

1 M. ELIZABETH DAY (SBN 177125)
 2 eday@feinday.com
 3 ROBERT F. KRAMER (SBN 181706)
 4 rkramer@feinday.com
 5 DAVID ALBERTI (SBN 220265)
 6 dalberti@feinday.com
 7 SAL LIM (SBN 211836)
 8 slim@feinday.com
 9 RUSSELL S. TONKOVICH (SBN 233280)
 10 rtonkovich@feinday.com
 11 MARC BELLOLI (SBN 244290)
 12 mbelloli@feinday.com
 13 JEREMIAH A. ARMSTRONG (SBN 253705)
 14 jarmstrong@feinday.com
 15 HONG LIN (SBN 249898)
 16 hlin@feinday.com
 17 **FEINBERG DAY ALBERTI LIM &**
 18 **BELLOLI LLP**
 19 1600 El Camino Real, Suite 280
 20 Menlo Park, CA 94025
 21 Tel: 650.618.4360
 22 Fax: 650.618.4368

Attorneys for Uniloc 2017 LLC

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

UNILOC 2017 LLC

Plaintiff,

v.

MICROSOFT CORPORATION,

Defendant.

CASE NO. 8:19-cv-00956

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

<p>MICROSOFT CORP. EXHIBIT 1008</p>

28

1 Plaintiff Uniloc 2017 LLC (“Uniloc”), by and through the undersigned
2 counsel, hereby files this Complaint and makes the following allegations of patent
3 infringement relating to U.S. Patent No. 6,467,088 against Defendant Microsoft
4 Corporation (“Microsoft”), and alleges as follows upon actual knowledge with
5 respect to itself and its own acts and upon information and belief as to all other
6 matters:

7 **NATURE OF THE ACTION**

8 1. This is an action for patent infringement. Uniloc alleges that
9 Microsoft infringes U.S. Patent No. 6,467,088 (the “’088 patent”), a copy of which
10 is attached hereto as Exhibit A.

11 2. Uniloc alleges that Microsoft directly and indirectly infringes the ’088
12 patent by making, using, offering for sale and selling devices that perform a
13 processor-implemented method for controlling the reconfiguration of an electronic
14 device, including but not limited to devices that perform Windows Update. Uniloc
15 alleges that Microsoft also induces and contributes to the infringement of others.
16 Uniloc seeks damages and other relief for Microsoft’s infringement of the ’088
17 patent.

18 **THE PARTIES**

19 3. Uniloc 2017 LLC is a Delaware corporation having places of business
20 at 1209 Orange Street, Wilmington, Delaware 19801, 620 Newport Center Drive,
21 Newport Beach, California 92660 and 102 N. College Avenue, Suite 303, Tyler,
22 TX 75702.

23 4. Uniloc holds all substantial rights, title and interest in and to the ’088
24 patent.

25 5. Upon information and belief, Defendant Microsoft is a corporation
26 organized and existing under the laws of the State of Washington, with the
27 following places of business in this District: 3 Park Plaza, Suite 1600, Irvine, CA
28 92614; 3333 Bristol Street, Suite 1249, Costa Mesa, CA 92626; 578 The Shops at

1 Mission Viejo, Mission Viejo, CA 92691; 331 Los Cerritos Center, Cerritos, CA
2 90703; 13031 West Jefferson Blvd., Suite 200, Los Angeles, CA 90094; 2140
3 Glendale Galleria, JCPenney Court, Glendale, CA 91210; 10250 Santa Monica
4 Blvd., Space #1045, Los Angeles, CA 90067; 6600 Topanga Canyon Blvd, Canoga
5 Park, CA 91303. Microsoft can be served with process by serving its registered
6 agent for service of process in California: Corporation Service Company which
7 Will Do Business in California as CSC - Lawyers Incorporating Service, 2710
8 Gateway Oaks Dr., Ste. 150, Sacramento, CA 95833.

9 **JURISDICTION AND VENUE**

10 6. This action for patent infringement arises under the Patent Laws of the
11 United States, 35 U.S.C. § 1 et. seq. This Court has original jurisdiction under 28
12 U.S.C. §§ 1331 and 1338.

13 7. This Court has both general and specific jurisdiction over Microsoft
14 because Microsoft has committed acts within the Central District of California
15 giving rise to this action and has established minimum contacts with this forum
16 such that the exercise of jurisdiction over Microsoft would not offend traditional
17 notions of fair play and substantial justice. Defendant Microsoft, directly and
18 through subsidiaries, intermediaries (including distributors, retailers, franchisees
19 and others), has committed and continues to commit acts of patent infringement in
20 this District, by, among other things, making, using, testing, selling, licensing,
21 importing and/or offering for sale/license products and services that infringe the
22 '088 patent.

23 8. Venue is proper in this district and division under 28 U.S.C. §§
24 1391(b)-(d) and 1400(b) because Microsoft has committed acts of infringement in
25 the Central District of California and has regular and established places of business
26 in the Central District of California.

27 **COUNT I— INFRINGEMENT OF U.S. PATENT NO. 6,467,088**

28 9. The allegations of paragraphs 1-8 of this Complaint are incorporated

1 by reference as though fully set forth herein.

2 10. The '088 patent titled, "Reconfiguration Manager For Controlling
3 Upgrades Of Electronic Devices," issued on October 15, 2002. A copy of the '088
4 patent is attached as Exhibit A.

