

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

FILED
OCT 24 2016

U.S. DISTRICT COURT
ELKINS WV 26241

Mira Advanced Technology Systems, Inc.
200 Kerens Avenue
Elkins, WV 26241

Plaintiff,

v.

Microsoft Corporation
One Microsoft Way
Redmond, WA 98052

Defendant

Civil Action No.: 2:16cv88

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, Mira Advanced Technology Systems, Inc., through his counsel, brings this Complaint for patent infringement against Defendant Microsoft Corporation as follows.

JURISDICTION AND VENUE

1. This is an action for patent infringement under Title 35 of the United States Code §§281 and 271 (a) (b) (c) and/or (f) for infringement of US Patent 8,848,892 (the '892 patent).
2. This Court has jurisdiction over patent claims under 35 U.S.C. §281 and 28 U.S.C. §§1331, 1338(a) providing for federal question jurisdiction of actions relating to patents and trademarks.
3. Defendant is currently engaged in making, using, offering for sale and selling, products which infringe claims of the '892 patent throughout the United States, including sales within this judicial district. Defendant is also inducing others to sell and use and contributing to

the sale of infringing products. Defendant is also practicing methods and inducing others to practice methods which infringe claims of the '892 patent.

4. Jurisdiction and Venue is proper in this District pursuant to 28 U.S.C. §1391(b) and (d) and §1400(b). Plaintiff Mira is a West Virginia corporation, and has its principal place of business in this judicial district, Defendant is domestic corporation with a principal place of business in the State of Washington. Defendant conducts substantial business in this district and sells accused products in this judicial district. Numerous direct infringers use Defendant's accused products within this judicial district. This judicial district has substantial nexus to the facts of this matter.

THE PARTIES AND GENERAL ALLEGATIONS

5. Plaintiff, Mira is the owner by assignment of the entire interest in and to United States Letter Patents Number 8,848,892 (the '892 patent) which issued September 30, 2014, naming Mr. Nitesh Ratnakar as the sole inventor.

6. Defendant, Microsoft, is a Washington State corporation with a principal place of business in Washington State.

7. Microsoft manufactures, licenses, sells and distributes nationwide, Windows Phone[®] software, firmware and hardware which includes contact lists with conversation point reminder functionality (the "Accused Products").

THE 8,848,892 PATENT IN SUIT

8. U. S. Patent 8,848,892 is entitled "*Contact List with Conversation Point Reminder.*"

9. U.S. Patent 8,848,892 was filed on March 15, 2008 and issued on September 30,

2014, and includes exemplary independent method claim 1:

A method, performed by a communication device, for reminding a user of the communication device of a conversation point for a future phone call, the communication device having a processor and a display screen, the communication device having access to a saved contact list having one or more contact list entries, each contact list entry of the contact list including a first field configured to retrieve a stored phone number of a corresponding entity of the respective contact list entry, a second field configured to retrieve a stored name identifying the corresponding entity, and a memo field configured to attach memo data inputted by the user and displayable to show at least one memo which is served to remind the user of the conversation point for the future phone call between the user and the corresponding entity, the method comprising:

(a) receiving, by the processor, a first input indicating that an incoming phone call from the stored phone number of a first contact list entry of the saved contact list is received;

(b) checking, by the processor after step (a), whether there is memo data that is attached to the memo field of the first contact list entry;

(c) activating, by the processor, the first contact list entry such that during the activating of the first contact list entry, the user accepts the incoming phone call and conducts the incoming phone call with the corresponding entity of the first contact list entry using the communication device as a result of the user's accepting the incoming phone call; and

(d) causing, by the processor, a first indication indicating a presence of the at least one memo of the attached memo data, to be automatically displayed on the display screen during the activating of the first contact list entry, when it is detected in the step (b), by the processor, that there is memo data attached to the memo field of the first contact list entry.

THE ACCUSED PRODUCT

10. Microsoft makes, licenses, sells and distributes Windows Phone[®] software, firmware and hardware which includes contact lists with conversation point reminder functionality (the “Accused Products”).

11. Windows Phone[®] includes functionality which performs a method for reminding

a user of the Windows Phone® about a conversation point for a future phone call. The Windows Phone® has a processor and a display screen, and has access to a saved contact list with stored phone numbers and names of contacts, and a memo field to remind the user of a conversation point. The Windows Phone® recognizes when an incoming phone call corresponds to a stored phone number, it checks for memo data, allows the user to accept the incoming phone call and provides a display of any memo data automatically on the display screen.

