

ORIGINAL

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FILED

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

PSG

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

C 13 0825

SENTIUS INTERNATIONAL, LLC,

Plaintiff,

vs.

MICROSOFT CORPORATION,

Defendant.

Case No.

**COMPLAINT FOR PATENT
INFRINGEMENT AND DECLARATORY
JUDGMENT**

JURY TRIAL DEMANDED

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FIRST CLAIM FOR RELIEF

(Infringement of the '985 Patent)

6. On March 2, 2010, United States Patent No. 7,672,985 ("the '985 Patent") was duly and legally issued for an invention titled "Automated Creation and Delivery of Database Content." Sentius is the assignee and owner of the '985 Patent and holds all rights and interests in the '985 Patent. The '985 Patent discloses a novel method and system for linking data objects to terms of interest such as misspelled words found in parsed documents and for displaying such linked data objects. A true and correct copy of the '985 patent is attached hereto as Exhibit A.

7. On information and belief, Microsoft has infringed and continues to infringe, directly and indirectly through contributory and/or induced infringement, one or more claims of the '985 Patent in making, offering for sale, and selling in the United States the Microsoft Office suite and its component programs such as Microsoft Word that use a "contextual reference engine" to parse content and to associate specific data objects to content for display in pop-up screens. Upon information and belief, the contextual reference engine is used to provide such features as Spell Check, Autocorrect, Grammar Check, Synonyms, and Actions (previously referred to as Smart Tags) in Microsoft products. Microsoft's infringing activities in making, using, selling, importing and offering for sale products which incorporate the reference engine or its substantial equivalent violate 35 U.S.C. § 271.

8. Sentius is informed and believes, and on that basis alleges, that Microsoft's infringement of the '985 patent is, has been, and continues to be intentional, deliberate, willful and without regard to Sentius' rights because Microsoft has had actual knowledge of the '985 patent and its infringement.

9. Sentius is informed and believes, and on that basis alleges, that Microsoft has gained profits by virtue of its infringement of the '985 Patent.

10. Sentius has sustained damages as a direct and proximate result of Microsoft's infringement of the '985 Patent.

11. Sentius will suffer and is suffering irreparable harm from Microsoft's infringement of the '985 Patent. Sentius has no adequate remedy at law and is entitled to an injunction against Microsoft's continuing infringement of the '985 Patent. Unless enjoined, Microsoft will continue its infringing conduct.

SECOND CLAIM FOR RELIEF

(Infringement of the '349 Patent)

12. On July 3, 2012, United States Patent No. 8,214,349 ("the '349 Patent") was duly and legally issued for an invention titled "Automated Creation and Delivery of Database Content." Sentius is the assignee and owner of the '349 Patent and holds all rights and interests in the '349 Patent. The '349 Patent discloses a novel method and system for linking data objects to terms of interest such as misspelled words found in parsed documents and for displaying such linked data objects. A true and correct copy of the '349 patent is attached hereto as Exhibit B.

13. On information and belief, Microsoft has infringed and continues to infringe, directly and indirectly through contributory and/or induced infringement, one or more claims of the '349 Patent in making, offering for sale, and selling in the United States the Microsoft Office suite and its component programs such as Microsoft Word that use a "contextual reference engine" to parse content and to associate specific data objects to content for display in pop-up screens. Upon information and belief, the contextual reference engine is used to provide such features as Spell Check, Autocorrect, Grammar Check, Synonyms, and Actions (previously referred to as Smart Tags) in Microsoft products. Microsoft's infringing activities in making, using, selling, importing and offering for sale products which incorporate the reference engine or its substantial equivalent violate 35 U.S.C. § 271.

14. Sentius is informed and believes, and on that basis alleges, that Microsoft's infringement of the '349 patent is, has been, and continues to be intentional, deliberate, willful and without regard to Sentius' rights because Microsoft has had actual knowledge of the '349 patent and its infringement.

15. Sentius is informed and believes, and on that basis alleges, that Microsoft has gained profits by virtue of its infringement of the '349 Patent.

