

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

MIRA ADVANCED TECHNOLOGY SYSTEMS, INC.  
200 Kerns Avenue  
Elkins, WV 26241

Plaintiff,

v.

MICROSOFT CORPORATION  
One Microsoft Way  
Redmond, WA 98052

Defendant

Civil Action No.:

2:16-cv-88- JPB

**AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff, Mira Advanced Technology Systems, Inc., through his counsel, brings this Amended 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 United States Patent 8,848,892 (the '892 patent) and for infringement of United States Patent 9,531,657 (the '657 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 and of the '657 patents throughout the United States, including sales within this judicial district. Defendant is also inducing others to sell and use

infringing products. Defendant is also contributing to the manufacture and to the sale of infringing products. Defendant is also practicing infringing methods. Defendant is also inducing others to practice methods which infringe claims of the '892 patent and of the '657 patent. Products manufactured and sold by Defendant and/or manufactured and sold in combination with other parties, practice the methods claimed in the '892 and /or the '657 patents.

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 which practice the infringing methods in this district. Numerous additional third party 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. Plaintiff, Mira is the owner by assignment of the entire interest in and to United States Letter Patents Number 9,531,657 (the '657 patent) which issued December 27, 2016, 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, Windows Mobile software, Windows 10 software, Cortana software and firmware and hardware, including cellular phones and personal computers, which include

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 9,531,657 PATENT IN SUIT

10. U. S. Patent 9,531,657 is entitled "*Contact List with Conversation Point*

*Reminder.*"

11. U.S. Patent 9,531,657 was filed on August 22, 2014, with priority of March 15, 2008 and issued on September 30, 2014, and includes exemplary independent method claim 1:

1. A method, performed by a communication device, for reminding a user of the communication device of a conversation point for a future communication, the communication device having a processor and a display screen, the communication device having access to a memory storing a **contact list** having a list of contact list entries, each contact list entry of the contact list including a first field configured to retrieve a stored **communication address** 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 can be served **to remind the user** of a conversation point for a future communication between the user and the corresponding entity, the method comprising:

(a) receiving, by the processor, a first input indicating a need to activate a first contact list entry of the contact list for the user to perform at least one of **receiving** and **requesting** a communication addressed to the stored communication address of the first contact list entry;

(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 performs at least one of receiving, requesting, drafting and conducting the communication addressed to the communication address of the first contact list entry; 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 step (b), by the processor, that there is memo data attached to the memo field of the first contact list entry.

### THE ACCUSED PRODUCTS

12. Microsoft makes, licenses, sells and distributes software and firmware, including Windows Phone® software, Windows Phone 8.1, Windows Mobile, Windows 10, Cortana, and hardware, including Lumina phones, Surface, Surface Book and Surface Pro, and the like, which

include contact lists with conversation point reminder functionality (the “Accused Products”).

13. The Accused Products, include functionality which performs methods for reminding a user about a conversation point for a future phone call. The Accused Products have processors and display screens, and access to saved contact lists with stored names and contact information of contacts, and a memo field to remind the user of a conversation point. The Accused products recognize when an incoming communication corresponds to a contact or when the user initiates a communication corresponding to a contact, checks for memo data, allows the user to accept an incoming communication or to initiate a communication and provides a display of any memo data associated with the contact automatically on the display screen.

14. Details of the specific correspondence between the elements of the claims of the patents-in-suit and the functionality of the Accused Products is detailed in the Claim Charts attached hereto as Charts A, B and C.

**COUNT I  
DIRECT PATENT INFRINGEMENT OF 8,848,892**

15. Microsoft has directly infringed and continues to directly 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; and (ii) by practicing methods which infringe one or more of the claims of the ‘892 patent, when a Microsoft manufactured Windows Phone (such as the Lumina) is combined with Windows Phone 8 software which includes Cortana and when a Windows Phone not manufactured by Microsoft with Windows Phone 8 software with Cortana, is bought, sold or otherwise possessed or controlled by Microsoft.

16. 35 U.S.C. §271(a) states:

"Except as otherwise provided in this title, whoever without authority makes, uses or sells any patented invention, within the United States during the term of the patent therefor, infringes the patent."

