

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

PRISM TECHNOLOGIES LLC,

Plaintiff,

v.

RESEARCH IN MOTION, LTD., and
MICROSOFT CORPORATION,

Defendants.

Case No. 8:08-CV-537

COMPLAINT

**JURY TRIAL REQUESTED
IN OMAHA, NEBRASKA**

Plaintiff, Prism Technologies LLC ("Prism"), states and alleges as follows for its claims against Defendants, Research In Motion, Ltd. ("RIM") and Microsoft Corporation ("Microsoft"):

1. Prism is a limited liability company organized under the laws of the State of Nebraska with its principal place of business at 14707 California Street, Omaha, Nebraska, 68154.

2. Prism owns the full and exclusive rights to, and interest in, and has standing to sue for infringement of United States Patent No. 7,290,288 B2, ("the '288 patent") entitled "Method and System for Controlling Access, by an Authentication Server, to Protected Computer Resources Provided Via an Internet Protocol Network." The '288 patent is attached as Exhibit A and incorporated by reference.

3. Research In Motion, Ltd. is a foreign company with its principal place of business at 295 Phillip Street, Waterloo, Ontario, Canada N2L 3W8. RIM does substantial business in this judicial district.

4. Microsoft Corporation is a corporation organized under the laws of the State of Washington with its principal place of business at One Microsoft Way, Redmond, Washington 98052. Microsoft does substantial business in this judicial district.

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

6. Each Defendant has sold or offered to sell products and services that infringe the '288 patent within this judicial district, and each has advertised the sale of such products and services in this judicial district.

7. Venue is proper in this District under 28 U.S.C. §§ 1391 and 1400(b).

**FIRST CLAIM
(Infringement by RIM)**

8. Prism incorporates paragraphs 1 – 7, inclusive, by reference as if fully set forth herein.

9. RIM, itself and/or through its subsidiaries, affiliates, agents, servants, employees and persons in active concert or participation with it, has infringed the '288 patent through its manufacture, sale or use of systems and methods for controlling access to information via the Internet, which infringe at least claims 117, 150, 185, 186 and 187 of the '288 patent. Additional claims may be identified in the course of discovery.

10. RIM's infringement has injured Prism, and Prism is entitled to recover damages from RIM adequate to compensate Prism for such infringement, but in no event less than a reasonable royalty.

WHEREFORE, Prism respectfully prays for judgment in its favor and against RIM and its subsidiaries, affiliates, agents, servants, employees and all persons in active concert or participation with it, granting the following relief:

A. An award of damages pursuant to 35 U.S.C. § 284 adequate to compensate Prism for the infringement that has occurred, together with prejudgment interest from the date infringement of the '288 patent began;

B. A finding that this case is exceptional and award Prism its attorneys fees and costs as permitted by 35 U.S.C. § 285;

C. A permanent injunction prohibiting further infringement, inducement and contributory infringement of the asserted claims of the '288 patent by RIM or its subsidiaries, affiliates, agents, servants, employees and all persons in active concert or participation with it; and

D. Such other, further and different relief as this Court or a jury may deem proper and just.

**SECOND CLAIM
(Infringement by Microsoft)**

11. Prism incorporates paragraphs 1 – 7, inclusive, by reference as if fully set forth herein.

12. Microsoft, itself and/or through its subsidiaries, affiliates, agents, servants, employees and persons in active concert or participation with it, has infringed the '288 patent through its manufacture, sale or use of systems and methods for controlling

access to information via the Internet, which infringe at least claim 87 of the '288 patent. Additional claims may be identified in the course of discovery.

13. Microsoft's infringement has injured Prism, and Prism is entitled to recover damages from Microsoft adequate to compensate Prism for such infringement, but in no event less than a reasonable royalty.

WHEREFORE, Prism respectfully prays for judgment in its favor and against Microsoft and its subsidiaries, affiliates, agents, servants, employees and all persons in active concert or participation with it, granting the following relief:

A. An award of damages pursuant to 35 U.S.C. § 284 adequate to compensate Prism for the infringement that has occurred, together with prejudgment interest from the date infringement of the '288 patent began;

B. A finding that this case is exceptional and award Prism its attorneys fees and costs as permitted by 35 U.S.C. § 285;

C. A permanent injunction prohibiting further infringement, inducement and contributory infringement of the asserted claims of the '288 patent by Microsoft or its subsidiaries, affiliates, agents, servants, employees and all persons in active concert or participation with it; and

D. Such other, further and different relief as this Court or a jury may deem proper and just.

JURY DEMAND

Prism hereby respectfully requests a trial by jury on all issues triable to a jury in this case, and designates Omaha, Nebraska, as the location for the trial.

Dated this 29th day of December 2008.

PRISM TECHNOLOGIES LLC,

By: *s/ Daniel J. Fischer*

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