts with last names starting with "a") to another group (contacts with last names starting with "b").   Windows Phones dynamically update the component architecture code being processed.   In a Windows Phone, when the scrolling continues past the end of the entries of a new branch, group or level of the structure to exit it such that the entries of the new branch are no longer visible in the view (e.g., a user scrolls past all contacts grouped in

the "a" container), the new identifier of the new branch is removed from the dynamically-updating sticky path display area (e.g., "a" is removed from the sticky path display area) while any identifiers of previously-entered branches remain until they in turn are exited (e.g., the "b" group is entered before the "a" group is exited, and the "b" identifier remains until it is in turn exited). Thus, Windows Phones provide continuous and automatic dynamically-updated display containing at least one sticky path display area that displays at least one branch identifier of the structure (e.g., the sticky path portion continuously and automatically updates as the group identifier, "a" updates to "b").

27.   eHierarchy is entitled to recover from Defendant the damages sustained by eHierarchy as a result of Defendant's infringement of the '619 patent in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

COUNT IV – INFRINGEMENT OF U.S. PATENT NO. 8,280,932

28.   eHierarchy repeats and realleges the allegations of paragraphs 1 through 27 as if fully set forth herein.

29.   Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendant is liable for infringement of at least claim 1 of the '932 patent by making, using, importing, offering for sale, and/or selling computer data processing systems, including, but not limited to, Surface Pro 4, Surface Book and Surface 3.

30.   More specifically and upon information and belief, Defendant's Surface Pro 4, Surface Book and Surface 3 includes a computer-readable memory. The Surface Pro 4, Surface Book and Surface 3 all include Solid State Drives (SSDs). *See* https://www.microsoft.com/surface/en-

us?&SEMID=1&WT.srch=1&ocid=OCWin10SurfGen_SEM_GOO_MSBranded_FAM_en-

US_microsoft%20surface&wt.mc_id=OCWin10SurfGen_SEM_GOO_MSBranded_FAM_en-

US_microsoft%20surface (last accessed May 25, 2016); https://www.microsoft.com/surface/en-

us/devices/surface-book#techspec-block (last accessed May 25, 2016).   The computer-readable

memory of the Microsoft Surface series is configured to store informational objects organized in

a   hierarchy.   Microsoft   Surface   series   comes   with   pre-installed   Microsoft   People.   *See*

https://www.microsoft.com/surface/en-us/support/apps-and-windows-store/all-about-

apps?os=windows-10   (last   accessed   May   25,   2016);   http://www.gcflearnfree.org/windows8/11

(last accessed May 25, 2016); http://www.thewindowsclub.com/link-unlink-contacts-windows-8-

people-app (last accessed May 25, 2016).   Microsoft People is operable to access the computer-

readable memory and display the hierarchical relationship (e.g., sorted alphabetically) of the

informational objects (e.g., contacts).   Microsoft Surface series includes a display configured to

display information of at least a portion of the hierarchy of informational objects.   Microsoft

People displays several data fields relating to the objects stored in the hierarchy including

"Mobile Phone" and "Email."   Microsoft People is an applications program operable to render

visible-information of one of the informational objects (e.g., the first letter of each contact name)

with   dynamic   updating.   For   example,   Microsoft   People   displays   the   first   letter   of   the   each

contact (e.g., "A," "B," "C," etc.) in a sticky path portion of the display. The sticky path portion

of the display updates as a user scrolls through contacts.   Microsoft People is further operable to

expand and collapse the hierarchical information displayed on the right of the display window.

Clicking on a contact name expands that contact's information; clicking on a different contact

name, collapses the first contact's information and expands the second contact's information.

31.   eHierarchy is entitled to recover from Defendant the damages sustained by eHierarchy as a result of Defendant's infringement of the '932 patent in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

JURY DEMAND

eHierarchy hereby demands a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, eHierarchy requests that this Court enter judgment against Defendant as follows:

A.   An adjudication that Defendant has infringed the '063, '945, 619 and '932 patents;

B.   An award of damages to be paid by Defendant adequate to compensate eHierarchy for Defendant's past infringement of the '063, '945, '619 and '932 patents and any continuing or future infringement through the date such judgment is entered, including interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;

C.   A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of eHierarchy's reasonable attorneys' fees;

D.   To the extent the Defendant's conduct subsequent to the date of its notice of the '063 patent is found to be objectively reckless, enhanced damages pursuant to 35 U.S.C. § 284 for Defendant's willful infringement of the '063 patent; and

E.   An award to eHierarchy of such further relief at law or in equity as the Court deems just and proper.

Dated: May 25, 2016

/s/ Richard C. Weinblatt
Stamatios Stamoulis DE SB #4606
Richard C. Weinblatt DE SB #5080 – Lead Counsel
Stamoulis & Weinblatt LLC
Two Fox Point Centre
6 Denny Road, Suite 307
Wilmington, DE 19809
Telephone: (302) 999-1540
Facsimile: (302) 762-1688
stamoulis@swdelaw.com
weinblatt@swdelaw.com

Attorneys for Plaintiff
eHierarchy LLC