IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

STEC IP, LLC, Plaintiff, v. MICROSOFT CORPORATION, Defendant.	Civil Action No. _____ JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

This is an action for patent infringement arising under the Patent Laws of the United States of America, 35 U.S.C. § 1 *et seq.* in which Plaintiff STEC IP, LLC makes the following allegations against Defendant Microsoft Corporation:

PARTIES

1. Plaintiff STEC IP, LLC ("STEC") is a Delaware limited liability company having a principal place of business at 2 Terrace Way, Suite C, Greensboro, North Carolina 27403.

2. On information and belief, Defendant Microsoft Corporation ("Microsoft") is a Washington corporation with its principal place of business located at One Microsoft Way, Redmond, Washington 98052-6399. On information and belief, Microsoft may be served via its registered agent, PTSGE Corp., 925 Fourth Avenue, Suite 2900, Seattle, Washington 98104-1158.

JURISDICTION AND VENUE

3. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has original subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. On information and belief, Microsoft is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Delaware Long Arm Statute, due to having availed itself of the rights and benefits of Delaware by conducting substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Delaware and in this Judicial District.

5. Venue is proper in this district under 28 U.S.C. §§ 1391(b), 1391(c), and 1400(b). On information and belief, Microsoft has transacted business in this district and has committed and/or induced acts of patent infringement in this district.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 7,596,784

6. Plaintiff STEC realleges and incorporates by reference paragraphs 1-5 above, as if fully set forth herein.

7. Plaintiff STEC is the owner by assignment of United States Patent No. 7,596,784 ("the '784 patent") titled "Method System and Apparatus for Providing Pay-Per-Use Distributed Computing Resources." The '784 patent was duly and legally issued by the United States Patent and Trademark Office on September 29, 2009. STEC is the owner by assignment from Symantec Corporation of the '784 patent. A true and correct copy of the '784 patent is included as Exhibit A.

8. Microsoft makes, uses, sells, and/or offers for sale in the United States products and/or services for cloud computing. On information and belief, at least some of Microsoft's cloud computing products and/or services provide or support pay-per-use cloud computing.

9. On information and belief, Microsoft has infringed and continues to infringe the '784 patent by, among other things, making, using, offering for sale, and/or selling pay-per-use cloud computing products and/or services patented under the '784 patent. Such pay-per-use cloud computing products and/or services include, by way of example and without limitation, use of Windows Azure, which is covered by one or more claims of the '784 patent, including but not limited to claim 1. By making, using, offering for sale, and/or selling pay-per-use cloud computing products and/or services patented under the '784 patent, Microsoft has injured STEC and is liable to STEC for infringement of the '784 patent pursuant to 35 U.S.C. § 271.

10. As a result of Microsoft's infringement of the '784 patent, Plaintiff STEC has suffered monetary damages in an amount adequate to compensate for Microsoft's infringement, but in no event less than a reasonable royalty for the use made of the invention by Microsoft, together with interest and costs as fixed by the Court.

COUNT II
INFRINGEMENT OF U.S. PATENT NO. 7,065,637

11. Plaintiff STEC realleges and incorporates by reference paragraphs 1-10 above, as if fully set forth herein.

12. Plaintiff STEC is the owner by assignment of United States Patent No. 7,065,637 ("the '637 patent") titled "System for Configuration of Dynamic Computing Environments Using a Visual Interface." The '637 patent was duly and legally issued by the United States Patent and Trademark Office on June 20, 2006. STEC is the owner by assignment from Symantec Corporation of the '637 patent. A true and correct copy of the '637 patent is included as Exhibit B.

13. Microsoft makes, uses, sells, and offers for sale in the United States products and/or services for cloud computing. On information and belief, at least some of Microsoft's

cloud computing products and/or services provide or support use of a visual interface to configure cloud computing resources.