16. Sentius has sustained damages as a direct and proximate result of Microsoft's infringement of the '349 Patent.

17. Sentius will suffer and is suffering irreparable harm from Microsoft's infringement of the '985 Patent. Sentius has no adequate remedy at law and is entitled to an injunction against Microsoft's continuing infringement of the '349 Patent. Unless enjoined, Microsoft will continue its infringing conduct.

THIRD CLAIM FOR RELIEF

(Infringement of the '731 Reissue Patent)

18. On June 9, 2009, United States Reissue Patent No. RE 40,731 (“the ’731 Patent”) was duly and legally issued for an invention titled “System and Method for Linking Streams of Multimedia Data to Reference Material for Display.” The ’731 Patent discloses a novel method and system for linking data objects to terms of interest such as misspelled words found in parsed documents and for displaying such linked data objects. A true and correct copy of the ’731 patent is attached hereto as Exhibit C.

19. On information and belief, Microsoft has infringed and continues to infringe, directly and indirectly through contributory and/or induced infringement, one or more claims of the '731 Patent in making, offering for sale, and selling in the United States the Microsoft Office suite and its component programs such as Microsoft Word that use a "contextual reference engine" to parse content and to associate specific data objects to content for display in pop-up screens. Upon information and belief, the contextual reference engine is used to provide such features as Spell Check, Autocorrect, Grammar Check, Synonyms, and Actions (previously referred to as Smart Tags) in Microsoft products. Microsoft's infringing activities in making, using, selling, importing and offering for sale products which incorporate the reference engine or its substantial equivalent violate 35 U.S.C. § 271.

20. Sentius is informed and believes, and on that basis alleges, that Microsoft's infringement of the '731 patent is, has been, and continues to be intentional, deliberate, willful and without regard to Sentius' rights because Microsoft has had actual knowledge of the '731 patent and its infringement thereof.

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1 and without regard to Sentius' rights because Microsoft has had actual knowledge of the '633
2 patent and its infringement thereof.

3 27. Sentius is informed and believes, and on that basis alleges, that Microsoft has gained
4 profits by virtue of its infringement of the '633 Patent.

5 28. Sentius has sustained damages as a direct and proximate result of Microsoft's
6 infringement of the '633 Patent.

7 29. Sentius will suffer and is suffering irreparable harm from Microsoft's infringement of
8 the '633 Patent. Sentius has no adequate remedy at law and is entitled to an injunction against
9 Microsoft's continuing infringement of the '633 Patent. Unless enjoined, Microsoft will continue
10 its infringing conduct.

11 **PRAYER FOR RELIEF**

12 Sentius respectfully requests that:

- 13 A. Judgment be entered that each of Sentius' patents is valid and enforceable.
- 14 B. Judgment be entered that Microsoft has infringed one or more claims of each of
15 the '985 Patent, '349 Patent, '731 Patent and '633 Patent;
- 16 C. Judgment be entered permanently enjoining Microsoft Corporation, its directors,
17 officers, agents, servants, and employees, and those acting in privity or in concert
18 with them, and their subsidiaries, divisions, successors and assigns, from further
19 acts of infringement of the '985 Patent, '349 Patent, '731 Patent and '633 Patent;
- 20 D. Judgment be entered awarding Sentius all actual damages adequate to compensate
21 Sentius for Microsoft's infringement of the '985 Patent, '349 Patent, '731 Patent
22 and '633 Patent, and in no event less than a reasonable royalty for Microsoft's acts
23 of infringement, including all pre-judgment and post-judgment interest on all
24 damages awarded for infringement at the maximum rate permitted by law;
- 25 E. Judgment be entered for treble damages based upon any infringement found to be
26 willful, pursuant to 35 U.S.C. §284, together with prejudgment interest;
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- F. Judgment be entered declaring the case exceptional and awarding Sentius costs and reasonable attorneys' fees as provided by 35 U.S.C. §285;
- G. Such other, further, and different relief as law or equity may require, and that the Court may deem just and proper in these circumstances.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Sentius hereby demands trial by jury on all issues raised by the Complaint.

Dated: February 22, 2013

By: /s/ Steven G. Sklaver

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