17. The '892 patent, as set forth in Claim 1, protects: "A method, performed by a *communication device, ...*" Defendant manufactures and sells *communication devices* and software and firmware embedded in communication devices (i.e. the Accused Products) which autonomously perform the claimed method. Thus the Accused Products embody the patented invention and infringe the claims of the '892 patent. Defendant is a direct infringer because it manufactures, uses, offers for sale and sells infringing products which embody *the patented invention* (see 35 USC 271(a)).

18. 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.

19. Plaintiff is entitled to damages for direct infringement as set forth in 35 USC §284 and §285.

**COUNT II  
INDUCING PATENT INFRINGEMENT OF 8,848,892**

20. Microsoft has induced infringement of and continues to induce infringement of one or more of the claims of the '892 patent by inducing 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, by inducing the use and/or sale of devices, software, firmware, hardware and/or systems which infringe the claims of the '892 patent and by inducing the practicing of methods which infringe the claims of the '892 patent. Microsoft provides

specific software, firmware and hardware and components thereof, containing features with no substantial non-infringing use, as well as instructions for the use of the Accused Products in an infringing manner.

21. 35 U.S.C. §271(b) states:

"Whoever actively induces infringement of a patent shall be liable as an infringer."

22. The '892 patent, as set forth in Claim 1, protects: "A method, performed by a *communication device*, ..." Defendant manufactures and sells *communication devices* and software and firmware embedded in communication devices (i.e. the Accused Products) which perform the claimed method. Thus the Accused Products embody the patented invention and infringe the claims of the '892 patent. Defendant sells these products to others who use the products and thus use a device which performs the claimed method and are thus direct infringers. Defendant knowingly sells these devices to others which actively induces the direct infringement by others. Thus Microsoft actively induces infringement of the claims of the '892 patent in violation of 35 USC 271(b)).

23. 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.

24. Plaintiff is entitled to damages for induced infringement as set forth in 35 USC §284 and §285.

**COUNT III  
CONTRIBUTORY PATENT INFRINGEMENT OF 8,848,892**

25. Microsoft has contributed to the infringement of and continues to contribute to the infringement of one or more of the claims of the '892 patent by contributing to the manufacture, use and/or sale of devices, software, firmware, hardware and/or systems and/or

contributing components to the manufacture, use and/or sale of devices, software, firmware, hardware and/or systems (The Accused Products), which infringe the claims of the '892 patent.

26. 35 U.S.C. §271(c) states:

*Whoever sells a component of a patented machine, manufacture, combination or composition, or a material or apparatus for use in practicing a patented process, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in an infringement of such patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use, shall be liable as a contributory infringer.*

27. The '892 patent, as set forth in Claim 1, protects: "A method, performed by a *communication device, ...*" Defendant contributes components to a combination which forms a *communication devices*, including software, hardware and firmware embedded in communication devices (i.e. the Accused Products) which combine with components of third parties to perform the claimed method by cell phones manufactured by others running Windows Phone 8 and Cortana . The accused features recited in the attached Claim Charts A, B and C, of the components supplied by Microsoft are especially made or especially adapted for use in an infringement of the '892 patent, and are not staple articles suitable for substantial noninfringing use. Thus the Accused Products are *components of . . . a combination for use in practicing a patented process*. Defendant is a contributory infringer because Defendant supplies the components with features which are *especially made or especially adapted for use in an infringement of such patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use*.

28. 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.

29. Plaintiff is entitled to damages for direct infringement as set forth in 35 USC



§284 and §285.

**COUNT IV  
CONTRIBUTORY PATENT INFRINGEMENT OF 8,848,892**

30. Microsoft has contributed to the infringement of and continues to contribute to the infringement of one or more of the claims of the '892 patent by selling all of the components of the infringing apparatus (the Accused Product) for use in practicing a patented process which infringes the claims of the '892 patent.