14. On information and belief, Microsoft has infringed and continues to infringe the '637 patent by, among other things, making, using, offering for sale, and/or selling cloud computing products and/or services covered by one or more claims of the '637 patent. Such cloud computing products and/or services include, by way of example and without limitation, cloud computing products and/or services configurable through Windows Azure, which are covered by one or more claims of the '637 patent, including but not limited to claim 1. By making, using, offering for sale, and/or selling such products and services covered by one or more claims of the '637 patent, Microsoft has injured STEC and is liable to STEC for infringement of the '637 patent pursuant to 35 U.S.C. § 271.

15. As a result of Microsoft's infringement of the '637 patent, Plaintiff STEC has suffered monetary damages in an amount adequate to compensate for Microsoft's infringement, but in no event less than a reasonable royalty for the use made of the invention by Microsoft, together with interest and costs as fixed by the Court.

COUNT III
INFRINGEMENT OF U.S. PATENT NO. 6,738,799

16. Plaintiff STEC realleges and incorporates by reference paragraphs 1-15 above, as if fully set forth herein.

17. Plaintiff STEC is the owner by assignment of United States Patent No. 6,738,799 ("the '799 patent") titled "Methods and Apparatuses for File Synchronization and Updating Using a Signature List." The '799 patent was duly and legally issued by the United States Patent and Trademark Office on May 18, 2004. STEC is the owner by assignment from Symantec

Corporation of the ’799 patent. A true and correct copy of the ’799 patent is included as Exhibit C.

18. Microsoft makes, uses, sells, offers for sale, and/or imports into the United States products and/or services that provide or support synchronization of files. On information and belief, at least some of such products and/or services perform synchronization of files between networked computers by providing updates.

19. On information and belief, Microsoft has infringed and continues to infringe the ’799 patent by, among other things, making, using, offering for sale, selling and/or importing products and/or services into the United States that are covered by one or more claims of the ’799 patent. Such products and/or services include, by way of example and without limitation, Microsoft SharePoint 2010, the use of which is covered by one or more claims of the ‘799 patent, including but not limited to claim 37. By making, using, offering for sale, selling and/or importing into the United States such products and/or service that are covered by one or more claims of the ’799 patent, Microsoft has injured STEC and is liable to STEC for infringement of the ’799 patent pursuant to 35 U.S.C. § 271.

20. As a result of Microsoft’s infringement of the ’799 patent, Plaintiff STEC has suffered monetary damages in an amount adequate to compensate for Microsoft’s infringement, but in no event less than a reasonable royalty for the use made of the invention by Microsoft, together with interest and costs as fixed by the Court.

COUNT IV
INFRINGEMENT OF U.S. PATENT NO. 5,944,839

21. Plaintiff STEC realleges and incorporates by reference paragraphs 1-20 above, as if fully set forth herein.

22. Plaintiff STEC is the owner by assignment of United States Patent No. 5,944,839 ("the '839 patent") titled "System and Method for Automatically Maintaining A Computer System." The '839 patent was duly and legally issued by the United States Patent and Trademark Office on August 31, 1999. STEC is the owner by assignment from Symantec Corporation of the '839 patent. A true and correct copy of the '839 patent is included as Exhibit D.

23. Microsoft makes, uses, sells, offers for sale, and/or imports in the United States products and/or services for cloud computing. On information and belief, at least some of Microsoft's products and/or services provide or support automatic detection, diagnosis, and isolation of system and software faults.

24. On information and belief, Microsoft has infringed and continues to infringe the '839 patent by, among other things, making, importing, using, offering for sale, and/or selling products and/or services covered by one or more claims of the '839 patent. Such products and/or services include, by way of example and without limitation, Microsoft Windows 7, the use of which is covered by one or more claims of the '839 patent, including but not limited to claim 6. By making, using, offering for sale, and/or selling such products and/or services covered by one or more claims of the '839 patent, Microsoft has injured STEC and is liable to STEC for infringement of the '839 patent pursuant to 35 U.S.C. § 271.

