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8 **IMPLICIT NETWORKS, INC.**

**FILED** **E-filing**

NOV 30 2009

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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**JCS**

10 UNITED STATES DISTRICT COURT  
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

**CV 09**

**5628**

13 IMPLICIT NETWORKS, INC.,

14 Plaintiff,

15 v.

16 MICROSOFT CORPORATION,

17 Defendants.  
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Case No. \_\_\_\_\_

**ORIGINAL COMPLAINT AND  
DEMAND FOR JURY TRIAL**

1 Plaintiff Implicit Networks, Inc. (“Implicit” or “Plaintiff”) hereby files its complaint  
2 against defendants Microsoft Corporation (“Microsoft”) and (“Defendant”), for patent  
3 infringement. For its complaint, Plaintiff alleges, on personal knowledge as to its own acts  
4 and on information and belief as to all other matters, as follows:

5 **PARTIES**

6 1. Implicit is a corporation organized under the laws of the State of  
7 Washington, with its principal place of business in Seattle, Washington.

8 2. Microsoft is a corporation organized under the laws of the State of  
9 Washington, with its principal place of business in Redmond, Washington.

10 **JURISDICTION AND VENUE**

11 3. This complaint asserts a cause of action for patent infringement under the  
12 Patent Act, 35 U.S.C. § 271. This Court has subject matter jurisdiction over this matter by  
13 virtue of 28 U.S.C. § 1338(a). Venue is proper in this Court by virtue of 28 U.S.C. § 1391(b)  
14 and (c) and 28 U.S.C. § 1400(b), in that Defendant Microsoft may be found in this district,  
15 have committed acts of infringement in this district, and a substantial part of the events or  
16 omissions giving rise to the claim occurred and a substantial part of property that is the  
17 subject of the action is situated in this district.

18 4. This Court has personal jurisdiction over Defendant Microsoft because  
19 Defendant has a place of business in, and provides infringing products and services in, the  
20 Northern District of California.

21 **INTRADISTRICT ASSIGNMENT**

22 5. Pursuant to Civil LR 3-2(c), this case should be subject to district-wide  
23 assignment because it is an Intellectual Property Action.

## COUNT I

## PATENT INFRINGEMENT

1  
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3 6. On September 30, 2003, United States Patent No. 6,629,163 (“the ’163  
4 patent”) entitled “Method and System for Demultiplexing a First Sequence of Packet  
5 Components to Identify Specific Components Wherein Subsequent Components are  
6 Processed Without Re-Identifying Components” was duly and legally issued. A true and  
7 correct copy of the ’163 patent is attached as Exhibit A.  
8

9 7. Edward Balassanian is the sole inventor of the ’163 patent. The ’163 patent  
10 has been assigned to Plaintiff. Plaintiff Implicit is the sole legal and rightful owner of the  
11 ’163 patent.

12 8. Microsoft makes, uses, and sells products that infringe the ’163 patent, such  
13 products including without limitation, its Windows Filtering Platform, an integral aspect of  
14 Microsoft’s Vista Windows 7 and Windows Server 2008 releases. In addition, Microsoft has  
15 infringed and is still infringing the ’163 patents in this country, through, *inter alia*, its active  
16 inducement of others to make, use, and/or sell the systems, products and methods claimed in  
17 one or more claims of the patents. In addition, Microsoft has infringed and is still infringing  
18 these patents in this country through, *inter alia*, providing and selling goods and services  
19 including products designed for use in practicing one or more claims of the patents, where  
20 the goods and services constitute a material part of the invention and are not staple articles of  
21 commerce, and which have no use other than infringing one or more claims of the patents.  
22 Microsoft has committed these acts with knowledge that the goods and services it provides  
23 are specially made for use in a manner that directly infringes these patents.  
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1           9.     As a result of the infringement by Microsoft, Plaintiff has been damaged, and  
2 will continue to be damaged, until these defendants are enjoined from further acts of  
3 infringement.

4           10.    Microsoft will continue to infringe unless enjoined by this Court. Plaintiff  
5 faces real, substantial and irreparable damage and injury of a continuing nature from  
6 infringement for which Plaintiff has no adequate remedy at law.

7           WHEREFORE, Plaintiff prays for entry of judgment:

8           A.     that the '163 patent is valid and enforceable;

9           B.     that Microsoft has infringed one or more claims of the '163 patent;

10          C.     that Microsoft account for and pay to Plaintiff all damages caused by the  
11 infringement of the '163 patents, which by statute can be no less than a reasonable  
12 royalty;

13          D.     that Plaintiff be granted pre-judgment and post-judgment interest on the  
14 damages caused to them by reason of Defendants' infringement of the '163 patent;

15          E.     that this Court require Defendant to file with this Court, within thirty (30)  
16 days after entry of final judgment, a written statement under oath setting forth in detail  
17 the manner in which Defendant has complied with the injunction;

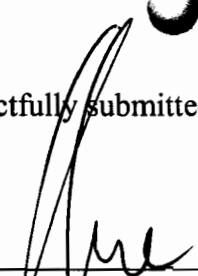
18          F.     that this be adjudged an exceptional case and the Plaintiff be awarded its  
19 attorney's fees in this action pursuant to 35 U.S.C. § 285;

20          G.     that this Court award Plaintiff its costs and disbursements in this civil  
21 action, including reasonable attorney's fees; and

22          H.     that Plaintiff be granted such other and further relief as the Court may  
23 deem just and proper under the current circumstances.  
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1 Dated: November 30, 2009

Respectfully submitted,

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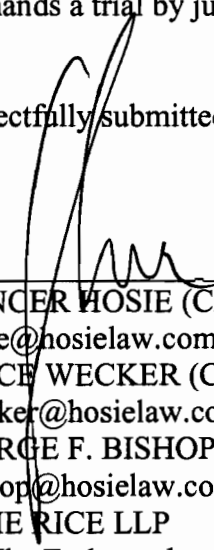
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*Attorneys for Plaintiff*  
*IMPLICIT NETWORKS, INC.*

**DEMAND FOR JURY TRIAL**

Plaintiff, by its undersigned attorneys, demands a trial by jury on all issues so triable.

Dated: November 30, 2009

Respectfully submitted,



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