

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF CONNECTICUT**

ZIPLINK, INC,  <p style="text-align: center;">Plaintiff,</p> v.  MICROSOFT CORPORATION,  <p style="text-align: center;">Defendant.</p>	Civil Action No. 3:11-cv-1866    <p style="text-align: center;"><b>JURY TRIAL DEMANDED</b></p>
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**AMENDED COMPLAINT**

Plaintiff, Ziplink, Inc., does hereby, through its attorneys, alleges as follows:

**THE PARTIES**

1. Plaintiff Ziplink, Inc., (hereinafter “Ziplink”), is a limited liability company organized and existing under the laws of Connecticut, having a principal place of business at 40 Woodland Street, Hartford, Connecticut, 06105.

2. Upon information and belief, Defendant Microsoft Corporation (hereinafter “Microsoft”) is a corporation organized under the laws of the State of Washington, with its principal place of business in Redmond, Washington and a place of business in this District in Farmington, Connecticut.

**JURISDICTION**

3. This is a claim for patent infringement and arises under the patent laws of the United States, Title 35 of the United States Code. This Court has original jurisdiction over the subject matter of this claim under 28 U.S.C. §§ 1331 and 1338(a).

4. The Court has personal jurisdiction over the defendant in that it is organized under the laws of the State of Connecticut, has a principal place of business in Connecticut, and/or has committed acts within Connecticut and this judicial district giving rise to this action.

**VENUE**

5. Upon information and belief, Microsoft resides in this judicial District, directly, or indirectly through its agents, transacts business in this judicial District and/or has committed acts within this judicial District giving rise to this action. Venue is proper in this judicial District under 28 U.S.C. §§ 1391(b), (c) and 1400(b).

**BACKGROUND FACTS**

6. Ziplink is the owner by assignment of United States Patent No. 7,672,998 entitled “Apparatus and methods for controlling the transmission of messages,” issued on March 2, 2010 (the “ ‘998 patent”). A true and correct copy of the ‘998 patent is attached hereto as Exhibit A.

7. Upon information and belief, Microsoft has made, used, offered to sell or sold, and/or imported products and/or services that infringe one or more of the claims of the ‘998 patent.

8. Microsoft offers internet email services under the name Hotmail.

9. Microsoft’s Hotmail email services directly infringe one or more of the claims of the ‘998 patent.

10. Ziplink has suffered injury from Microsoft’s acts of patent infringement.

**COUNT I**  
**(Infringement of U.S. Patent No. 7,805,998)**

11. Ziplink repeats and realleges paragraphs 1-10, above, as though fully set forth herein.

12. Microsoft infringes and will continue to infringe one or more of the claims of the '998 patent by, among other activities, offering to sell or selling its Hotmail email products and/or services.

13. Microsoft has also infringed the '998 patent by contributing to the infringement of the '998 patent by others and/or by inducing others to infringe the '998 patent.

14. Upon information and belief, Microsoft's continued infringement of the '998 patent, whether direct, contributory, and/or by inducement, has been and continues to be knowing, willful, and objectively reckless.

15. Ziplink has been irreparably harmed to an extent not yet determined by Microsoft's infringement, and will continue to be irreparably harmed in the future unless Microsoft is enjoined from its activities by this Court.

**PRAYER FOR RELIEF**

WHEREFORE, Ziplink respectfully asks this Court to enter judgment against Microsoft and against its respective subsidiaries, successors, parents, affiliates, officers, directors, agents, servants and employees, and all persons in active concert or participation with Microsoft, granting the following relief:

- A. The entry of judgment in favor of Ziplink and against Microsoft;
- B. A permanent injunction prohibiting further infringement of the '998 patent;
- C. An award of damages adequate to compensate Ziplink for the infringement that has occurred, but in no event less than a reasonable royalty for the use made of the inventions of the '998 patent as provided in 35 U.S.C. § 284, together with prejudgment interest from the date the infringement began;
- D. Award Ziplink treble damages as provided in 35 U.S.C. § 284;

- E. Find that this case is exceptional and award Ziplink its costs in this action together with reasonable attorneys' fees as provided in 35 U.S.C. § 285; and
- F. Such other relief to which Ziplink is entitled under law, and any other and further relief that this Court or a jury may deem just and proper.

**DEMAND FOR JURY TRIAL**

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

Respectfully submitted,

Date: December 2, 2011

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