25. As a result of Microsoft's infringement of the '839 patent, Plaintiff STEC has suffered monetary damages in an amount adequate to compensate for Microsoft's infringement, but in no event less than a reasonable royalty for the use made of the invention by Microsoft, together with interest and costs as fixed by the Court.

COUNT V
INFRINGEMENT OF U.S. PATENT NO. 5,825,891

26. Plaintiff STEC realleges and incorporates by reference paragraphs 1-25 above, as if fully set forth herein.

27. Plaintiff STEC is the owner by assignment of United States Patent No. 5,825,891 ("the '891 patent") titled "Key Management for Network Communication." The '891 patent was duly and legally issued by the United States Patent and Trademark Office on October 20, 1998. STEC is the owner by assignment from Symantec Corporation of the '891 patent. A true and correct copy of the '891 patent is included as Exhibit E.

28. Microsoft makes, uses, sells and/or offers for sale in the United States products and/or services that provide for or support establishing Internet Protocol Security/Internet Key Exchange-based Virtual Private Network tunnels.

29. On information and belief, Microsoft has infringed and continues to infringe the '891 patent by, among other things, using methods covered by one or more claims of the '891 patent. Such methods include, by way of example and without limitation, use of Windows Server 2003, which is covered by one or more claims of the '891 patent, including but not limited to claim 1. By using such methods covered by one or more claims of the '891 patent, Microsoft has injured STEC and is liable to STEC for infringement of the '891 patent pursuant to 35 U.S.C. § 271.

30. As a result of Microsoft's infringement of the '891 patent, Plaintiff STEC has suffered monetary damages in an amount adequate to compensate for Microsoft's infringement, but in no event less than a reasonable royalty for the use made of the invention by Microsoft, together with interest and costs as fixed by the Court.

COUNT VI
INFRINGEMENT OF U.S. PATENT NO. 5,495,607

31. Plaintiff STEC realleges and incorporates by reference paragraphs 1-30 above, as if fully set forth herein.

32. Plaintiff STEC is the owner by assignment of United States Patent No. 5,495,607 ("the '607 patent") titled "Network Management System Having Virtual Catalog Overview of Files Disruptively Stored Across Network Domain." The '607 patent was duly and legally issued by the United States Patent and Trademark Office on February 27, 1996. STEC is the owner by assignment from Symantec Corporation of the '607 patent. A true and correct copy of the '607 patent is included as Exhibit F.

33. Microsoft operates one or more server farms (comprising, *inter alia*, servers and computers on a network) that are located in data centers in the United States. Microsoft's server farms provide and support cloud computing services, including at least Windows Azure. On information and belief, Microsoft makes and/or uses a system for monitoring the health of at least some of Microsoft's servers and computers over a network in its data centers.

34. On information and belief, Microsoft has infringed and continues to infringe the '607 patent by, among other things, making, using, offering for sale, and/or selling systems, and products and/or services related thereto, covered by one or more claims of the '607 patent. Such systems include, by way of example and without limitation, a system made and/or used by Microsoft to monitor the health of servers and computers running Windows Azure, which is covered by one or more claims of the '607 patent, including but not limited to claim 9. By making, using, offering for sale, and/or selling such systems, and products and/or services related thereto, covered by one or more claims of the '607 patent, Microsoft has injured STEC and is liable to STEC for infringement of the '607 patent pursuant to 35 U.S.C. § 271.

35. As a result of Microsoft's infringement of the '607 patent, Plaintiff STEC has suffered monetary damages in an amount adequate to compensate for Microsoft's infringement, but in no event less than a reasonable royalty for the use made of the invention by Microsoft, together with interest and costs as fixed by the Court.

COUNT VII
INFRINGEMENT OF U.S. PATENT NO. 6,925,481

36. Plaintiff STEC realleges and incorporates by reference paragraphs 1-35 above, as if fully set forth herein.

37. Plaintiff STEC is the owner by assignment of United States Patent No. 6,925,481 ("the '481 patent") titled "Technique for Enabling Remote Data Access and Manipulation from a Pervasive Device." The '481 patent was duly and legally issued by the United States Patent and Trademark Office on August 2, 2005. STEC is the owner by assignment from Symantec Corporation of the '481 patent. A true and correct copy of the '481 patent is included as Exhibit G.

