

VENUE

5. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b), 1391(c), 1391(d), and 1400(b).

FACTUAL BACKGROUND

6. The '314 patent is entitled "Computer Interface Method And Apparatus With Targeted Advertising." A copy of the '314 patent is attached hereto as Exhibit A.

7. The invention of the '314 patent generally relates to user interfaces for accessing computer applications and information resources and, in particular, to user interfaces that provide advertising obtained over a global computer network such as the Internet. The invention of the '314 patent also relates to user interfaces for maintaining, organizing and communicating information accessible to a computer network such as the Internet and, in particular, to user interfaces that provide the user with availability to that information in a personalized manner.

8. The application that issued as the '314 patent was filed on October 30, 2000, and the United States Patent and Trademark Office duly and legally issued the '314 patent on September 30, 2003. The '314 patent claims priority to U.S. Patent Application No. 09/118,351, filed on July 17, 1998.

9. The '290 patent is entitled "Computer Interface Method And Apparatus With Portable Network Organization System And Targeted Advertising." A copy of the '290 patent is attached to this Complaint as Exhibit B.

10. The invention of the '290 patent generally relates to user interfaces for accessing computer applications and information resources and, in particular, to user interfaces that provide advertising obtained over a global computer network such as the Internet. The invention of the '290 patent also relates to user interfaces for maintaining, organizing and communicating

information accessible to a computer network such as the Internet and, in particular, to user interfaces that provide the user with availability to that information in a personalized manner.

11. The application that issued as the '290 patent was filed on July 16, 1999, and the United States Patent and Trademark Office duly and legally issued the '290 patent on August 3, 2004. The '290 patent claims priority to U.S. Patent Application No. 09/118,351, filed on July 17, 1998.

COUNT I: INFRINGEMENT OF U.S. PATENT NO. 6,628,314

12. B.E. realleges and incorporates by reference the allegations of paragraphs 1-11.

13. B.E. owns all right, title, and interest in the '314 patent, and has owned all right, title, and interest throughout the period of the infringement complained of herein.

14. Microsoft has infringed the '314 patent by using a method of providing demographically targeted advertising that directly infringes at least Claim 11 of the '314 patent either literally or under the doctrine of equivalents.

COUNT II: INFRINGEMENT OF U.S. PATENT NO. 6,771,290

15. B.E. realleges and incorporates by reference the allegations of paragraphs 1-14.

16. B.E. owns all right, title, and interest in the '290 patent, and has owned all right, title, and interest throughout the period of the infringement complained of herein.

17. Microsoft has infringed at least Claim 2 of the '290 patent by using, selling, and offering to sell in the United States tablet computer products that directly infringe at least Claim 2 of the '290 patent either literally or under the doctrine of equivalents. The accused products include Microsoft Xbox 360 Consoles.

JURY DEMAND

B.E. requests a trial by jury for all issues so triable.

PRAYER FOR RELIEF

B.E. prays for relief as follows:

1. Judgment that Microsoft has infringed the '314 patent and the '290 patent as alleged herein;
2. Compensatory damages in an amount according to proof, and in no event less than a reasonable royalty;
3. Prejudgment interest on the compensatory damages awarded to B.E.;
4. Post-judgment interest on all sums awarded to B.E. from the date of judgment;
5. A preliminary and permanent injunction forbidding Microsoft and its officers, agents, servants, employees, and attorneys, and all those in active concert or participation with them, from further infringing the '314 patent and the '290 patent;
6. Costs of suit incurred herein; and
7. Any and all other relief that the Court deems just and equitable.

Dated: September 21, 2012

By: *s/Robert E. Freitas*

Robert E. Freitas
Craig R. Kaufman
FREITAS TSENG & KAUFMAN LLP
100 Marine Parkway, Suite 200
Redwood Shores, CA 94065
Telephone: (650) 593-6300
Facsimile: (650) 593-6301
rfreitas@ftklaw.com
ckaufman@ftklaw.com

Richard M. Carter (TN B.P.R. #7285)
Adam C. Simpson (TN B.P.R. #24705)
MARTIN, TATE, MORROW & MARSTON, P.C.
6410 Poplar Avenue, Suite 1000
Memphis, TN 38119-4839
Telephone: (901) 522-9000
Facsimile: (901) 527-3746

rcarter@martintate.com
asimpson@martintate.com

Attorneys for Plaintiff
B.E. Technology, L.L.C.

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