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

i4i LIMITED PARTNERSHIP,	§	
	§	
Plaintiff,	§	**Civil Action No. 6:07-CV-113-LED**
	§	
	§	
vs.	§	
	§	
MICROSOFT CORPORATION,	§	**JURY TRIAL**
	§	
	§	
Defendant.	§	

PLAINTIFF'S SECOND AMENDED COMPLAINT
FOR PATENT INFRINGEMENT

Plaintiffs i4i Limited Partnership ("i4i LP") and Infrastructures for Information Inc. ("i4i") (collectively, 'Plaintiffs") file this Second Amended Complaint for patent infringement against Defendant Microsoft Corporation ("Microsoft"), and allege as follows:

I. PARTIES

1. i4i Limited Partnership is a limited partnership, organized and existing under the laws of the Province of Ontario, Canada, with its principal place of business at 1 First Canadian Place, Suite 2810, Toronto, Ontario, Canada M5X 1A4.

2. Infrastructures for Information Inc. is a corporation, organized and existing under the laws of the Province of Ontario, Canada, with its principal place of business at 116 Spadina Avenue, 5th Floor, Toronto, Ontario, Canada M5V 2K6.

3. Upon information and belief, Microsoft is, and at all relevant times mentioned herein was, a corporation organized and existing under the laws of the State of Delaware, with its

principal place of business at One Microsoft Way, Redmond, WA 98052. Microsoft 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

4. This action arises under the patent laws of the United States, Title 35, United States Code § 1, *et seq*. This Court has exclusive subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

5. Personal jurisdiction exists generally over Microsoft because it has sufficient minimum contacts 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 Microsoft because Microsoft, directly or through subsidiaries or intermediaries, makes, uses, offers for sale, sells, imports, advertises, and/or markets products and services within the State of Texas, and more particularly, within the Eastern District of Texas that infringe the patent-in-suit, as described more particularly below.

6. Venue is proper in the Eastern District of Texas under 28 U.S.C. §§ 1391(b)–(c) and 1400(b).

III. PATENT INFRINGEMENT

7. Plaintiffs repeat and re-allege the allegations in Paragraphs 1–6 as though fully set forth in their entirety.

8. United States Patent No. 5,787,449 ("the '449 Patent") entitled "Method and System for Manipulating the Architecture and the Content of a Document Separately from Each

Other," was duly and legally issued by the United States Patent and Trademark Office on July 28, 1998 after full and fair examination. i4i LP is the assignee of all rights, title, and interest in and to the '449 Patent, and possesses all rights of recovery, including the right to recover all past damages, under the '449 Patent. i4i is the exclusive licensee under the '449 Patent, and possesses the exclusive rights to make, use, and sell products embodying the patented invention, as well as the rights to sue and to seek an injunction for infringement of its exclusive rights. A copy of the '449 Patent is attached as Exhibit A.

9. On information and belief, Microsoft, by making, using, selling, offering to sell, and/or importing in or into the United States, without authority, Word 2003 and Word 2007, has directly or indirectly infringed (by inducement and contributory infringement), and is continuing to infringe, directly or indirectly, the '449 Patent in this District or otherwise within the United States.

10. Microsoft has knowledge of the '449 Patent, and has not ceased its infringing activities. Microsoft's infringement of the '449 Patent has been and continues to be willful and deliberate.

11. As a direct and proximate consequence of the acts and practices of Microsoft in infringing and/or inducing the infringement of one or more claims of the '449 Patent, i4i LP and i4i have been, are being and, unless such acts and practices are enjoined by the Court, will continue to be injured in its business and property rights.

12. As a direct and proximate consequence of the acts and practices of Microsoft in infringing, directly and/or indirectly, one or more claims of the '449 Patent, i4i LP and i4i have suffered, are suffering, and will continue to suffer injury and damages for which they are entitled to relief under 35 U.S.C. § 284, in an amount to be determined at trial.

13. By reason of the infringing acts and practices of Microsoft, Microsoft has also caused, is causing and, unless such acts and practices are enjoined by the Court, will continue to cause immediate and irreparable harm to i4i LP and i4i for which there is no adequate remedy at law, and for which i4i LP and i4i are entitled to injunctive relief under 35 U.S.C. § 283.

IV. PRAYER FOR RELIEF

Plaintiffs pray for the following relief:

A. A judgment that Microsoft has infringed, directly and indirectly, the ’449 Patent;

B. A judgment and order preliminarily and permanently enjoining Microsoft, its employees and agents, and any other person(s) in active concert or participation with it from infringing, directly or indirectly, the ’449 Patent;

C. A judgment and order requiring Microsoft to pay Plaintiffs damages under 35 U.S.C. § 284, including treble damages for willful infringement as provided by 35 U.S.C. § 284, and supplemental damages for any continuing post-verdict infringement up until entry of the final Judgment with an accounting as needed;

D. An award of all costs of this action, including attorneys’ fees and interest; and

E. Such other and further relief as the Court deems just and equitable.

V. DEMAND FOR JURY TRIAL

Plaintiffs hereby demand that all issues be determined by a jury.

DATED: January 29, 2009

Respectfully submitted,

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ATTORNEYS FOR PLAINTIFFS i4i LIMITED PARTNERSHIP AND INFRASTRUCTURES FOR INFORMATION INC.

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who have consented to electronic services on this the 29th day of January, 2009. Local Rule CV-5(a)(3)(A).

/s/ Sam Baxter
Sam Baxter