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

MMG IP MANAGEMENT LLC, a Texas limited-liability company,	Civil Case No. _____
Plaintiff,	
vs.	**JURY TRIAL DEMANDED**
MICROSOFT CORPORATION, a Washington corporation,	
Defendant.	

COMPLAINT FOR PATENT INFRINGEMENT

For its Complaint against Defendant Microsoft Corporation ("MS"), Plaintiff

MMG IP Management LLC ("MMG") hereby alleges as follows.

JURISDICTION AND VENUE

1.   This is an action including for infringement under the patent laws of the

United States, 35 U.S.C. § 101, *et. seq.* This Court has subject matter jurisdiction under

28 U.S.C. §§ 1331 and 1338(a).

2.   This Court has personal jurisdiction over MS because it regularly conducts

business in Texas and in this District, where it has committed the infringing acts alleged

herein.

3.   Venue is proper in this Judicial District under 28 U.S.C. §§ 1391(b)-(c) and

1400.

PARTIES

4.   Plaintiff MMG is a Texas limited-liability company having a principal

place of business at 1400 Preston Road, Plano, Texas 75093.

5.   On information and belief, Defendant MS is a Washington corporation

having a principal place of business at One Microsoft Way, Redmond, Washington

98052.

COUNT I—INFRINGEMENT OF U.S. PATENT NO. 8,321,459

6.   Plaintiff MMG re-alleges and incorporates by reference paragraphs 1-5

above, as if fully set forth herein.

7.   MMG is the owner by assignment of U.S. Patent No. 8,321,459 ("the '459

patent"), which is entitled "Method and System for Facilitating Access to Always Current

Contact Information," which duly and lawfully issued on November 27, 2012. A true

and correct copy of the '459 patent is attached hereto as Exhibit A. Peter Pekarek-Kostka

is the inventor on the '459 patent, and a member and owner of MMG.

8.   The claims of the '459 patent are directed to, for example, a "method for effectuating access to always current and accurate personal identifying contact information including the information elements of name and address" and Claim 1, for example, recites elements including, *inter alia*, (a) "providing a data processing entity for electronically storing, retrieving, searching, analyzing, and rearranging personal identifying contact information elements including name and address for a multiplicity of contact information records corresponding to a respective multiplicity of users," (b) "which is connectable electronically to users," and (c) "wherein upon submission of said personal identifying contact information from multiple users, some or all personal identifying contact information elements are searched by the data processing entity and analyzed for similarity based upon predetermined criteria," (d) "links or pointers between the submitted information about a user and the corresponding record of the user are established," (e) "which enable any one user to update or change personal identifying contact information electronically," and (f) "have those updates or changes available to other users."

9.   The '459 patent covers the methods and systems invented by MMG's Peter Pekarek-Kostka, and protects MMG's exclusive right to sell its methods and systems without infringement by competitors or their products. With MMG's covered methods and systems, as long as the owner of the contact information updates his or her records in

a storage location, all third party contact information collections are also kept up to date and users benefit from the most accurate and current contact information available.

10.   Attached hereto as Exhibit B is a true and correct copy of an April 5, 2004 article from the New York Times, entitled "Helping People On The Move Keep Addresses Up To Date." The article highlights the success of the company Plaxo, described as "an online service that helps computer users keep their address books updated with the latest postal addresses and phone numbers of everybody in their circle."

11.   The article highlights contemporaneously the innovation, utility and non-obviousness of the methods and systems for "effectuating access to always current and accurate personal identifying contact information," as claimed in the '459 patent. These methods and systems were not routine or conventional, particularly at the time of the article in 2004.

12.   As recognized at the end of the article:

> A start-up company called miniFILE Inc., based in Weatherby, Conn., has a similar product, also free. Instead of installing a program on their computers, users can put their address lists on miniFILE's Web site, and the company maintains them. A miniFILE member's information is automatically updated on other members' address lists, but the service does not contact nonmembers to ask them for new information. MiniFILE's network has about 30,000 members. But the company filed a patent application for its network method before Plaxo filed its two patent applications. Peter Kostka, miniFILE's founder, said that if his patent was approved, Plaxo could not operate without violating it.