31. 35 U.S.C. §271(c) states:

*Whoever sells a component of a patented machine, manufacture, combination or composition, or a material or apparatus for use in practicing a patented process, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in an infringement of such patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use, shall be liable as a contributory infringer.*

32. The '892 patent, as set forth in Claim 1, protects: "A method, performed by a *communication device, ...*" Defendant sells products which are *communication devices* which include software and/or firmware embedded in the communication devices (i.e. the Accused Products) which perform the claimed method of the '892 patent. The accused features recited in the attached Claim Charts A, B and C, are especially made or especially adapted for use in an infringement of the '892 patent, and are not staple articles suitable for substantial noninfringing use. Thus the Accused Products are *apparatus for use in practicing a patented process*. Defendant is a contributory infringer because Defendant sells Accused products which are *especially made or especially adapted for use in an infringement of such patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use*.

33. 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.

34. Plaintiff is entitled to damages for direct infringement as set forth in 35 USC §284 and §285.

**COUNT V  
EXPORTING INDUCING INFRINGEMENT OF 8,848,892**

35. Microsoft has infringed and continues to infringe 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. Microsoft provides Windows 8 and Cortana software and firmware for combination with cell phones by others outside of the United States. Microsoft induces the combination by encouraging third parties to incorporate the software and firmware and by instructing on its use.

36. 35 USC §271(f)(1) States:

Whoever without authority supplies or causes to be supplied in or from the United States all or a substantial portion of the components of a patented invention, where such components are uncombined in whole or in part, in such manner as to actively induce the combination of such components outside of the United States in a manner that would infringe the patent if such combination occurred within the United States, shall be liable as an infringer.

37. Microsoft induces infringement under 35 USC 271(f)(1).

38. 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.

39. Plaintiff is entitled to damages for direct infringement as set forth in 35 USC §284 and §285.

**COUNT VI  
EXPORTING DIRECT INFRINGEMENT OF 8,848,892**

40. Microsoft has infringed and continues to infringe 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. Microsoft provides Windows 8 and Cortana software and firmware for combination with cell phones by others outside of the United States.

41. 35 USC §271(f)(2) states:

Whoever without authority supplies or causes to be supplied in or from the United States any component of a patented invention that is especially made or especially adapted for use in the invention and not a staple article or commodity of commerce suitable for substantial noninfringing use, where such component is uncombined in whole or in part, knowing that such component is so made or adapted and intending that such component will be combined outside of the United States in a manner that would infringe the patent if such combination occurred within the United States, shall be liable as an infringer.

42. Microsoft infringes under 35 USC 271(f)(2).

43. 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.

44. Plaintiff is entitled to damages for direct infringement as set forth in 35 USC §284 and §285.

**COUNT VII  
DIRECT PATENT INFRINGEMENT OF 9,531,657**

45. Microsoft has directly infringed and continues to directly infringe one or more of the claims of the '657 patent by: (i) making, using, selling and/or offering for sale, devices, software, firmware, hardware and/or systems which infringe the claims of the '657 patent; and (ii) by practicing methods which infringe one or more of the claims of the '657 patent, (a) when a Microsoft manufactured Windows Phone (such as the Lumina) is combined with Windows Phone 8 software which includes Cortana and when a Windows Phone not manufactured by

Microsoft with Windows Phone 8 software with Cortana, is bought, sold or otherwise possessed or controlled by Microsoft and (b) when a Microsoft manufactured PC (such as a Surface) which includes Windows 10 and Cortana and when a non-Microsoft manufactured PC with Windows 10 and Cortana, is bought, sold or otherwise possessed or controlled by Microsoft .

46. 35 U.S.C. §271(a) states:

"Except as otherwise provided in this title, whoever without authority makes, uses or sells any patented invention, within the United States during the term of the patent therefor, infringes the patent."

47. The '657 patent, as set forth in Claim 1, protects: "A method, performed by a *communication device, ...*" Defendant manufactures and sells *communication devices* and software and firmware embedded in communication devices (i.e. the Accused Products) which autonomously perform the claimed method. Thus the Accused Products embody the patented invention and infringe the claims of the '657 patent. Defendant is a direct infringer because it manufactures, uses, offers for sale and sells infringing products which embody *the patented invention* (see 35 USC 271(a)).

48. Plaintiff is the owner of all right title and interest to and has had standing to sue for infringement of United States Letters Patent 9,531,657.

