

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

IMPROVED SEARCH LLC,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. _____
)	
MICROSOFT CORPORATION,)	JURY TRIAL DEMANDED
)	
Defendant.)	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Improved Search LLC (“Improved Search” or “Plaintiff”) for its Complaint for Patent Infringement against Microsoft Corporation (“Microsoft” or “Defendant”) alleges as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 271, *et seq.*, to obtain damages resulting from Defendant’s unauthorized manufacture, use, offer to sell, sale, and/or import of products, and Defendant’s unauthorized and infringing performance of methods, processes, services, and/or systems that infringe one or more claims of United States Patent Nos. 6,604,101 (the “101 Patent”) and 7,516,154 (the “154 Patent”) (collectively the “Asserted Patents”) (attached as Exhibits A and B, respectively).

2. Defendant’s infringing products and services are adapted for use to perform cross-language translation of query and search information as well as retrieval of multilingual information over a computer network, including but not limited to Defendant Microsoft’s Bing Search product (“Accused Products and Services”).

THE PARTIES

3. Plaintiff Improved Search is a Florida limited liability company with its principal place of business in Fort Lauderdale, Florida.

4. Plaintiff Improved Search is the assignee of all substantial rights, title, and interest in and to the Asserted Patents.

5. Defendant Microsoft is a Washington state corporation with its principal place of business located at One Microsoft Way, Redmond, Washington 98052. Defendant's registered agent is Corporation Service Company located at 2711 Centerville Rd, Suite 400, Wilmington, Delaware 19808.

6. Defendant Microsoft's products and services include Bing or Bing Search, an Internet search platform through which consumers may enter queries with which to search a set of multilingual Websites.

7. Defendant Microsoft infringes the Asserted Patents, and Plaintiff has been and will continue to be harmed by Defendant's infringement of the Asserted Patents. Moreover, Defendant's unauthorized and infringing manufacture, use, offer to sell, sale, and/or import of Plaintiff's patented inventions, as well as Defendant's unauthorized and infringing performance of methods, processes, and/or services, have threatened the value of this intellectual property because Defendant's conduct results in Plaintiff's loss of its lawful patent rights to exclude others from making, using, offering to sell, selling, and/or importing the patented inventions, and/or the right to exclude others from performing the patented methods.

8. Defendant's disregard for Plaintiff's property rights threatens Plaintiff's relationships with potential licensees of Plaintiff's patents, including the Asserted Patents.

Defendant will derive a competitive advantage over any of Plaintiff's future licensees by infringing Plaintiff's patented technology.

JURISDICTION AND VENUE

9. This Court has jurisdiction over the subject matter of this patent infringement action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

10. This Court has personal jurisdiction over Microsoft because it has committed and continues to commit acts of infringement in violation of 35 U.S.C. § 271 and places infringing product into the stream of commerce, with the knowledge or understanding that such products are sold in the State of Delaware. Upon information and belief, Microsoft, derives substantial revenue from the sale of infringing products within this District, expects its actions to have consequences within this District, and derives substantial revenue from interstate and international commerce.

11. Venue is proper within this District under 28 U.S.C. §§ 1391(b) and 1391(c) because Microsoft transacts business within this District and offers for sale in this District products that infringe the Improved Search patents. In addition, venue is proper because Improved Search has suffered harm in this District.

THE PATENTS-IN-SUIT

12. United States Patent No. 6,604,101 is entitled "Method and System for Translingual Translation of Query and Search and Retrieval of Multilingual Information on a Computer Network" and relates, *inter alia*, to methods of and systems for translating queries from a source language to a target language, and searching and retrieving Web documents in the target language. Essential to the operation of the claimed methods and systems is the use of a Web search engine. This includes, for example, receiving a query in a first language through an

input device, processing the query and extracting at least one content word from the query, performing dialectal standardization of the at least one content word, translating the at least one content word into a target second language through a translator, performing a contextual search in the target language based on the at least one translated content word, using a search engine in the target language, and obtaining search results in the target language in the form of site names or Uniform Resource Locators (“URLs”) and documents that satisfy the search criteria.

13. United States Patent No. 7,516,154 is entitled “Cross Language Advertising” and relates, *inter alia*, to methods of and systems for providing cross language advertising services over the Internet. Essential to the operation of the claimed methods and systems is the use of a Web search engine. This includes, for example, receiving a query from a user through an input device in a source language, processing the query and extracting at least one content word from the query, performing dialectal standardization of the content word, translating the dialectally standardized content word into a target language through a translator, performing a contextual search in the target language based on the translated content word using a search engine in the target language, returning the search results in the target language in the form of site names (URLs) and documents, searching a database of advertising cues, and returning advertising cues relevant to the content word.

14. The claimed inventions of the ‘101 and ‘154 Patents improve the usability of searching over the Internet, and address a problem specific to the Internet. The claimed inventions of the ‘101 and ‘154 Patents help make Internet searching more accessible for people who perform searches in other languages.

