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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

MICROSOFT CORPORATION,)	Case No: 2:10-cv-1577-RSM
a Washington Corporation,)	
)	
Plaintiff,)	AMENDED COMPLAINT FOR
)	PATENT INFRINGEMENT
v.)	
)	
Motorola, Inc. and Motorola Mobility, Inc.,)	JURY DEMAND
)	
Defendants.)	
)	
)	
)	

Plaintiff Microsoft Corporation (“Microsoft”) for its Complaint for Patent Infringement against Motorola, Inc. and Motorola Mobility, Inc. (collectively “Motorola”) alleges as follows:

PARTIES

1. Plaintiff Microsoft is a Washington corporation having its principal place of business at One Microsoft Way, Redmond, Washington 98052.
2. Upon information and belief, Defendant Motorola, Inc. is a corporation organized under the laws of Delaware with its principal place of business at 1303 East Algonquin Road, Schaumburg, Illinois 60196. On information and belief, Defendant Motorola Mobility, Inc. is a wholly-owned subsidiary of Motorola, Inc. and is organized under the laws of the Delaware, having a principal place of business at 600 North U.S. Highway 45, Libertyville, Illinois 60048.

1 On information and belief, Motorola Inc. is organizing its mobile device business under the
2 Motorola Mobility, Inc. entity. Motorola Inc. and Motorola Mobility, Inc. will be referred to
3 collectively herein as “Motorola.” On information and belief, Motorola is engaged in the design,
4 manufacture, importation into the United States, and sale after importation of smartphones and
5 associated software applications and services. Motorola markets and sells these products
6 worldwide through its channel business partners, telecom service providers, and various retail
7 companies, both at retail stores and through company websites.

8 **JURISDICTION AND VENUE**

9 3. This is an action for patent infringement arising under the patent laws of the
10 United States, Title 35, United States Code.

11 4. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and
12 1338(a).

13 5. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b), 1391(c), 1391(d),
14 and 1400(b). On information and belief, the Defendants are subject to this Court’s personal
15 jurisdiction, consistent with the principles of due process and the Washington Long Arm Statute,
16 because Defendants maintain offices and facilities in the Western District of Washington, offer
17 their products for sale in the Western District of Washington, have transacted business in this
18 District, and/or have committed and/or induced acts of patent infringement in this District.

19 **PATENT INFRINGEMENT COUNTS**

20 6. Microsoft is the owner of all right, title, and interest in U.S. Patent No. 5,579,517
21 (“the ’517 patent”), U.S. Patent No. 5,758,352 (“the ’352 patent”), U.S. Patent No. 6,621,746
22 (“the ’746 patent”), U.S. Patent No. 6,826,762 (“the ’762 patent”), U.S. Patent No. 6,909,910
23 (“the ’910 patent”), U.S. Patent No. 7,644,376 (“the ’376 patent”), U.S. Patent No. 5,664,133
24 (“the ’133 patent”), U.S. Patent No. 6,578,054 (“the ’054 patent”), and U.S. Patent No.
25 6,370,566 (“the ’566 patent”) (collectively, “the Microsoft Patents”), which the Defendants are
26 infringing and/or inducing others to infringe by making, using, offering to sell or selling in the
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1 United States, or importing into the United States, products or processes that practice inventions
2 claimed in the Microsoft Patents.

3 7. The Defendants have profited through infringement of the Microsoft Patents. As
4 a result of the Defendants' unlawful infringement of the Microsoft Patents, Microsoft has
5 suffered and will continue to suffer damage. Microsoft is entitled to recover from the
6 Defendants the damages suffered by Microsoft as a result of the Defendants' unlawful acts.

7 8. Upon information and belief, Defendants' infringement of one or more of the
8 Microsoft Patents is willful and deliberate, entitling Microsoft to enhanced damages and
9 reasonable attorney fees and costs.