49. Plaintiff is entitled to damages for direct infringement as set forth in 35 USC §284 and §285.

**COUNT VIII  
INDUCING PATENT INFRINGEMENT OF 9,531,657**

50. Microsoft has induced infringement of and continues to induce infringement of one or more of the claims of the '657 patent by inducing others to infringe one or more of the claims of the '657 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 '657 patent, and/or which are used and/or can be used in a method which infringes the method claims of the '657 patent, by inducing the use and/or sale of devices, software, firmware, hardware and/or systems which infringe the claims of the '657 patent and by inducing the practicing of methods which infringe the claims of the '657 patent. Microsoft provides specific software, firmware and hardware and components thereof, containing features with no substantial non-infringing use, as well as instructions for the use of the Accused Products in an infringing manner.

51. 35 U.S.C. §271(b) states:

"Whoever actively induces infringement of a patent shall be liable as an infringer."

52. The '657 patent, as set forth in Claim 1, protects: "A method, performed by a *communication device, ...*" Defendant manufactures and sells *communication devices* and software and firmware embedded in communication devices (i.e. the Accused Products) which perform the claimed method. Thus the Accused Products embody the patented invention and infringe the claims of the '657 patent. Defendant sells these products to others who use the products and thus use a device which performs the claimed method and are thus direct infringers. Defendant knowingly sells these devices to others which actively induces the direct infringement by others. Thus Microsoft actively induces infringement of the claims of the '657 patent in violation of 35 USC 271(b)).

53. Plaintiff is the owner of all right title and interest to and has had standing to sue for infringement of United States Letters Patent 9,531,657.

54. Plaintiff is entitled to damages for induced infringement as set forth in 35 USC §284 and §285.

**COUNT IX  
CONTRIBUTORY PATENT INFRINGEMENT OF 9,531,657**

55. Microsoft has contributed to the infringement of and continues to contribute to the infringement of one or more of the claims of the '657 patent by contributing to the manufacture, use and/or sale of devices, software, firmware, hardware and/or systems and/or contributing components to the manufacture, use and/or sale of devices, software, firmware, hardware and/or systems (The Accused Products), which infringe the claims of the '657 patent.

56. 35 U.S.C. §271(c) states:

*Whoever sells a component of a patented machine, manufacture, combination or composition, or a material or apparatus for use in practicing a patented process, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in an infringement of such patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use, shall be liable as a contributory infringer.*

57. The '657 patent, as set forth in Claim 1, protects: "A method, performed by a *communication device, ...*" Defendant contributes components of a combination which forms a *communication device*, including software, hardware and firmware embedded in communication devices (i.e. the Accused Products) which combine with components of third parties, including cell phones and PC's manufactured by others, to perform the claimed method running Windows Phone 8, Windows 10 and Cortana . The accused features recited in the attached Claim Charts A, B and C, of the components supplied by Microsoft are especially made or especially adapted for use in an infringement of the '657 patent, and are not staple articles suitable for substantial noninfringing use. Thus the Accused Products are *components of . . . a combination for use in practicing a patented process*. Defendant is a contributory infringer because Defendant supplies the components with features which are *especially made or especially adapted for use in an infringement of such patent, and not a staple article or commodity of commerce suitable for*

*substantial noninfringing use.*

58. Plaintiff is the owner of all right title and interest to and has had standing to sue for infringement of United States Letters Patent 9,531,657.

59. Plaintiff is entitled to damages for direct infringement as set forth in 35 USC §284 and §285.

**COUNT X  
CONTRIBUTORY PATENT INFRINGEMENT OF 9,531,657**

60. Microsoft has contributed to the infringement of and continues to contribute to the infringement of one or more of the claims of the '657 patent by selling all of the components of the infringing apparatus (the Accused Product) for use in practicing a patented process which infringes the claims of the '657 patent.