The patent application mentioned in the article ultimately resulted in the '459 patent.

13.   On information and belief, MS has made, used, offered for sale, sold and/or imported into the United States systems and/or methods covered by the claims of the '459 patent, and continues to do so, including via the MS "Lync Contacts Manager" and "Skype for Business" functionality. For example, the MS "Lync" functionality (*see* Exhibit C) employs the method covered by Claim 1 of the '459 patent.

14.   First, as shown in the analysis in Exhibit C, specifically at pages 1-2, the MS "Lync Contacts Manager" functionality includes a "method for effectuating access to always current and accurate personal identifying contact information including the information elements of name and address." In the MS "Lync" system, each of a multiplicity of primary users have primary personal identifying contact information elements including name and address. *See, e.g.*, http://www.msexchange.org/software/lync/lync-contacts-manager.html and https://blogs.technet.microsoft.com/tonyz/2012/02/20/a-quick-walk-through-of-lync-contact-card-configuration (accessed as of 8/8/2016). The system facilitates access to always current and accurate personal identifying contact information. *See, e.g.*, http://www.msexchange.org/software/lync/lync-contacts-manager.html (accessed as of 8/8/2016).

15.   Second, as shown in the analysis in Exhibit C, specifically at page 3, the MS "Lync Contacts Manager" functionality employs (a) "providing a data processing entity for electronically storing, retrieving, searching, analyzing, and rearranging personal

identifying contact information elements including name and address for a multiplicity of contact information records corresponding to a respective multiplicity of users," (b) "which is connectable electronically to users." For example, the MS "Lync" functionality provides a data processing entity (*e.g.*, software running on a computer or server) for electronically storing, retrieving, searching (*e.g.*, view of firm contacts and relationships gathered across dispersed data sources) analyzing and rearranging (*e.g.*, identifying key relationship data to help drive additional business opportunities) personal identifying contact information elements.

16.   In the MS "Lync" system, each of a multiplicity of primary users have primary personal identifying contact information elements including name and address. The personal identifying contact information includes information from a plurality of secondary users who each have their own respective personal contact information elements which are secondary personal identifying contact information to each primary user. *See, e.g.*, http://www.msexchange.org/software/lync/lync-contacts-manager.html and https://blogs.technet.microsoft.com/tonyz/2012/02/20/a-quick-walk-through-of-lync-contact-card-configuration (accessed as of 8/8/2016). The method practiced by MS "Lync" provides a data processing entity for storing, retrieving, searching, analyzing, and rearranging the personal identifying contact information. *See, e.g.*, https://technet.microsoft.com/en-us/magazine/jj878110.aspx and https://technet.microsoft.com/en-us/magazine/jj878110.aspx and

https://www.microsoft.com/en-in/store/apps/lync/9wzdncrfhvhm (accessed as of

8/8/2016). The data processing entity is connected to a data communication network of

users. *See, e.g.*, https://technet.microsoft.com/en-us/magazine/jj878110.aspx and

https://www.microsoft.com/en-in/store/apps/lync/9wzdncrfhvhm (accessed as of

8/8/2016).

17.   Third, as shown in the analysis in Exhibit C, specifically at pages 4-6, the

MS "Lync" functionality satisfies (c) "wherein upon submission of said personal

identifying contact information from multiple users, some or all personal identifying

contact information elements are searched by the data processing entity and analyzed for

similarity based upon predetermined criteria," (d) "links or pointers between the

submitted information about a user and the corresponding record of the user are

established," (e) "which enable any one user to update or change personal identifying

contact information electronically," and (f) "have those updates or changes available to

other users." For example, upon submission of personal identifying contact information,

the MS "Lync" functionality searches some or all of the elements by the data processing

entity and analyzed for similarity based on predetermined criteria (*e.g.*, analyzes and de-

duplicates contact records). The system enables a user to change personal identifying

contact information and have those updates or changes available to others (*e.g.*, law firm

contacts gathered across dispersed data sources; automatically synch firm contact data

with lawyer address books and/or allow layers the option to review and accept specific

data changes). *See, e.g.*, https://blogs.technet.microsoft.com/tonyz/2012/02/20/a-quick-walk-through-of-lync-contact-card-configuration/ (accessed as of 8/8/2016).