10 9. Upon information and belief, the Defendants intend to continue their unlawful
11 infringing activity, and Microsoft continues to and will continue to suffer irreparable harm—for
12 which there is no adequate remedy at law—from such unlawful infringing activity unless the
13 Defendants are enjoined by this Court.

14 **COUNT I**

15 **INFRINGEMENT OF U.S. PATENT NO. 5,579,517**

16 10. Microsoft realleges and incorporates by reference the allegations set forth in
17 paragraphs 1-9.

18 11. Microsoft is the owner of all right, title, and interest in U.S. Patent No. 5,579,517
19 ("the '517 patent"), entitled "Common Name Space for Long and Short File Names," duly and
20 properly issued by the U.S. Patent and Trademark Office on November 26, 1996 (a
21 reexamination certificate for the '517 issued on November 28, 2006). A copy of the '517 patent
22 is attached as Exhibit A.

23 12. The Defendants have been and/or are directly infringing and/or inducing
24 infringement of and/or are contributorily infringing the '517 patent by, among other things,
25 making, using, offering to sell or selling in the United States, or importing into the United States,
26 products and/or services that are covered by one or more claims of the '517 patent, including, by
27 way of example and not limitation, the Motorola Droid 2.

1 **COUNT II**

2 **INFRINGEMENT OF U.S. PATENT NO. 5,758,352**

3 13. Microsoft realleges and incorporates by reference the allegations set forth in
4 paragraphs 1-12.

5 14. Microsoft is the owner of all right, title, and interest in U.S. Patent No. 5,758,352
6 (“the ’352 patent”), entitled “Common Name Space for Long and Short File Names,” duly and
7 properly issued by the U.S. Patent and Trademark Office on November 26, 1996 (a
8 reexamination certificate was issued for the ’352 patent on October 10, 2006). A copy of the
9 ’352 patent is attached as Exhibit B.

10 15. The Defendants have been and/or are directly infringing and/or inducing
11 infringement of and/or are contributorily infringing the ’352 patent by, among other things,
12 making, using, offering to sell or selling in the United States, or importing into the United States,
13 products and/or services that are covered by one or more claims of the ’352 patent, including, by
14 way of example and not limitation, the Motorola Droid 2.

15 **COUNT III**

16 **INFRINGEMENT OF U.S. PATENT NO. 6,621,746**

17 16. Microsoft realleges and incorporates by reference the allegations set forth in
18 paragraphs 1-15.

19 17. Microsoft is the owner of all right, title, and interest in U.S. Patent No. 6,621,746
20 (“the ’746 patent”), entitled “Monitoring Entropic Conditions of a Flash Memory Device as an
21 Indicator for Invoking Erasure Operations,” duly and properly issued by the U.S. Patent and
22 Trademark Office on September 16, 2003. A copy of the ’746 patent is attached as Exhibit C.

23 18. The Defendants have been and/or are directly infringing and/or inducing
24 infringement of and/or are contributorily infringing the ’746 patent by, among other things,
25 making, using, offering to sell or selling in the United States, or importing into the United States,
26 products and/or services that are covered by one or more claims of the ’746 patent, including, by
27 way of example and not limitation, the Motorola Charm.

1 **COUNT IV**

2 **INFRINGEMENT OF U.S. PATENT NO. 6,826,762**

3 19. Microsoft realleges and incorporates by reference the allegations set forth in
4 paragraphs 1-18.

5 20. Microsoft is the owner of all right, title, and interest in U.S. Patent No. 6,826,762
6 (“the ’762 patent”), entitled “Radio Interface Layer in a Cell Phone with a Set of APIs Having a
7 Hardware-Independent Proxy Layer and a Hardware-Specific Driver Layer,” duly and properly
8 issued by the U.S. Patent and Trademark Office on November 30, 2004. A copy of the ’762
9 patent is attached as Exhibit D.