38. Microsoft makes, uses, sells, offers for sale, and/or imports products and/or services in the United States that provide or support remote data access by a mobile device, such as Windows Marketplace, App Connect, and Microsoft SharePoint.

39. On information and belief, Microsoft has infringed and continues to infringe the '481 patent by, among other things, making, using, offering for sale, selling and/or importing products and/or services that are covered by one or more claims of the '481 patent. Such products and/or services include, by way of example and without limitation, Windows Marketplace, App Connect, and Microsoft SharePoint, which are covered by one or more claims of the '481 patent, including but not limited to claim 1. By making, using, offering for sale, and/or selling such products and/or services covered by one or more claims of the '481 patent,

Microsoft has injured STEC and is liable to STEC for infringement of the '481 patent pursuant to 35 U.S.C. § 271.

40. As a result of Microsoft's infringement of the '481 patent, Plaintiff STEC has suffered monetary damages in an amount adequate to compensate for Microsoft's infringement, but in no event less than a reasonable royalty for the use made of the invention by Microsoft, together with interest and costs as fixed by the Court.

COUNT VIII
INFRINGEMENT OF U.S. PATENT NO. 7,254,621

41. Plaintiff STEC realleges and incorporates by reference paragraphs 1-40 above, as if fully set forth herein.

42. Plaintiff STEC is the owner by assignment of United States Patent No. 7,254,621 ("the '621 patent") titled "Technique for Enabling Remote Data Access and Manipulation from a Pervasive Device." The '621 patent was duly and legally issued by the United States Patent and Trademark Office on August 7, 2007. STEC is the owner by assignment from Symantec Corporation of the '621 patent. A true and correct copy of the '621 patent is included as Exhibit H.

43. Microsoft makes, uses, sells, offers for sale, and/or imports products and/or services in the United States that provide or support remote data access by a mobile device, such as Windows Marketplace, App Connect, and Microsoft SharePoint.

44. On information and belief, Microsoft has infringed and continues to infringe the '621 patent by, among other things, making, using, offering for sale, selling and/or importing products and/or services that are covered by one or more claims of the '621 patent. Such products and/or services include, by way of example and without limitation, Windows Marketplace, App Connect, and Microsoft SharePoint, which are covered by one or more claims

of the ’621 patent, including but not limited to claim 1. By making, using, offering for sale, and/or selling such products and/or services covered by one or more claims of the ’621 patent, Microsoft has injured STEC and is liable to STEC for infringement of the ’621 patent pursuant to 35 U.S.C. § 271.

45. As a result of Microsoft’s infringement of the ’621 patent, Plaintiff STEC has suffered monetary damages in an amount adequate to compensate for Microsoft’s infringement, but in no event less than a reasonable royalty for the use made of the invention by Microsoft, together with interest and costs as fixed by the Court.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff STEC respectfully requests that this Court enter:

1. A judgment in favor of Plaintiff that Microsoft has infringed, either literally and/or under the doctrine of equivalents, the ’784 patent, the ’637 patent, the ’799 patent, the ’839 patent, the ’891 patent, ’607 patent, the ’481 patent and the ’621 patent;

2. A judgment and order requiring Microsoft to pay Plaintiff its damages, costs, expenses, and pre-judgment and post-judgment interest as provided under 35 U.S.C. § 284 for Microsoft’s infringement of the ’784 patent, the ’637 patent, the ’799 patent, the ’839 patent, the ’891 patent, the ’607 patent; the ’481 patent and the ’621 patent; and

3. Any and all other relief as the Court may deem appropriate and just under the circumstances.

DEMAND FOR JURY TRIAL

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Date: May 22, 2012

BAYARD, P.A.

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