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U.S. DISTRICT COURT
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TX EASTERN-MARSHALL

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

z4 TECHNOLOGIES, INC.,)
)
Plaintiff,)
)
vs.)
)
1. MICROSOFT CORPORATION, and)
2. AUTODESK, INC.,)
)
Defendants.)
)
_____)

BY _____

CIVIL ACTION NO. 2-04 CV-335
LD

JURY TRIAL DEMANDED

PLAINTIFF'S ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

I. THE PARTIES

1. Plaintiff z4 Technologies, Inc. ("Z4") is a Michigan corporation, having an address at 3786 Ranya Drive, Commerce Township, Michigan 48382.
2. Defendant Microsoft Corporation ("Microsoft") is a Washington corporation, having an address at One Microsoft Way, Redmond, Washington 98052. Microsoft is qualified to do business in the State of Texas, Filing No. 10404606, and has appointed Corporation Service Company, 701 Brazos Street, Suite 1050, Austin, Texas 78701, as its agent for service of process.
3. Defendant Autodesk, Inc. ("Autodesk") is a Delaware corporation, having an address at 111 McInnis Parkway, San Rafael, California 94903. Autodesk is qualified to do business in the State of Texas, Filing No. 10177806, and has appointed CT Corporation System, 350 N. St. Paul, Dallas, Texas 75201, as its agent for service of process.

II. JURISDICTION

4. The claims pleaded herein arise under the Patent Act, 35 U.S.C. §1 *et seq.*

5. Subject matter jurisdiction for the pleaded claims is conferred upon the Court by 28 U.S.C. §1338.

III. PATENT INFRINGEMENT

6. On March 28, 2000, U.S. Patent No. 6,044,471 (“the ‘471 patent), for “Method And Apparatus For Securing Software To Reduce Unauthorized Use,” was duly and lawfully issued, naming David S. Colvin as sole inventor.

7. On August 31, 2004, United States Patent No. 6,785,825 (“the ‘825 patent”), for “Method For Securing Software To Decrease Software Piracy,” was duly and lawfully issued, naming David S. Colvin as sole inventor.

8. Plaintiff Z4 is the owner by assignment of the ‘471 patent and the ‘825 patent.

9. Defendant Microsoft has directly infringed the ‘471 patent and the ‘825 patent by making, using, selling, and offering for sale the claimed matter of these patents, without authority of Z4.

10. Defendant Microsoft has induced infringement of the ‘471 patent and the ‘825 patent, by actively and knowingly inducing others to make, use, sell and offer for sale the claimed matter of these patents, without authority of Z4.

11. Defendant Microsoft has contributed to the infringement of the ‘471 patent and the ‘825 patent by selling, and offering for sale in the United States material or apparatus for practicing the claimed matter of these patents, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in infringement of these patents, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

12. Defendant Autodesk has directly infringed the '471 patent and the '825 patent by making, using, selling, and offering for sale the claimed matter of these patents, without authority of Z4.

13. Defendant Autodesk has induced infringement of the '471 patent and the '825 patent by actively and knowingly inducing others to make, use, sell and offer for sale the claimed matter of these patents, without authority of Z4.

14. Defendant Autodesk has contributed to the infringement of the '471 patent and the '825 patent by selling, and offering for sale in the United States material or apparatus for practicing the claimed matter of these patents, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in infringement of these patents, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

15. Defendants Microsoft and Autodesk have each received actual notice of the patent rights of plaintiff Z4, but failed to meet their affirmative duty of due care to avoid infringement, and proceeded to willfully infringe in the manner complained of herein.

16. Plaintiff Z4 has been harmed, pecuniarily and irreparably, by the infringing conduct of defendants Microsoft and Autodesk, and such harm will continue unless defendants are enjoined from further infringement by this Court.

IV. DEMAND FOR RELIEF

WHEREFORE, plaintiff Z4 requests entry of a judgment against defendants Microsoft and Autodesk, granting relief as follows.

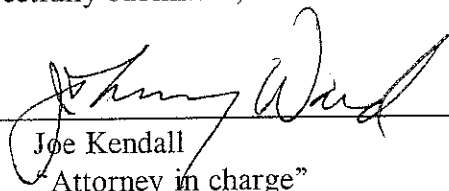
- A. Determining defendants Microsoft and Autodesk to be liable to plaintiff Z4 for patent infringement, direct, by inducement and contributory, of the '471 patent and the '825 patent;
- B. Awarding plaintiff Z4 damages adequate to compensate for such infringement;
- C. Determining the infringing conduct of defendants Microsoft and Autodesk to have been willful;
- D. Increasing the damages up to three times, under authority of 35 U.S.C. §284, ¶2;
- E. Determining this case to be "exceptional," in the sense of 35 U.S.C. §285, and awarding plaintiff Z4 its costs, including reasonable attorney's fees;
- F. Preliminarily and permanently enjoining defendants Microsoft and Autodesk, their officers, agents, servants, employees, and attorneys, and upon those persons in active concert or participation with them who receive actual notice of the injunction, from further infringement of the '471 patent and the '825 patent; and
- G. Granting such other, further and different relief as may be just and equitable on the proofs.

V. DEMAND FOR JURY TRIAL

Plaintiff Z4 hereby demands trial by jury for all issues so triable.

Respectfully submitted,

By: _____



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