10 21. The Defendants have been and/or are directly infringing and/or inducing
11 infringement of and/or are contributorily infringing the ’762 patent by, among other things,
12 making, using, offering to sell or selling in the United States, or importing into the United States,
13 products and/or services that are covered by one or more claims of the ’762 patent, including, by
14 way of example and not limitation, the Motorola Droid 2.

15 **COUNT V**

16 **INFRINGEMENT OF U.S. PATENT NO. 6,909,910**

17 22. Microsoft realleges and incorporates by reference the allegations set forth in
18 paragraphs 1-21.

19 23. Microsoft is the owner of all right, title, and interest in U.S. Patent No. 6,909,910
20 (“the ’910 patent”), entitled “Method and System for Managing Changes to a Contact Database,”
21 duly and properly issued by the U.S. Patent and Trademark Office on June 21, 2005. A copy of
22 the ’910 patent is attached as Exhibit E.

23 24. The Defendants have been and/or are directly infringing and/or inducing
24 infringement of and/or are contributorily infringing the ’910 patent by, among other things,
25 making, using, offering to sell or selling in the United States, or importing into the United States,
26 products and/or services that are covered by one or more claims of the ’910 patent, including, by
27 way of example and not limitation, the Motorola Droid 2.

1 **COUNT VI**

2 **INFRINGEMENT OF U.S. PATENT NO. 7,644,376**

3 25. Microsoft realleges and incorporates by reference the allegations set forth in
4 paragraphs 1-24.

5 26. Microsoft is the owner of all right, title, and interest in U.S. Patent No. 7,644,376
6 (“the ’376 patent”), entitled “Flexible Architecture for Notifying Applications of State Changes,”
7 duly and properly issued by the U.S. Patent and Trademark Office on January 5, 2010. A copy
8 of the ’376 patent is attached as Exhibit F.

9 27. The Defendants have been and/or are directly infringing and/or inducing
10 infringement of and/or are contributorily infringing the ’376 patent by, among other things,
11 making, using, offering to sell or selling in the United States, or importing into the United States,
12 products and/or services that are covered by one or more claims of the ’376 patent, including, by
13 way of example and not limitation, the Motorola Droid 2.

14 **COUNT VII**

15 **INFRINGEMENT OF U.S. PATENT NO. 5,664,133**

16 28. Microsoft realleges and incorporates by reference the allegations set forth in
17 paragraphs 1-27.

18 29. Microsoft is the owner of all right, title, and interest in U.S. Patent No. 5,664,133
19 (“the ’133 patent”), entitled “Context Sensitive Menu System/Menu Behavior,” duly and
20 properly issued by the U.S. Patent and Trademark Office on September 2, 1997. A copy of the
21 ’133 patent is attached as Exhibit G.

22 30. The Defendants have been and/or are directly infringing and/or inducing
23 infringement of and/or are contributorily infringing the ’133 patent by, among other things,
24 making, using, offering to sell or selling in the United States, or importing into the United States,
25 products and/or services that are covered by one or more claims of the ’133 patent, including, by
26 way of example and not limitation, the Motorola Droid 2.
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COUNT VIII

INFRINGEMENT OF U.S. PATENT NO. 6,578,054

31. Microsoft realleges and incorporates by reference the allegations set forth in paragraphs 1-30.

32. Microsoft is the owner of all right, title, and interest in U.S. Patent No. 6,578,054 (“the ’054 patent”), entitled “Method and System for Supporting Off-line Mode of Operation and Synchronization Using Resource State Information,” duly and properly issued by the U.S. Patent and Trademark Office on June 10, 2003. A copy of the ’054 patent is attached as Exhibit H.

33. The Defendants have been and/or are directly infringing and/or inducing infringement of and/or are contributorily infringing the ’054 patent by, among other things, making, using, offering to sell or selling in the United States, or importing into the United States, products and/or services that are covered by one or more claims of the ’054 patent, including, by way of example and not limitation, the Motorola Droid 2.

