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5 Attorney for Plaintiff

6 IN THE UNITED STATES DISTRICT COURT  
 7 FOR THE DISTRICT OF ARIZONA

8 Cygnus Systems, Inc.  
 9 Plaintiff,

Case No.

10 vs.

11 Microsoft Corporation; Apple Inc.; and  
 12 Google Inc.,  
 13 Defendants.

**JURY TRIAL DEMANDED**

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14 **COMPLAINT FOR PATENT INFRINGEMENT**

15 Plaintiff, Cygnus Systems, Inc., complains of defendants, Microsoft  
 16 Corporation ("Microsoft"), Apple Inc. ("Apple"), and Google Inc. ("Google"), as  
 17 follows:  
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19 1. This is a claim for patent infringement arising under the patent laws  
 20 of the United States, Title 35 of the United States Code. This Court has exclusive  
 21 jurisdiction over the subject matter of this case under 28 U.S.C. § 1338(a).

22 2. Cygnus Systems, Inc. is an Arizona corporation that has a principal  
 23 place of business at 40117 N. High Noon Way, Anthem, Arizona 85086. Cygnus  
 24 owns United States Patent No. 7,346,850 ("the '850 Patent"), entitled "System and  
 25 Method for Iconic Software Environment Management," which issued on  
 26 March 18, 2008 (Exhibit A), and has the exclusive right to license and enforce the  
 27 '850 Patent and to collect all damages for infringement of such patent. Cygnus  
 28 also has standing to sue for infringement of the '850 Patent.

1           3.       Microsoft Corporation is a Washington corporation with its  
2 principal place of business at One Microsoft Way, Redmond, Washington 90852.  
3 Defendant Microsoft transacts business in this judicial district and has  
4 committed acts of infringement in this judicial district, at least by advertising,  
5 selling, and offering to sell the products at issue in this case for use or download  
6 throughout this judicial district and which infringe one or more claims of the  
7 '850 Patent.

8           4.       Apple Inc. is a California corporation with a principal place of  
9 business at 1 Infinite Loop, Cupertino, California 95014. Defendant Apple  
10 transacts business in this judicial district and has committed acts of infringement  
11 in this judicial district, at least by advertising, selling, and offering to sell the  
12 products at issue in this case throughout this judicial district and which infringe  
13 one or more claims of the '850 Patent.

14           5.       Google Inc. is a Delaware corporation with a principal place of  
15 business at 1600 Amphitheater Parkway, Mountain View, California 94043.  
16 Defendant Google transacts business in this judicial district and has committed  
17 acts of infringement in this judicial district, at least by operating its Google.com  
18 website and by advertising, selling, and offering to sell the products at issue in  
19 this case for use or download throughout this judicial district and which infringe  
20 one or more claims of the '850 Patent.

21           6.       Venue is proper in this district under 28 U.S.C. §§ 1391 and 1400(b).

22           **PATENT INFRINGEMENT**

23           7.       The '850 Patent generally relates to methods of and systems for  
24 accessing one or more computer files via a graphical icon, wherein the graphical  
25 icon includes an image of a selected portion or portions of the one or more  
26 computer files.  
27  
28

1           8.       Microsoft has infringed one or more claims of the '850 Patent at  
2 least by making, using, selling, and offering for sale its Vista operating system  
3 and Vista's accompanying iconic file preview and access functionality.

4 Microsoft has further infringed one or more claims of the '850 Patent at least by  
5 making, using, selling, and offering for sale its Internet Explorer 8 web browser  
6 and Internet Explorer 8's accompanying iconic file preview and access  
7 functionality.

8           9.       Apple has infringed one or more claims of the '850 Patent at least by  
9 making, using, selling, and offering for sale its Mac OS X Leopard ("Leopard")  
10 operating system and Leopard's accompanying "Finder" and "Cover Flow"  
11 features, which include iconic file preview and access functionality. Apple has  
12 further infringed one or more claims of the '850 Patent at least by making, using,  
13 selling, and offering for sale its iPhone and iPhone's accompanying iconic file  
14 preview and access functionality, including but not limit to the iconic file  
15 preview and access functionality of iPhone's main menu and Safari Internet  
16 browser applications.

17           10.     Google has infringed one or more claims of the '850 Patent at least  
18 by making, using, selling, and offering for sale Google's Chrome web browser  
19 and Chrome's accompanying iconic file preview and access functionality.  
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21           11.     Defendants' infringement has injured plaintiff Cygnus and it is  
22 entitled to recover damages adequate to compensate it for such infringement,  
23 but in no event less than a reasonable royalty.

24           WHEREFORE, plaintiff Cygnus respectfully requests this Court enter  
25 judgment against defendants Microsoft Corporation, Google Inc., and Microsoft  
26 Corporation., individually and jointly, and against their subsidiaries, successors,  
27 parents, affiliates, officers, directors, agents, servants, employees, and all  
28

1 persons in active concert or participation with them, granting the following  
2 relief:

- 3 A. The entry of judgment in favor of plaintiff, and against each of the  
4 defendants;
- 5 B. An award of damages adequate to compensate plaintiff for the  
6 infringement that has occurred, together with prejudgment interest  
7 from the date the infringement began, but in no event less than a  
8 reasonable royalty as permitted by 35 U.S.C. § 284;
- 9 C. A finding that this case is exceptional and an award to plaintiff of its  
10 attorneys' fees and costs as provided by 35 U.S.C. § 285;
- 11 D. A permanent injunction prohibiting further infringement of the '850  
12 Patent; and,
- 13 E. Such other relief that plaintiffs is entitled to under law and any  
14 other and further relief that this Court or a jury may deem just and  
15 proper.  
16

17 **Jury Demand**

18 Plaintiff requests a trial by jury on all issues presented in this Complaint.

19 PETER C. WARNER, P.C.

20  
21 By: /s/ Peter C. Warner  
22 Peter C. Warner  
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