

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

THINK PRODUCTS, INC.	:	
	:	
Plaintiff,	:	
	:	
-v.-	:	<u>JURY TRIAL DEMANDED</u>
	:	
MICROSOFT CORPORATION,	:	
	:	
Defendant.	:	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, Think Products, Inc., by and through its attorneys, hereby alleges for its Complaint against Defendant Microsoft Corporation as follows:

The Parties

1. Plaintiff Think Products, Inc. (“Think Products”) is a corporation organized and existing under the laws of the State of New York and having its principal place of business at 120 Ricefield Lane, Hauppauge, New York 11788.

2. Upon information and belief, Defendant Microsoft Corporation (“Microsoft”) is a corporation organized and existing under the laws of the State of Washington and having its principal place of business at One Microsoft Way, Redmond, Washington 98052-8300.

Defendant Microsoft Corporation’s Agreement With ACCO Brands Corporation to Jointly Develop Accessories for Microsoft’s “Surface” Product Line

3. Upon information and belief, Microsoft and ACCO Brands Corporation

(“ACCO Brands”) entered into an Agreement in May 2015 to jointly develop accessories for Microsoft’s “Surface” product line of electronic tablets and laptops.

4. Upon information and belief, under the joint development Agreement that Microsoft entered into with ACCO Brands, Microsoft has the right to approve all proposed Microsoft Surface compatible accessories jointly developed with ACCO Brands.

5. Upon information and belief, Microsoft Surface compatible accessories jointly developed with ACCO Brands must meet Microsoft’s quality control standards.

6. Upon information and belief, before ACCO Brands is permitted to sell any Microsoft Surface compatible accessory developed under the joint development Agreement between Microsoft and ACCO Brands, Microsoft’s written approval must first be sought, and obtained, by ACCO Brands.

7. Upon information and belief, in accordance with the Agreement between ACCO Brands and Microsoft to jointly develop Microsoft Surface compatible accessories, ACCO Brands must conduct testing to establish that all such Microsoft Surface compatible accessories jointly developed meet applicable Surface specifications, as established by Microsoft.

8. Upon information and belief, in accordance with the Agreement between ACCO Brands and Microsoft to jointly develop Microsoft Surface compatible accessories, ACCO Brands pays Microsoft a royalty for products jointly developed and sold by ACCO Brands under the Agreement.

9. The Kensington Computer Products Group is a division of ACCO Brands, which jointly developed the “SD7000 Surface Pro Docking Station” with Microsoft.

10. The Kensington Computer Products Group division of ACCO Brands indicates in its advertising and on its website that the “SD7000 Surface Pro Docking Station” product is “Designed for Microsoft Surface,” which includes the Microsoft stylized logo:



Kensington Products ▾ Solutions ▾ Resources ▾ Support ▾ Shop Online Contact Us ▾

[Home](#) / [Products](#) / [Device Docking & Connectivity Products](#) / [Microsoft Surface Docks](#) / [SD7000](#)

SD7000 Surface Pro Docking Station - 5Gbps - DP/HDMI - Windows 10
SKU: K62917NA

A vertical gallery of five small images on the left shows the docking station in various configurations: a laptop docked, the station alone, a tablet docked, the station with a keyboard, and a person using the station. To the right is a large main image of the silver docking station with a tablet mounted on it, displaying a landscape. A small "Designed for Microsoft Surface" logo is in the bottom right corner of the main image.

11. The Kensington Computer Products Group division of ACCO Brands indicates in its advertising and on its website that the “SmartView Organizing Laptop Riser” product is “Designed for Microsoft Surface,” which includes the Microsoft stylized logo:



