

EXHIBIT V

1 associated software applications and services. Motorola markets and sells these products
2 worldwide through its channel business partners, telecom service providers, and various retail
3 companies, both at retail stores and through company websites.

4 **JURISDICTION AND VENUE**

5 3. This is an action for patent infringement arising under the patent laws of the
6 United States, Title 35, United States Code.

7 4. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and
8 1338(a).

9 5. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b), 1391(c), 1391(d),
10 and 1400(b). On information and belief, Defendant is subject to this Court's personal jurisdiction,
11 consistent with the principles of due process and the Washington Long Arm Statute, because
12 Defendant maintains offices and facilities in the Western District of Washington, offer their
13 products for sale in the Western District of Washington, have transacted business in this District,
14 and/or have committed and/or induced acts of patent infringement in this District.

15 **PATENT INFRINGEMENT COUNTS**

16 6. Microsoft is the owner of all right, title, and interest in U.S. Patent No. 5,579,517
17 ("the '517 patent"), U.S. Patent No. 5,758,352 ("the '352 patent"), U.S. Patent No. 6,621,746
18 ("the '746 patent"), U.S. Patent No. 6,826,762 ("the '762 patent"), U.S. Patent No. 6,909,910
19 ("the '910 patent"), U.S. Patent No. 7,644,376 ("the '376 patent"), U.S. Patent No. 5,664,133
20 ("the '133 patent"), U.S. Patent No. 6,578,054 ("the '054 patent"), and U.S. Patent No.
21 6,370,566 ("the '566 patent") (collectively, "the Microsoft Patents"), which the Defendant is
22 infringing and/or inducing others to infringe by making, using, offering to sell or selling in the
23 United States, or importing into the United States, products or processes that practice inventions
24 claimed in the Microsoft Patents.

25 7. The Defendant has profited through infringement of the Microsoft Patents. As a
26 result of the Defendant's unlawful infringement of the Microsoft Patents, Microsoft has suffered
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1 and will continue to suffer damage. Microsoft is entitled to recover from the Defendant the
2 damages suffered by Microsoft as a result of the Defendant's unlawful acts.

3 8. Upon information and belief, Defendant's infringement of one or more of the
4 Microsoft Patents is willful and deliberate, entitling Microsoft to enhanced damages and
5 reasonable attorney fees and costs.

6 9. Upon information and belief, the Defendant intends to continue their unlawful
7 infringing activity, and Microsoft continues to and will continue to suffer irreparable harm—for
8 which there is no adequate remedy at law—from such unlawful infringing activity unless the
9 Defendant is enjoined by this Court.

10 **COUNT I**

11 **INFRINGEMENT OF U.S. PATENT NO. 5,579,517**

12 10. Microsoft realleges and incorporates by reference the allegations set forth in
13 paragraphs 1-9.

14 11. Microsoft is the owner of all right, title, and interest in U.S. Patent No. 5,579,517
15 ("the '517 patent"), entitled "Common Name Space for Long and Short File Names," duly and
16 properly issued by the U.S. Patent and Trademark Office on November 26, 1996 (a
17 reexamination certificate for the '517 issued on November 28, 2006). A copy of the '517 patent
18 is attached as Exhibit A.

19 12. The Defendant has been and/or is directly infringing and/or inducing infringement
20 of and/or is contributorily infringing the '517 patent by, among other things, making, using,
21 offering to sell or selling in the United States, or importing into the United States, products
22 and/or services that are covered by one or more claims of the '517 patent, including, by way of
23 example and not limitation, the Motorola Droid 2.

24 **COUNT II**

25 **INFRINGEMENT OF U.S. PATENT NO. 5,758,352**

26 13. Microsoft realleges and incorporates by reference the allegations set forth in
27 paragraphs 1-12.

1 A. For a judgment declaring that Defendant has infringed each of the Microsoft
2 Patents;

3 B. For a judgment awarding Microsoft compensatory damages as a result of
4 Defendant's infringement of the Microsoft Patents, together with interest and costs, and in no
5 event less than a reasonable royalty;

6 C. For a judgment declaring that Defendant's infringement of Microsoft Patents has
7 been willful and deliberate;

8 D. For a judgment awarding Microsoft treble damages and pre-judgment interest
9 under 35 U.S.C. § 284 as a result of Defendant's willful and deliberate infringement of the
10 Microsoft Patents;

11 E. For a judgment declaring that this case is exceptional and awarding Microsoft its
12 expenses, costs, and attorneys fees in accordance with 35 U.S.C. §§ 284 and 285 and Rule 54(d)
13 of the Federal Rules of Civil Procedure;

14 F. For a grant of a permanent injunction pursuant to 35 U.S.C. § 283, enjoining
15 Defendant from further acts of infringement; and

16 G. For such other and further relief as the Court deems just and proper.
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3 *s/ David E. Killough*

4 David E. Killough

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