61. 35 U.S.C. §271(c) states:

*Whoever sells a component of a patented machine, manufacture, combination or composition, or a material or apparatus for use in practicing a patented process, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in an infringement of such patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use, shall be liable as a contributory infringer.*

62. The '657 patent, as set forth in Claim 1, protects: "A method, performed by a *communication device, ...*" Defendant sells products which are *communication devices* which include software and/or firmware embedded in the communication devices (i.e. the Accused Products) which perform the claimed method of the '657 patent. The accused features recited in the attached Claim Charts A, B and C, are especially made or especially adapted for use in an infringement of the '657 patent, and are not staple articles suitable for substantial noninfringing use. Thus the Accused Products are *apparatus for use in practicing a patented process*. Defendant is a contributory infringer because Defendant sells Accused products which are

*especially made or especially adapted for use in an infringement of such patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.*

63. Plaintiff is the owner of all right title and interest to and has had standing to sue for infringement of United States Letters Patent 9,531,657.

64. Plaintiff is entitled to damages for direct infringement as set forth in 35 USC §284 and §285.

**COUNT XI  
EXPORTING INDUCING INFRINGEMENT OF 9,531,657**

65. Microsoft has infringed and continues to infringe 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 '657 patent. Microsoft provides Windows 10, Windows Phone 8 and Cortana software and firmware for combination with cell phones and PC's by others outside of the United States. Microsoft induces the combination by encouraging third parties to incorporate the software and firmware and by instructing on its use.

66. 35 USC §271(f)(1) States:

Whoever without authority supplies or causes to be supplied in or from the United States all or a substantial portion of the components of a patented invention, where such components are uncombined in whole or in part, in such manner as to actively induce the combination of such components outside of the United States in a manner that would infringe the patent if such combination occurred within the United States, shall be liable as an infringer.

67. Microsoft induces infringement under 35 USC 271(f)(1).

68. Plaintiff is the owner of all right title and interest to and has had standing to sue for infringement of United States Letters Patent 9,531,657.

69. Plaintiff is entitled to damages for direct infringement as set forth in 35 USC §284 and §285.



**COUNT XII  
EXPORTING DIRECT INFRINGEMENT OF 9,531,657**

70. Microsoft has infringed and continues to infringe 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 '657 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 '657 patent. Microsoft provides Windows 10, Windows Phone 8 and Cortana software and firmware for combination with cell phones and PC's by others outside of the United States.

71. 35 USC §271(f)(2) states:

Whoever without authority supplies or causes to be supplied in or from the United States any component of a patented invention that is especially made or especially adapted for use in the invention and not a staple article or commodity of commerce suitable for substantial noninfringing use, where such component is uncombined in whole or in part, knowing that such component is so made or adapted and intending that such component will be combined outside of the United States in a manner that would infringe the patent if such combination occurred within the United States, shall be liable as an infringer.

72. Microsoft infringes under 35 USC 271(f)(2).

73. Plaintiff is the owner of all right title and interest to and has had standing to sue for infringement of United States Letters Patent 9,531,657.

74. Plaintiff is entitled to damages for direct infringement as set forth in 35 USC §284 and §285.

75. Microsoft has infringed and continues to infringe the method claims of the '892 and '657 patents and has practiced and continues to practice methods which infringe the method

claims of the '892 and '657 patents, and has sold and sells components of products which infringe the claims of the '892 and '657 patents and has sold and sells products which induce others to practice methods which infringe the claims of the '892 and '657 patents.

76. Microsoft has contributed to and induced the infringement of the '892 and '657 patents through its activities which contribute to devices, systems and/or methods which infringe the devices, systems and/or methods claimed in the '892 and '657 patents.

77. Defendant Microsoft has infringed and currently infringes one or more of the claims of the '892 and '657 patents under 35 U.S.C. §271 by the activities as described above.

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

79. 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.

80. 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 (a)(b)(c) and (f).

B. That Defendant acted with knowledge of the '892 patent in suit.

C. That Defendant be held to have infringed U.S. Patent No. 9,531,657 under 35 U.S.C. §271 (a)(b)(c) and (f).

D. That Defendant acted with knowledge of the '657 patent in suit.

E. 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.

F. 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.

G. 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.

H. That the actions of Defendant be found willful.

I. 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.

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

K. 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.


L. 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: January 12, 2017

Respectfully submitted,

  
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