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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,

10 vs.

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

} Case No. CV-08-2337-PHX-NVW

} **JURY TRIAL DEMANDED**

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14 **FIRST AMENDED 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:

18 1. This is a claim for patent infringement arising under the patent laws  
 19 of the United States, Title 35 of the United States Code. This Court has exclusive  
 20 jurisdiction over the subject matter of this case under 28 U.S.C. § 1338(a).

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



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

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

15 10. Google has infringed one or more claims of the '850 Patent at least  
16 by making, using, selling, and offering for sale Google's Chrome web browser  
17 and Chrome's accompanying iconic file preview and access functionality.

18 11. Defendants' infringement has injured plaintiff Cygnus and it is  
19 entitled to recover damages adequate to compensate it for such infringement,  
20 but in no event less than a reasonable royalty.

21 WHEREFORE, plaintiff Cygnus respectfully requests this Court enter  
22 judgment against defendants Microsoft Corporation, Apple Inc., and Google  
23 Inc., individually and jointly, and against their subsidiaries, successors, parents,  
24 affiliates, officers, directors, agents, servants, employees, and all persons in  
25 active concert or participation with them, granting the following relief:

26 A. The entry of judgment in favor of plaintiff, and against each of the  
27 defendants;

28

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

12 **JURY DEMAND**

13 Plaintiff requests a trial by jury on all issues presented in this Complaint.  
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15 PETER C. WARNER, P.C.

16 By: /s/ Peter C. Warner  
17 Peter C. Warner  
Attorney for Plaintiff

18 **OF COUNSEL**

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