COUNT I
PATENT INFRINGEMENT OF 8,848,892

12. Microsoft has infringed and continues to infringe one or more of the claims of the '892 patent by: (i) making, using, selling and/or offering for sale, devices, software, firmware, hardware and/or systems which infringe the claims of the '892 patent; (ii) practicing methods which infringe one or more of the claims of the '892 patent; (iii) contributing to the manufacture, use and/or sale of devices, software, firmware, hardware and/or systems which infringe the claims of the '892 patent; (iv) inducing the use and/or sale of devices, software, firmware, hardware and/or systems which infringe the claims of the '892 patent; (v) contributing to the practicing of methods which infringe the claims of the '892 patent and/or (vi) inducing the practicing of methods which infringe the claims of the '892 patent.

13. Microsoft has also induced and continues to induce others to infringe one or more of the claims of the '892 patent, through sales of infringing products which are resold and through the sale of infringing products which are used in an infringing manner to infringe one or more of the claims of the '892 patent, and/or which are used and/or can be used in a method which infringes the method claims of the '892 patent.

14. Microsoft has also infringed by supplying or causing to be supplied in or from the United States all or a substantial portion of the components of devices which infringe the claims of the '892 patent, and by supplying or causing to be supplied in or from the United States one or more components of devices especially made or especially adapted for use in practicing the claims method of the '892 patent, which are not staple articles or commodities of commerce, knowing that such components are made or adapted and intending that such component will be combined outside of the United States in a manner that would infringe the '892 patent.

15. Microsoft has infringed and continues to infringe the method claims of the '892 patent and has practiced and continues to practice methods, which infringe the method claims of the '892 Patent, and sells products which induce others to practice methods which infringe the claims of the '892 patent.

16. Microsoft has contributed to the infringement of the '892 patent through its activities which contribute to devices, systems and/or methods which infringe the devices, systems and/or methods claimed in the '845 patent.

17. Plaintiff is the owner of all right title and interest to and has had standing to sue for infringement of United States Letters Patent 8,848,892.

18. Upon information and belief, Defendant Microsoft has infringed and currently infringes one or more of the claims of the '892 Patent under 35 U.S.C. §271 by the activities as described above.

26. The infringement by Microsoft is direct and indirect, contributory and by inducement.

27. Plaintiff is entitled to recover damages from Microsoft including reasonable royalties and lost profits, sustained as a result of Microsoft's infringing acts under 35 U.S.C.

§271 and §284.

28. Defendant has been aware of Plaintiff's rights in the patents in suit and of Plaintiff's intent to enforce those rights. Defendant has, with full knowledge of those rights, willfully proceeded to infringe, in disregard of Plaintiff's rights. Plaintiff is entitled to enhanced damages under 35 U.S.C. §284.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

- A. That Defendant be held to have infringed U.S. Patent No. 8,848,892 under 35 U.S.C. §271.
- B. That Defendant acted with knowledge of the '892 patent in suit.
- C. That judgment be entered for Plaintiff against Defendant, for Plaintiff's actual damages according to proof, and for any additional profits attributable to infringements of Plaintiff's patent rights, in accordance with proof and for enhanced damages under 35 U.S.C. §284 and §285.
- D. That judgment be entered for Plaintiff against Defendant, adequate to compensate Plaintiff, for reasonable royalties and/or other statutory damages based upon Defendant's acts of patent infringement and for its other violations of law under 35 U.S.C. §284 and §285.
- E. That Defendant be required to account for all gains, profits, and advantages derived from its acts of infringement and for its other violations of law and that Plaintiff be awarded damages in the amount of such profits under 35 U.S.C. §284 and §285.
- F. That the actions of Defendant be found willful.
- G. That judgment be entered for Plaintiff and against Defendant, for enhancement of

the damages awarded for patent infringement under 35 U.S.C. §284 and §285.

H. That the actions of Defendant be found exceptional under 35 U.S.C. §285.

I. That Plaintiff be granted judgment against the Defendant for Plaintiff's costs and attorney's fees under 35 U.S.C. §285 and or the inherent powers of the Court.

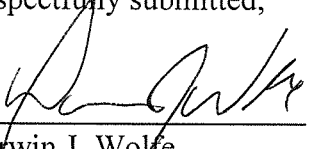
J. That the Court grant such other, further, and different relief as the Court deems proper under the circumstances.

DEMAND FOR JURY TRIAL

Pursuant to Fed. R. Civ. P. 38(b), Plaintiff hereby demands a trial by jury on all issues raised by the complaint which are properly triable to a jury.

DATED: October 24, 2016

Respectfully submitted,



Dorwin J. Wolfe
Wolfe Law Firm
200 Kerens Avenue
Elkins, West Virginia 26241
Tel. (304) 637-5755
dwolfe@thewolfelaw.com

Associated Counsel:
Joseph J. Zito
Luiz Felipe Oliveira
DNL ZITO
1250 Connecticut Avenue N.W.
Suite 200
Washington, D.C. 20036
Tel: 202-466-3500
jzito@dnlzito.com

Attorneys for Plaintiff