EXEMPLARY ACCUSED PRODUCTS AND SERVICES

15. “Bing Search” is a search engine product and service offered by Microsoft that provides, among other functionalities, Web search results of Websites listed in order of relevance, image search results and corresponding URLs sorted by relevance, video search results and corresponding URLs, word, phrase and file search results listed in order of relevance, shopping search results and corresponding URLs sorted by relevance, and MapQuest search results with corresponding URLs. Bing searches Websites not only written in the source language (e.g., English) input in a query received by its users, but in second languages after extracting at least one content word, dialectally standardizing the at least one content word, and translating the at least one dialectally standardized content word. Website matches based upon the translated at least one dialectally standardized content word are subsequently presented to the user.

16. Bing presents “sponsored links” or “ads” in connection with its search results on the Bing and Yahoo! search engines and Yahoo! Bing network partner sites through its pay-per-click advertising platform known as “Bing Ads.”

17. For example, in addition to advanced search operators, which allow a user to search for exact phrases, to omit words, to search within a specific site, and to search for results confined to specified geographic locations and to search for results in particular languages, Bing has a personalized setting search feature accessible through the Bing Settings control, which allows a user to further refine his or her search results. Included in this personalized search feature is a control to specify the language of sites the user would like to see in his or her search results. Another personalized search feature is a control to run a domain-specific search such as searching within domain names designated for countries with populations predominantly

speaking and writing languages different from the source language utilized by a user in a Bing Search query.

COUNT I

INFRINGEMENT OF U.S. PATENT NO. 6,604,101

18. Paragraphs 1 through 17 are incorporated by reference as if fully restated herein.

19. Plaintiff Improved Search is the assignee and lawful owner of all right, title, and interest in and to the '101 Patent.

20. Defendant Microsoft performs methods and has systems that include the Bing Search functionality.

21. Defendant Microsoft's use of methods and controlling of systems involving Bing directly infringe one or more of the method and system claims of the '101 Patent, either directly or under the doctrine of equivalents.

22. By way of example, Bing receives queries in a first language (e.g., English) from its users through input devices, such as computer keyboards. Bing processes the query in the first language and extracts at least one content word from the query. Bing dialectally standardizes the at least one content word extracted from the original query and translates the dialectally standardized content word into a second, target language. As a search engine, Bing searches the Web in the second language based on the at least one content word and obtains search results in the second language in the form of URLs and documents (for example, in Microsoft Word, Microsoft PowerPoint, or Adobe PDF formats) as "Web Results" which satisfy search criteria.

23. Defendant Microsoft has had actual pre-suit knowledge and notice of the '101 Patent since at least July 2014 when it received a letter from Plaintiff informing Microsoft of

Plaintiff's Asserted Patents and its infringement of the '101 Patent. In that letter, Plaintiff informed Microsoft of facts indicating that Microsoft knowingly induces infringement of the '101 Patent by intentionally directing its customers to use computers or mobile devices for translating their search queries.

24. As to any potential claim steps of the '101 Patent that are performed outside of the United States, such as on foreign servers, Microsoft knowingly induces infringement by entities owning and controlling those servers or other equipment performing those claim steps of the '101 Patent. Plaintiff alleges that Microsoft, with knowledge of the Asserted Patents, has specifically and intentionally directed those entities to perform those steps, which Microsoft then uses in practicing the methods of the '101 Patent. The benefit is ultimately derived in the United States by Microsoft and users of Bing.

25. As to any potential system components of the '101 Patent which are owned by Microsoft's customers, such as computer keyboards, personal computers, and display screens, Microsoft knowingly induces infringement by its customers owning and controlling those components. Upon information and belief, Plaintiff alleges that Microsoft, with knowledge of the Asserted Patents, has specifically and intentionally directed its customers to use those components in order to infringe the system claims of the '101 Patent.

26. Upon information and belief, Plaintiff alleges that Defendant Microsoft specifically intends to induce the infringement of the methods and systems of the '101 Patent by providing certain options to its customers in its personalized search feature. By way of example, Bing's personalized search feature allows for the selection of returning pages written in over forty languages, regardless of the search query entered. Also, by way of example, Bing's personalized search feature allows for the selection of returning results from sites/domains with

pre-selected extensions, including those from predominantly non-English speaking countries (e.g., .fr – French, .es, .mx – Spanish, .cn – China). By way of example, at least claims 1, 2, 4, 5, 22, 24, 25, and 26 of the ‘101 Patent are implicated with respect to this feature.

27. Plaintiff is informed and believes, and thereon alleges, that Microsoft’s infringement of the ‘101 Patent has been and continues to be willful and deliberate.

28. Plaintiff is entitled to recover damages adequate to compensate for the infringement.

29. Plaintiff further is entitled to recover enhanced damages based on the willful and deliberate nature of Microsoft’s infringement.