5 11. Pursuant to 35 U.S.C. § 282, the '088 patent is presumed valid.

6 12. Microsoft makes, uses, offers for sale, and sells in the United States
7 and imports into the United States devices that practice a processor-implemented
8 method for controlling the reconfiguration of an electronic device, for example,
9 Windows Update, as well as computer readable media storing software programs
10 (e.g., Windows Update) that when executed implement the method (collectively the
11 "Accused Infringing Devices").

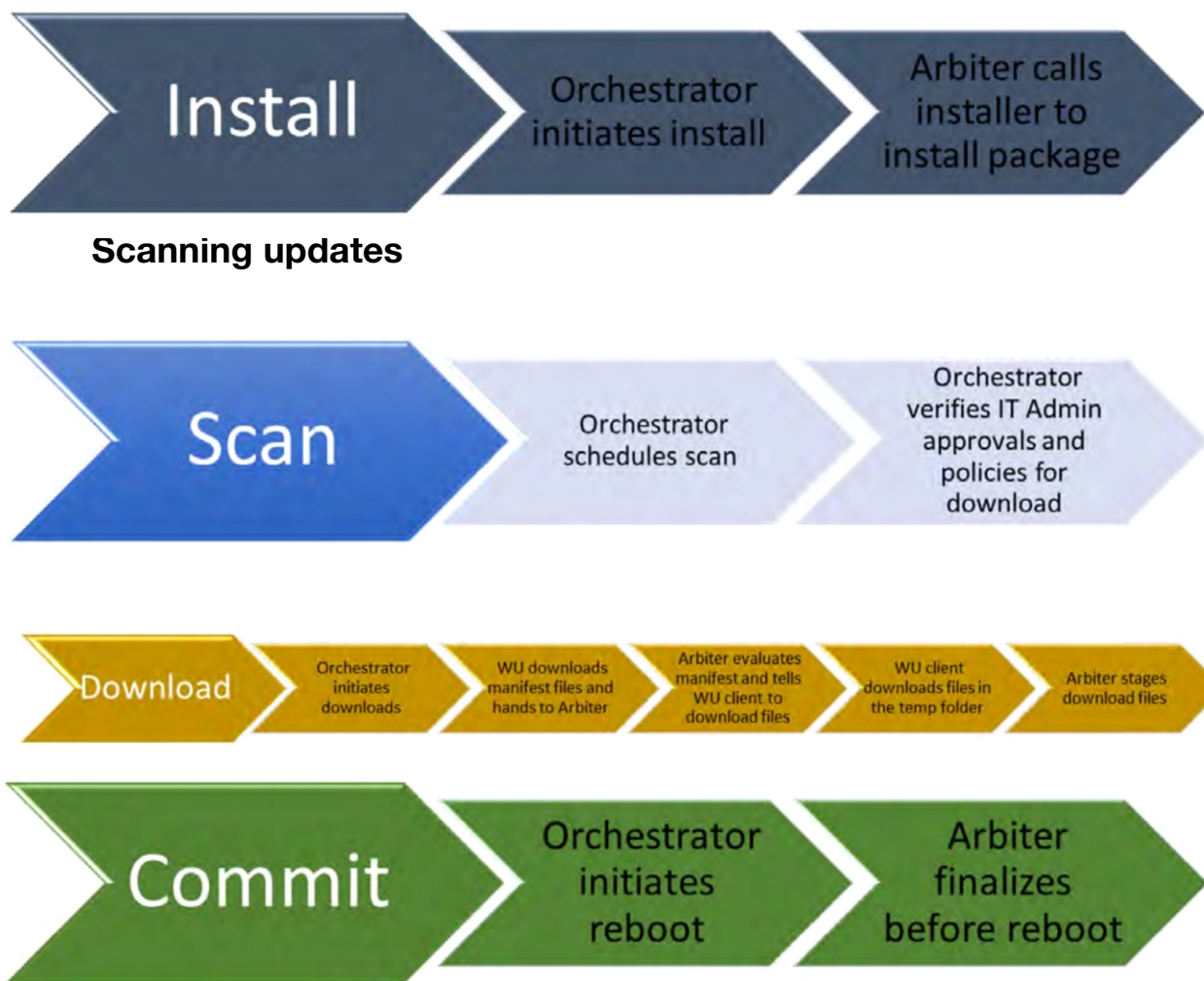
12 13. Upon information and belief, the Accused Infringing Devices infringe
13 claims 1 and 21 of the '088 patent in the exemplary manner described below.

14 14. The Accused Infringing Devices perform a processor-implemented
15 method for controlling the reconfiguration of electronic devices (e.g., computers
16 that are running a version of Microsoft Windows).

17 **How updating works**

18
19 During the updating process, the Windows Update Orchestrator operates in the
20 background to scan, download, and install updates. It does this automatically,
21 according to your settings, and in a silent manner that doesn't disrupt your computer
22 usage.
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



<https://docs.microsoft.com/en-us/windows/deployment/update/how-windows-update-works>

15. The Accused Infringing Devices receive information representative of a reconfiguration request relating to the electronic device. For example, the information is received when an instance of Windows Update Orchestrator running on the electronic device initiates a request for reconfiguration at random intervals to avoid overloading the Windows Update server.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.