SmartView™ Organizing Laptop Riser

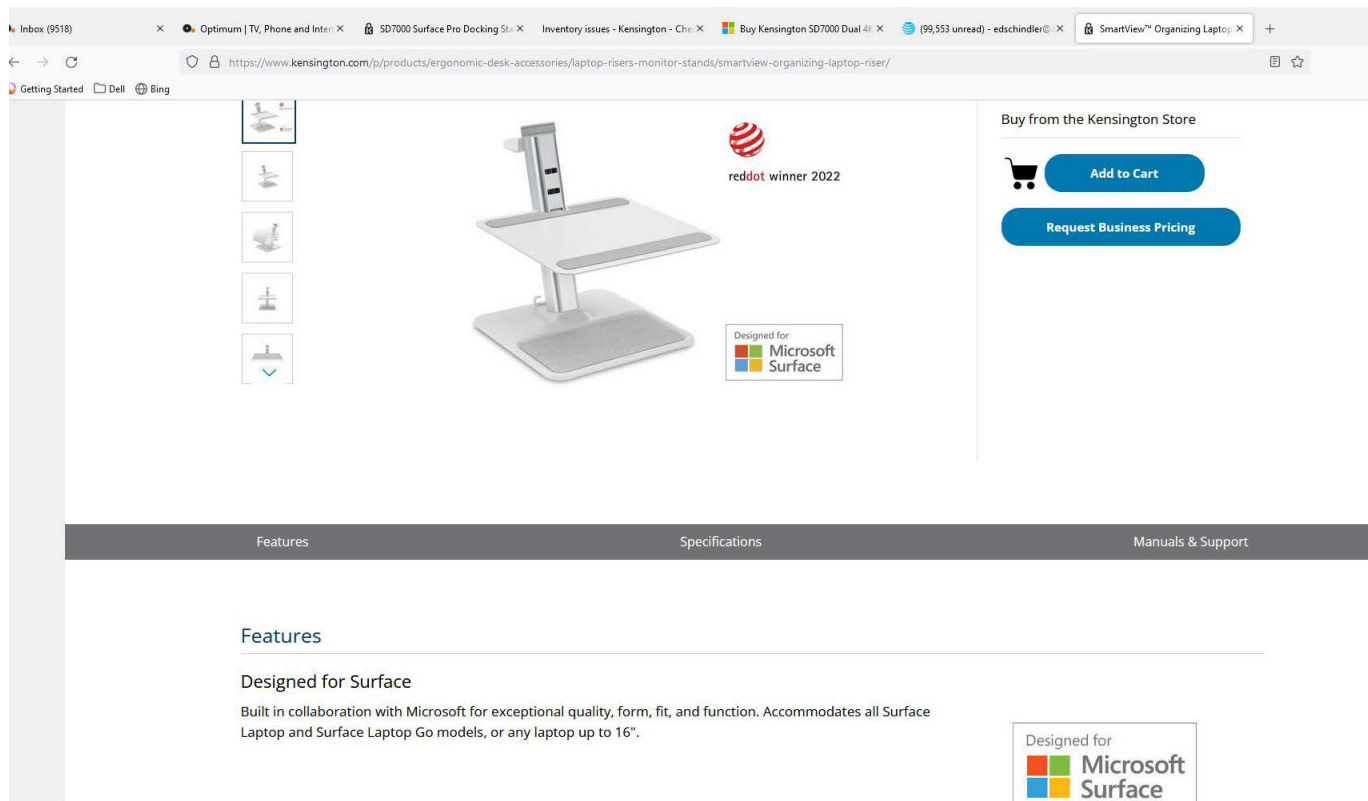
SKU: K50825WW



reddot winner 2022



12. The website of the Kensington Computer Products Group division of ACCO Brands states on its website that the SmartView Organizing Laptop Riser was “[b]uilt in collaboration with Microsoft for exceptional quality, form, fit, and function.”



13. The website of the Kensington Computer Products Group division of ACCO Brands states on its website that when Kensington (ACCO Brands) products carry the

“prestigious ‘Designed for Microsoft Surface’ sticker”



it signifies that:

“Kensington worked with Microsoft to develop a range of officially licensed accessories – this means the product has been designed and tested to assure proper fit and function to deliver a great customer experience.”

Designed for Microsoft Surface

December 04, 2019

Topics: [Awards](#), [Docking Stations](#), [Tech Tools](#), [Designed for Surface](#)