COUNT II

INFRINGEMENT OF U.S. PATENT NO. 7,516,154

30. Paragraphs 1 through 29 are incorporated by reference as if fully restated herein.

31. Plaintiff Improved Search is the assignee and lawful owner of all right, title, and interest in and to the ‘154 Patent.

32. Defendant Microsoft performs methods and has systems that include the Bing Search functionality.

33. Defendant Microsoft’s use of methods and controlling of systems involving Bing directly infringe one or more of the method and system claims of the ‘154 Patent, either directly or under the doctrine of equivalents.

34. By way of example, Bing receives queries in a first language (e.g., English) from its users through input devices, such as computer keyboards. Bing receives and processes the query in the first language and extracts at least one content word or keyword from the query. Bing dialectally standardizes the at least one content word or keyword extracted from the

original query and translates the dialectally standardized content word into a second, target language. As a search engine, Bing searches the Web in the second language based on the at least one content word or keyword and obtains search results in the second language in the form of URLs and documents (for example, in Microsoft Word, Microsoft PowerPoint, or Adobe PDF formats) which satisfy search criteria. Relevant to the at least one content word or keyword, Bing Ads searches a database of advertising cues and returns one or more of those cues to the Bing user as “Web Results,” such as for example, through presenting a list of advertising-associated hyperlinks or sponsored Web Results directly above, below or to the right of the regular “Web Results,” Bing further provides the user with a translation feature supported by Microsoft Translator for Web Results returned in the second language.

35. Defendant Microsoft has had actual pre-suit knowledge and notice of the ‘154 Patent since at least approximately July 2014 when it received a letter from Plaintiff informing Microsoft of Plaintiff’s Asserted Patents and Microsoft’s infringement of the ‘154 Patent. In that letter, Plaintiff informed Microsoft of facts indicating that Microsoft knowingly induces infringement of the ‘154 Patent by intentionally directing its customers to use computers or mobile devices for translating their search queries.

36. As to any potential claim steps of the ‘154 Patent that are performed outside of the United States, such as on foreign servers, Microsoft knowingly induces infringement by entities owning and controlling those servers or other equipment performing those claim steps of the ‘154 Patent. Plaintiff alleges that Microsoft, with knowledge of the Asserted Patents, has specifically and intentionally directed those entities to perform those steps, which Microsoft then uses in practicing the methods of the ‘154 Patent. The benefit is ultimately derived in the United States by Microsoft and users of Bing.

37. As to any potential system components of the '154 Patent which are owned by Microsoft's customers, such as computer keyboards, personal computers, and display screens, Microsoft knowingly induces infringement by its customers owning and controlling those components. Upon information and belief, Plaintiff alleges that Microsoft, with knowledge of the Asserted Patents, has specifically and intentionally directed its customers to use those components in order to infringe the system claims of the '154 Patent.

38. Upon information and belief, Plaintiff alleges that Defendant Microsoft specifically intends to induce the infringement of the methods and systems of the '154 Patent by providing to its customers certain options in its personalized search feature. By way of example, the Bing personalized search feature allows for the selection of returning pages written in over forty languages, regardless of the search query entered. Also, by way of example, Bing's personalized search feature allows for the selection of returning results from sites/domains with pre-selected extensions, including those from predominantly non-English speaking countries (e.g., .fr – French, .es, .mx – Spanish, .cn – China). By way of example, at least claims 1 and 7 of the '154 Patent are implicated with respect to this feature.

39. Plaintiff is informed and believes, and thereon alleges, that Microsoft's infringement of the '154 Patent has been and continues to be willful and deliberate.

40. Plaintiff is entitled to recover damages adequate to compensate for the infringement.

41. Plaintiff further is entitled to recover enhanced damages based on the willful and deliberate nature of Microsoft's infringement.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendant, granting Plaintiff the following relief:

- a) that this Court adjudge and decree that Defendant has infringed the Asserted Patents;
- b) that this Court order an accounting, including a post-verdict accounting, to determine the damages to be awarded to Plaintiff as a result of Defendant's infringement;
- c) that this Court, pursuant to 35 U.S.C. § 284, enter an award to Plaintiff of such damages as it shall prove at trial against Defendant that is adequate to compensate Plaintiff for said infringement, said damages to be no less than a reasonable royalty together with interest and costs;
- d) that this Court, pursuant to 35 U.S.C. § 284, enter an award to Plaintiff of enhanced damages in light of the willful and deliberate nature of Defendant's infringement;
- e) that this Court assess pre-judgment and post-judgment interest and costs against Defendant, together with an award of such interest and costs, in accordance with 35 U.S.C. § 284; and
- f) that this Court grants to Plaintiff such other, further, and different relief as may be just and proper.

JURY DEMAND

Plaintiff demands a trial by jury of all matters to which it is entitled to trial by jury pursuant to Fed. R. Civ. P. 38.

Dated: July 29, 2016

PHILLIPS, GOLDMAN, MCLAUGHLIN
& HALL, P.A.

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