

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

APR 19 2007

DAVID J. MALAND, CLERK
BY
DEPUTY

JAMES M. TAYLOR,
Plaintiff,

§ CIVIL ACTION

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NO. 4:07cv200

v.

JURY DEMANDED

MICROSOFT CORPORATION,
Defendant.

**PLAINTIFF'S ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT
AND JURY DEMAND**

I. THE PARTIES

1. Plaintiff James M. Taylor is a United States citizen and maintains an address at P.O. Box 111896, Carrollton, Texas 75011.
2. Defendant Microsoft Corporation is a Delaware corporation that maintains its principal place of business at One Microsoft Way, Redmond, WA 98052. The Defendant is authorized to do business in the State of Texas and may be served with process by serving its registered agent Corporation Service Company DBA at 701 Brazos Street, Suite 1050, Austin, Texas 78701.

II. JURISDICTION AND VENUE

3. This action arises under the patent laws of the United States, Title 35 of the United States Code. The Court's jurisdiction over this action is proper under the above statutes, including 35 U.S.C. § 271 *et seq.* and 28 U.S.C. § 1338.

4. Personal jurisdiction exists generally over the Defendant because it has sufficient minimum contact with the forum as a result of business conducted within the State of Texas and within the Eastern District of Texas. Personal jurisdiction also exists specifically over the Defendant because Microsoft, directly or through subsidiaries or intermediaries, makes, uses, offers for sale, sells, imports, advertises and/or markets products and practices that infringe the patent-in-suit or products produced by practices that infringe the patent-in-suit, within the State of Texas and within the Eastern District of Texas, as described more particularly below.
5. Venue is proper in this Court under 28 U.S.C. §§ 1391(b), (c), and (d), as well as 28 U.S.C. § 1400(b).

III. PATENT INFRINGEMENT

6. Plaintiff is the owner as assignee of all rights, title, and interest in and under United States Patent No. 5,469,572 (“the ‘572 Patent”), which duly and legally issued on November 21, 1995, with James M. Taylor as the named inventor, for an invention entitled “Post compile optimizer for linkable object code”. A copy of the ‘572 Patent is attached hereto as Exhibit A.
7. On information and belief, defendant has been and is infringing the ‘572 Patent by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products and practices that fall within the scope of the claims of the ‘572 Patent, including but not limited to the products and practices embodied in producing the Defendant’s client and server operating systems, SQL Server database products and Microsoft Office products. Defendant will continue to infringe the ‘572 Patent unless enjoined by this Court. Plaintiff is without an adequate remedy at law.

8. Defendant has been and is actively inducing and/or contributing to the infringements of the '572 Patent by others.

IV. PRAYER FOR RELIEF

Plaintiff respectfully requests the following relief:

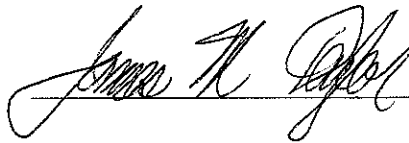
- A. That the Court declare that the '572 Patent is valid and enforceable and that it is infringed by Defendant;
- B. That the Court enter a preliminary and thereafter a permanent injunction against Defendant's direct infringement of the '572 Patent;
- C. That the Court enter a preliminary and thereafter a permanent injunction against Defendant's active inducements of infringement and/or contributory infringements of the '572 Patent by others;
- D. That the Court award damages to Plaintiff to which it is entitled for patent infringement;
- E. That the Court award interest on the damages to Plaintiff; and
- F. An award of all costs of this action, including attorney fees (if incurred) and interest; and
- G. Such other relief as the Court deems just and proper.

V. JURY DEMAND

In accordance with FED. R. CIV. P. 38 and 39, Plaintiff asserts its rights under the Seventh Amendment of the United States Constitution and demands a trial by jury on all issues.

DATED: April 19th, 2007

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "James M. Taylor", is written over a horizontal line.

PLAINTIFF

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