UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION

OPTIMUM CONTENT PROTECTION LLC, Plaintiff, v. MICROSOFT CORPORATION, Defendant.	Civil Action No. 6:13-cv-741 **JURY TRIAL DEMANDED**

COMPLAINT

1. Plaintiff Optimum Content Protection LLC ("OCP"), for its Complaint against defendant Microsoft Corporation ("Microsoft" or "Defendant"), hereby alleges as follows:

PARTIES

2. OCP is a Texas company with its principal place of business in the Eastern District of Texas at 2400 Dallas Parkway, Suite 200, Plano, Texas 75093.

3. On information and belief, Microsoft is a Washington corporation with its principal place of business at One Microsoft Way, Redmond, WA 98052. Microsoft's registered agent for service of process in Texas is Corporation Service Company D B A +, 211 E. 7th Street, Suite 620, Austin, TX 78701-3218.

NATURE OF THE ACTION

4. This is a civil action for infringement of United States Patent No. 7,502,470 (the "'470 patent") under the patent laws of the United States, 35 U.S.C. § 1 *et seq.*

JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6. On information and belief, Defendant is subject to this Court's specific and general personal jurisdiction pursuant to due process and the Texas Long Arm Statute, due at least to its substantial business in this forum, including: (A) at least part of its infringing activities alleged herein, and (B) regularly doing or soliciting business, engaging in other persistent causes of conduct, or deriving substantial revenue from goods and services provided to persons and other entities in Texas and this judicial district.

7. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b), (c) and (d) and § 1400(b). On information and belief, Defendant has purposely transacted substantial business in this judicial district, and has committed acts of direct infringement in this judicial district.

THE PATENT-IN-SUIT

8. United States Patent No. 7,502,470, entitled "Method and Apparatus for Content Protection Within an Open Architecture System," was duly and legally issued by the United States Patent and Trademark Office on March 10, 2009. A copy of the '470 patent is attached hereto as Exhibit A.

9. OCP is the exclusive licensee of the '470 patent and has the right to sue and recover damages for any current or past infringement.

COUNT I

(INFRINGEMENT OF U.S. PATENT NO. 7,502,470)

10. Paragraphs 1 through 9 are incorporated by reference as if fully stated herein.

11. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. § 271 *et seq*.

12. Microsoft has infringed, and continues to infringe, at least claim 12 of the '470 patent under 35 U.S.C. § 271, either literally or under the doctrine of equivalents, by making, using, offering to sell, selling or importing into the United States mobile electronic devices, for example and without limitation, Microsoft Surface.

13. OCP has been and continues to be damaged by Microsoft's infringement of the '470 patent.

PRAYER FOR RELIEF

Wherefore, OCP respectfully requests that this Court enter:

A. Judgment in favor of OCP that Microsoft has infringed the '470 patent;

B. An order requiring Microsoft to pay OCP damages adequate to compensate for Microsoft's past infringement and any continuing or future infringement up until the date such judgment is entered, including pre- and post-judgment interest, costs and disbursements as justified under 35 U.S.C. § 284 and, if necessary to adequately compensate OCP for Microsoft's infringement, an accounting;

C. A determination that this case is exceptional within the meaning of 35 U.S.C. § 285;

D. A preliminary and permanent injunction preventing Microsoft, and those in active concert or participation with Microsoft, from directly or indirectly infringing the '470 patent;

E. A judgment requiring that, in the event a permanent injunction preventing future acts of infringement is not granted, OCP be awarded a compulsory ongoing licensing fee; and

F. Any and all further relief which this Court deems just and proper.

DEMAND FOR JURY TRIAL

OCP requests a trial by jury on all issues so triable by right pursuant to Fed. R. Civ. P. 38.

Dated: October 1, 2013

Respectfully submitted,

By: */s/ Craig Tadlock*_____
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