

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

<b>INTERNET COMMUNICATIONS SOLUTIONS LLC,</b>	§	
	§	
<i>Plaintiff,</i>	§	<b>Civil Action No. 2:14-CV-189</b>
	§	
v.	§	<b>JURY TRIAL DEMANDED</b>
	§	
<b>MICROSOFT CORPORATION, SKYPE COMMUNICATIONS S.A R.L., AND SKYPE INC.,</b>	§	
	§	
<i>Defendants.</i>	§	

**PLAINTIFF’S ORIGINAL COMPLAINT  
FOR PATENT INFRINGEMENT**

Plaintiff Internet Communications Solutions LLC files this Original Complaint against Microsoft Corporation, Skype Communications S.á r.l., and Skype Inc. (together, “Defendants”) for infringement of U.S. Patent No. 8,625,584 (“the ’584 patent”).

**THE PARTIES**

1. Internet Communications Solutions LLC (“Plaintiff” or “ICS”) is a Texas limited liability company with its principal place of business in Plano, Texas.

2. Microsoft Corporation (“Microsoft”) is a Washington corporation with its principal place of business in Redmond, Washington. Microsoft may be served with process through its agent, Corporation Service Company, 300 Deschutes Way SW, Suite 304, Tumwater, Washington 98501. Microsoft does business in the state of Texas and in the Eastern District of Texas.

3. Skype Communications S.á r.l. (“Skype Luxembourg”) is a Luxembourg limited liability partnership with its principal place of business at 23-29 Rives de Clausen, L-2165 Luxembourg. Skype Luxembourg may be served with process via an officer, a managing or general agent, or any other agent authorized by appointment or by law to receive service of process. Upon information and belief, Skype Luxembourg is a wholly owned subsidiary of Microsoft.

4. Skype Inc. (“Skype”) is a Delaware corporation with its principal place of business in Palo Alto, California. Skype may be served with process through its agent, Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company, 211 E. 7<sup>th</sup> Street, Suite 620, Austin, Texas 78701. Upon information and belief, Skype is a wholly owned subsidiary of Microsoft and/or Skype Luxembourg.

#### **JURISDICTION AND VENUE**

5. This action arises under the patent laws of the United States, namely 35 U.S.C. §§ 271, 281, and 284, among others.

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

7. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400(b). On information and belief, each Defendant is deemed to reside in this judicial district, has committed acts of infringement in this judicial district, has purposely transacted business in this judicial district, and/or has regular and established places of business in this judicial district.

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

### **COUNT I**

(INFRINGEMENT OF U.S. PATENT NO. 8,625,584)

9. ICS incorporates paragraphs 1 through 8 herein by reference.

10. ICS is the assignee of the '584 patent, entitled "Methods, Smart Cards, and Systems for Providing Portable Computer, VOIP, and Application Services," with ownership of all substantial rights in the '584 patent, including the right to exclude others and to enforce, sue and recover damages for past and future infringements. A true and correct copy of the '584 patent is attached as Exhibit A.

11. The '584 patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

12. Defendants have directly infringed and continue to directly infringe one or more claims of the '584 patent in this judicial district and elsewhere in Texas and the United States, including at least apparatus claim 12, by, among other things, making, using, offering for sale, selling and/or importing a VOIP telecommunication system that directs incoming calls to cellular phones operating software provided under the Skype brand.

13. ICS has been damaged as a result of Defendants' infringing conduct described in this Court. Defendants are, thus, liable to ICS in an amount that adequately compensates ICS for their infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

### **JOINDER OF PARTIES**

14. ICS incorporates paragraphs 1 through 13 herein by reference.

15. Defendants are properly joined under 35 U.S.C. § 299(a)(1) because a right to relief is asserted against the them jointly, severally, and in the alternative with respect to the same transactions, occurrences, or series of transactions or occurrences relating to the making, using, importing into the United States, offering for sale, and/or selling the same accused telecommunication system.

16. Defendants are properly joined under 35 U.S.C. § 299(a)(2). Questions of fact will arise that are common to all Defendants, including for example, whether the accused telecommunication system infringes one or more claims of the '584 patent, and what reasonable royalty will be adequate to compensate ICS for its infringement.

17. At least one right to relief is asserted against these parties jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences relating to the making, using, importing into the United States, offering for sale, or selling of the same telecommunication accused system.

### **JURY DEMAND**

ICS hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

**PRAYER FOR RELIEF**

ICS requests that the Court find in its favor and against Defendants, and that the Court grant ICS the following relief:

- a. Judgment that one or more claims of the '584 patent have been infringed, either literally and/or under the doctrine of equivalents, by Defendants;
- b. Judgment that Defendants account for and pay to ICS all damages to and costs incurred by ICS because of Defendants' infringing activities and other conduct complained of herein;
- c. Judgment that Defendants account for and pay to ICS a reasonable, ongoing, post-judgment royalty because of Defendants' infringing activities and other conduct complained of herein;
- d. That ICS be granted pre-judgment and post-judgment interest on the damages caused by Defendants' infringing activities and other conduct complained of herein; and
- e. That ICS be granted such other and further relief as the Court may deem just and proper under the circumstances.

Respectfully submitted,



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