

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

2009 DEC 31 P 12:04

SKYLINE SOFTWARE SYSTEMS, INC.,)
4506 Daly Drive, Suite 100,)
Chantilly, VA 20151)

COURT REPORTER
ALEXANDRIA, VIRGINIA

Plaintiff,)

Civil Action No. 2:09 CV 632

vs.)

RBS / FBS

JURY TRIAL DEMANDED

ENVIRONMENTAL SYSTEMS)
RESEARCH INSTITUTE, INC. and)
MICROSOFT CORPORATION)

Defendants.)

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, Skyline Software Systems, Inc. ("Skyline") makes the following claims for relief against Defendants Environmental Systems Research Institute, Inc. ("ESRI") and Microsoft Corporation ("Microsoft") (collectively "Defendants") as follows:

NATURE OF LAWSUIT

1. This is a claim for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code § 1 et seq. This Court has exclusive jurisdiction over the subject matter of the Complaint under 28 U.S.C. §§ 1331 and 1338(a).

PARTIES AND PATENT

2. Plaintiff Skyline Software Systems, Inc. ("Skyline") is a Delaware corporation with its principal place of business at 4506 Daly Drive, Suite 100, Chantilly, VA 20151. Skyline is in the business of designing, developing, marketing and selling software tools for enabling three-dimensional geospatial applications, including SkylineGlobe. As a technology company, Skyline depends on innovation, and the

protections of the patent system, to succeed in the marketplace.

3. As a result of its innovative activities, Skylines owns all right, title and interest in, and has standing to sue for infringement of, United States Patent No. 7,551,172 B2, entitled, "Sending Three-Dimensional Images Over A Network" (hereinafter the "'172 patent"). A copy of the '172 patent is attached as Exhibit A.

4. Environmental Systems Research Institute, Inc. ("ESRI") is a California corporation with its principal place of business at 380 New York Street, Redlands, California 92373. ESRI is registered to do business in the Commonwealth of Virginia. ESRI has committed acts of infringement in this judicial district and does regular business in this judicial district, including providing, in this judicial district, the products accused of infringement.

5. Microsoft Corporation ("Microsoft") is a Washington corporation with its principal place of business at One Microsoft Way, Redmond, Washington 98052. Microsoft is registered to do business in the Commonwealth of Virginia. Microsoft has committed acts of infringement in this judicial district and does regular business in this judicial district, including providing, in this judicial district, the products accused of infringement. Microsoft also has offices located in this judicial district (Richmond, Virginia and Reston, Virginia).

6. This Court has personal jurisdiction over ESRI by virtue of its tortious acts of patent infringement which have been committed in the Commonwealth of Virginia and in this judicial district, and by virtue of this defendant's transaction of business in the Commonwealth of Virginia.

7. This Court has personal jurisdiction over Microsoft by virtue of its tortious

acts of patent infringement which have been committed in the Commonwealth of Virginia and in this judicial district, and by virtue of this defendant's transaction of business in the Commonwealth of Virginia.

VENUE

8. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(c) and 1400(b).

DEFENDANTS' ACTS OF PATENT INFRINGEMENT

9. Defendant ESRI has infringed and continues to infringe at least claim 72 of the '172 patent through among other activities, providing and encouraging at least the use of its 1) ArcGIS 3D Analyst Extension (including its ArcGlobe™ application) to ArcGIS Desktop, and 2) ArcGIS Explorer, which employ at least the invention of claim 72. ESRI had actual notice of its infringement of the '172 patent before this suit was filed, and has acted with the specific intent to induce, contribute to and/or aid and abet direct infringement by others. Hence, ESRI is knowingly and actively inducing others to infringe, contributing to the infringement of others and/or aiding and abetting direct infringement by others (such as its customers, users and business partners in this judicial district and throughout the United States) through at least such others' use of said products.

10. Defendant Microsoft has infringed and continues to infringe at least claim 72 of the '172 patent through among other activities, providing and encouraging at least the use of its Bing Maps, Bing Maps Platform, and other Microsoft applications based on Bing Maps, including but not limited to Microsoft's Surface Globe for Windows 7, Bing Maps 3D, and Microsoft's Bing Map Toolbar for Microsoft's Internet Explorer,

which employ at least the invention of claim 72. Microsoft had actual notice of the '172 patent before this suit was filed, and has acted with the specific intent to induce, contribute to and/or aid and abet direct infringement by others. Hence, Microsoft is knowingly and actively inducing others to infringe, contributing to the infringement of others and/or aiding and abetting direct infringement by others (such as its customers, users and business partners in this judicial district and throughout the United States) through at least such others' use of said products.

11. To the extent required by law, Skyline has complied with the marking requirements of 35 U.S.C. § 287.

12. Defendants' infringement has injured Skyline, and Skyline is entitled to recover damages adequate to compensate it for such infringement, but, in no event, less than a reasonable royalty.

13. Further, Skyline will continue to be injured unless and until this Court enters an injunction prohibiting further inducement and contributory infringement.

PRAYER FOR RELIEF

WHEREFORE, Skyline, asks this Court to enter judgment against Defendants and against Defendants' subsidiaries, affiliates, agents, servants, employees and all persons in active concert or participation with them, granting the following relief:

A. An award of damages adequate to compensate Skyline for the infringement that has occurred, together with prejudgment interest from the date infringement of the '172 patent began;

B. An award to Skyline of all remedies available under 35 U.S.C. § 284;

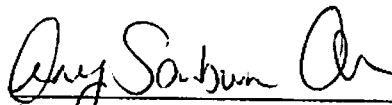
- C. An award to Skyline of all remedies available under 35 U.S.C. § 285;
- D. A permanent injunction prohibiting further infringement, inducement and contributory infringement of the '172 patent; and,
- E. Such other and further relief as this Court or a jury may deem proper and just.

JURY DEMAND

Skyline demands a trial by jury on all issues so triable.

Respectfully submitted,

Dated: December 31, 2009



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