COUNT IX

INFRINGEMENT OF U.S. PATENT NO. 6,370,566

34. Microsoft realleges and incorporates by reference the allegations set forth in paragraphs 1-33.

35. Microsoft is the owner of all right, title, and interest in U.S. Patent No. 6,370,566 (“the ’566 patent”), entitled “Generating Meeting Requests and Group Scheduling from a Mobile Device,” duly and properly issued by the U.S. Patent and Trademark Office on April 9, 2002. A copy of the ’566 patent is attached as Exhibit I.

36. The Defendants have been and/or are directly infringing and/or inducing infringement of and/or are contributorily infringing the ’566 patent by, among other things, making, using, offering to sell or selling in the United States, or importing into the United States, products and/or services that are covered by one or more claims of the ’566 patent, including, by way of example and not limitation, the Motorola Droid 2.

1 **DEMAND FOR JURY TRIAL**

2 37. Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Microsoft
3 respectfully requests a trial by jury on all issues properly triable by jury.

4 **PRAYER FOR RELIEF**

5 WHEREFORE, Microsoft prays for relief as follows:

6 A. For a judgment declaring that Defendants have infringed each of the Microsoft
7 Patents;

8 B. For a judgment awarding Microsoft compensatory damages as a result of
9 Defendants' infringement of the Microsoft Patents, together with interest and costs, and in no
10 event less than a reasonable royalty;

11 C. For a judgment declaring that Defendants' infringement of Microsoft Patents has
12 been willful and deliberate;

13 D. For a judgment awarding Microsoft treble damages and pre-judgment interest
14 under 35 U.S.C. § 284 as a result of Defendants' willful and deliberate infringement of the
15 Microsoft Patents;

16 E. For a judgment declaring that this case is exceptional and awarding Microsoft its
17 expenses, costs, and attorneys fees in accordance with 35 U.S.C. §§ 284 and 285 and Rule 54(d)
18 of the Federal Rules of Civil Procedure;

19 F. For a grant of a permanent injunction pursuant to 35 U.S.C. § 283, enjoining
20 Defendants from further acts of infringement; and

21 G. For such other and further relief as the Court deems just and proper.

22
23 Dated: October 6, 2010

SIDLEY AUSTIN LLP

24
25 s/ John W. McBride
26 John W. McBride

1 ARTHUR W. HARRIGAN, JR. (SBN 1751)
2 arthurh@dhl.com
3 CHRISTOPHER T. WION (SBN 33207)
4 chrisw@dhl.com
5 DANIELSON HARRIGAN LEYH & TOLLEFSON LLP
6 999 Third Ave, Suite 4400
7 Seattle, Washington 98104
8 Telephone: 206-623-1700
9 Facsimile: 206-623-8717

6 T. ANDREW CULBERT (SBN 35925)
7 andycu@microsoft.com
8 DAVID E. KILLOUGH (SBN 40185)
9 davkill@microsoft.com
10 MICROSOFT CORPORATION
11 1 Microsoft Way
12 Redmond, Washington 98052
13 Telephone: 425-882-8080
14 Facsimile: 425-869-1327

11 Of Counsel:

12 DAVID T. PRITIKIN
13 dpritikin@sidley.com
14 RICHARD A. CEDEROTH
15 rcederOTH@sidley.com
16 DOUGLAS I. LEWIS
17 dilewis@sidley.com
18 JOHN W. MCBRIDE
19 jwmcbride@sidley.com
20 SIDLEY AUSTIN LLP
21 One South Dearborn
22 Chicago, IL 60603
23 Telephone: 312-853-7000
24 Facsimile: 312-853-7036

20 BRIAN R. NESTER
21 bnester@sidley.com
22 KEVIN C. WHEELER
23 kwheeler@sidley.com
24 SIDLEY AUSTIN LLP
25 1501 K Street, NW
26 Washington, DC 20005
27 Telephone: 202-736-8000
Facsimile: 202-736-8711
Counsel for Plaintiff Microsoft Corp.