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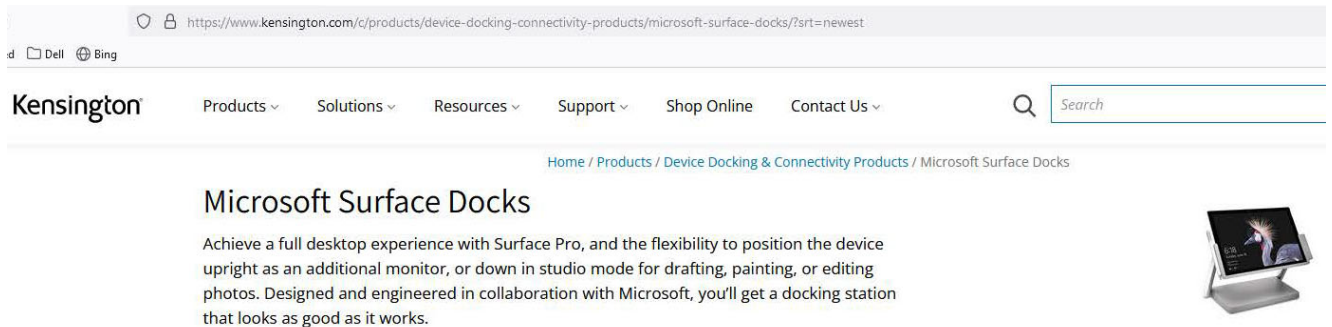
Microsoft's [Surface Pro 7](#) is the latest in the company's versatile 2-in-1 tablet PC lineup. It's the perfect blend of productivity and design that can function as your primary workstation or a mobile laptop. The Surface Pen and Surface Dial increase the adaptability to any work environment. It's a drool-worthy addition to any professional's arsenal.

When paired with accessories bearing the prestigious “Designed for Microsoft Surface” sticker, you unlock the full potential of the Microsoft Surface Pro's powerful suite. Kensington worked with Microsoft to develop a range of officially licensed accessories - this means the product has been designed and tested to assure proper fit and function to deliver a great customer experience.

14. The “SD7000 Surface Pro Docking Station” shown on the website of the Kensington Computer Products Group division of ACCO Brands carries the “prestigious ‘Designed for Microsoft Surface’ sticker” signifying that “Kensington “worked with

Microsoft to develop” the “SD7000 Surface Pro Docking Station.”

15. The “SD7000 Surface Pro Docking Station,” as reproduced below and downloaded September 26, 2022, is shown on the Kensington Computer Products Group division of ACCO Brands with text under the heading “Microsoft Surface Docks” reading: “Designed and engineered in collaboration with Microsoft, you’ll get a docking station that looks as good as it works.”



16. The “SmartView Organizing Laptop Riser” shown on the website of the Kensington Computer Products Group division of ACCO Brands carries the “prestigious ‘Designed for Microsoft Surface’ sticker” signifying that “Kensington “worked with Microsoft to develop” the “SmartView Organizing Laptop Riser.”

COUNT I

INFRINGEMENT OF UNITED STATES PATENT NO. 10,704,299 B2 BY MICROSOFT’S JOINT DEVELOPMENT WITH ACCO BRANDS OF THE “SD7000 SURFACE PRO DOCKING STATION”

17. This is a count for the infringement of U.S. Patent No. 10,704,299 B2, issued July 7, 2020 (“Exhibit 1”), which count arises under the Patent Laws of the United States, Title 35, United States Code, and, specifically, under 35 U.S.C. §271(a).

18. Think Products incorporates by reference the allegations of ¶¶ 1-16 of this Complaint, as if fully set forth herein.

19. This Court has jurisdiction over the subject matter of this count pursuant to 28 U.S.C. §§1331 and 1338(a).

20. Venue is proper in this judicial district pursuant to 28 U.S.C. §1400(b) because Microsoft has committed acts of patent infringement in this district and has a regular and established place of business in this district.

21. Think Products is the owner of the entire right, title and interest in, and to, U.S. Patent No. 10,704,299 B2, and the invention disclosed and claimed therein, entitled “LOCKING ASSEMBLY FOR ELECTRONIC TABLET AND OTHER DEVICES,” by virtue of an Assignment recorded in the United States Patent and Trademark Office on October 22, 2019. (“Exhibit 2”)

22. Upon information and belief, Microsoft has jointly developed with ACCO Brands, and has sold and continues to offer for sale and to sell in this judicial district, one or more laptop docking products generally known as, and exemplified by, the “SD7000 Surface Pro Docking Station,” as shown below:

SD7000 Surface Pro Docking Station - 5Gbps - DP/HDMI - Windows 10
No. K62917NA





23. The “SD7000 Surface Pro Docking Station” (and potentially related products), which has been jointly developed by Microsoft and ACCO Brands, and advertised for sale by Microsoft and sold by Microsoft (irrespective of whether the “SD7000 Surface Pro Docking Station” is sold or not sold with the Kensington “Lock Module for the SD7000 Surface Pro Docking Station”), infringes at least one of original Claims 5, 7 and Claims 9-12 of U.S. Patent No. 10,704,299 B2 (“Exhibit 1”), as reexamined, and for which the *Ex Parte* Reexamination Certificate No. 10,704,299 C1, issued December 15, 2021 (“Exhibit 3”), such infringement, upon information and belief, continuing and being in willful disregard of the rights of Think Products.