18.   Further, upon a primary user's request for personal identifying contact information about a secondary user, some or all contact information elements are searched and analyzed for similarity based on predetermined criteria. *See, e.g.*, https://support.office.com/en-us/article/Work-Smart-Using-Lync-2010-with-Office-2010-90d263f4-8e33-47d7-b1d5-b4706750af5b and https://www.microsoft.com/en-in/store/apps/lync/9wzdncrfhvhm/ and https://blogs.technet.microsoft.com/tonyz/2012/02/20/a-quick-walk-through-of-lync-contact-card-configuration/ and https://support.office.com/en-us/article/Manage-your-contacts-and-Contacts-list-dab4aee5-0a39-41c6-8edc-fbbb3027f859#__toc311106897 (accessed as of 8/8/2016).

19.   Links or pointers to the primary personal identifying contact information of the requested entries are established in the data processing entity. *See, e.g.*, http://www.msexchange.org/software/lync/lync-contacts-manager.html and https://blogs.technet.microsoft.com/tonyz/2012/02/20/a-quick-walk-through-of-lync-contact-card-configuration/ (accessed as of 8/8/2016). The links or pointers enable primary users to update or change personal identifying contact information electronically and have those updates available to secondary users. *See, e.g.*, http://www.msexchange.org/software/lync/lync-contacts-manager.html and

https://blogs.technet.microsoft.com/tonyz/2012/02/20/a-quick-walk-through-of-lync-contact-card-configuration/ (accessed as of 8/8/2016).

20.   On information and belief, MS has caused, encouraged and aided others, including customers, to directly infringe the '459 patent having full knowledge of the '459 patent and the specific intent that its acts and the acts of its customers and/or others to directly and/or indirectly infringe the '459 patent.

21.   By the acts of making, using, offering to sell, selling and/or importing the accused infringing systems and/or methods, MS has directly infringed the '459 patent under 35 U.S.C. § 271(a).

22.   By the acts of actively inducing others to infringe the '459 patent, MS has infringed the '459 patent under 35 U.S.C. § 271(b). On information and belief, having knowledge of the '459 patent, MS specifically intended for its customers to infringe the '459 patent by using and/or re-selling the accused infringing systems and/or methods.

23.   The acts of infringement asserted herein have been and continue to be deliberate and willful, at least since MS first learned about the '459 patent.

24.   MS has derived and received gains, profits and advantages from the aforesaid acts of infringement, and MMG has lost profits and has otherwise been damaged and is entitled to monetary relief in an amount to be determined at trial.

25.   The infringement of the '459 patent has caused and continues to cause irreparable harm to MMG, for which there is no adequate remedy at law, and the infringement will continue unless and until it is enjoined by this Court.

PRAYER FOR RELIEF

Therefore, Plaintiff MMG prays for the following relief:

A.   A determination that Defendant has infringed the '459 patent under 35 U.S.C. § 271, either literally and/or under the doctrine of equivalents;

B.   A preliminary and permanent injunction against the continuing patent infringement;

C.   An accounting for damages adequate to compensate for the patent infringement under 35 U.S.C. § 284, including Plaintiff's actual damages including lost profits, treble damages, pre-judgment and post-judgment interest, and costs;

D.   A determination of willful patent infringement, and that this is an exceptional case, and an award of reasonable attorney fees and expenses to Plaintiff under 35 U.S.C. § 285; and

E.   Such other and further relief as this Court deems just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Fed. R. Civ. P. 38(b), Plaintiff demands hereby a jury trial on any

issues triable of right by a jury.

Dated: August 24, 2016   Respectfully submitted,

/s/ Stephen M. Lobbin
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