24. As reexamined, original Claim 7 of U.S. Patent No. 10,704,299 B2 (“Exhibit 1”) is identical in scope to Claim 1, as issued in the *Ex Parte* Reexamination Certificate No. 10,704,299 C1 (“Exhibit 3”) on December 15, 2021.

25. As reexamined, original Claim 5 of U.S. Patent No. 10,704,299 B2 (“Exhibit 1”) is identical in scope to Claim 4, as referenced by the *Ex Parte* Reexamination Certificate No. 10,704,299 C1 (“Exhibit 3”), issued December 15, 2021.

26. As reexamined, the patentability of original Claims 9-11 of U.S. Patent No.

10,704,299 B2 (“Exhibit 1”) was confirmed, without amendment, by the *Ex Parte* Reexamination Certificate US 10,704,299 C1 (“Exhibit 3”), issued December 15, 2021.

27. Microsoft worked with the Kensington Computer Products Group of ACCO Brands to develop the “SD7000 Surface Pro Docking Station” and is therefore a joint developer of the “SD7000 Surface Pro Docking Station” with the Kensington Computer Products Group of ACCO Brands.

28. Microsoft is liable for patent infringement because when infringement results from the participation and combined action(s) of more than one entity, all joint developers are liable as infringers.

29. Microsoft, as a joint developer with the Kensington Computer Products Group of ACCO Brands of the “SD7000 Surface Pro Docking Station,” cannot be deemed a “mere reseller” of the “SD7000 Surface Pro Docking Station.”

30. Think Products has suffered, and will continue to suffer, damages as a result of the infringement by Microsoft of at least one of original Claims 5, 7 and 9-12 of U.S. Patent No. 10,704,299 B2.

31. Think Products is entitled to recover damages adequate to compensate it for the infringement of at least one of original Claims 5, 7 and 9-12 of U.S. Patent No. 10,704,299 B2 by Microsoft in an amount no less than a reasonable royalty under 35 U.S.C. §284.

COUNT II

INFRINGEMENT OF UNITED STATES PATENT NO. 11,313,155 B2 BY MICROSOFT’S JOINT DEVELOPMENT WITH ACCO BRANDS OF THE “SD7000 SURFACE PRO DOCKING STATION”

32. This is a count for the infringement of U.S. Patent No. 11,313,155 B2, issued

April 26, 2022 (“Exhibit 4”), which count arises under the Patent Laws of the United States, Title 35, United States Code, and, specifically, under 35 U.S.C. §271(a).

33. Think Products incorporates by reference the allegations of ¶¶ 1-31 of this Complaint, as applicable to U.S. Patent No. 11,313,155 B2, as if fully set forth herein.

34. This Court has jurisdiction over the subject matter of this count pursuant to 28 U.S.C. §§1331 and 1338(a).

35. Venue is proper in this judicial district pursuant to 28 U.S.C. §1400(b) because Microsoft has committed acts of patent infringement in this district and has a regular and established place of business in this district.

36. Think Products is the owner of the entire right, title and interest in, and to, U.S. Patent No. 11,313,155 B2, and the invention disclosed and claimed therein, entitled “LOCKING ASSEMBLY FOR ELECTRONIC TABLET AND OTHER DEVICES,” by virtue of an Assignment recorded in the United States Patent and Trademark Office on April 22, 2021. (“Exhibit 5”)

37. Upon information and belief, Microsoft has jointly developed with ACCO Brands, and has sold and continues to offer for sale and to sell in this judicial district, one or more laptop docking products generally known as, and exemplified by, the “SD7000 Surface Pro Docking Station,” as shown below:

SD7000 Surface Pro Docking Station - 5Gbps - DP/HDMI - Windows 10
No. K62917NA





38. The “SD7000 Surface Pro Docking Station” (and potentially related products), which has been jointly developed by Microsoft and ACCO Brands, and advertised for sale by Microsoft and sold by Microsoft (irrespective of whether the “SD7000 Surface Pro Docking Station” is sold or not sold with the Kensington “Lock Module for the SD7000 Surface Pro Docking Station”), infringes at least one claim of U.S. Patent No. 11,313,155 B2 (“Exhibit 4”), such infringement, upon information and belief, continuing and being in willful disregard of the rights of Think Products.

39. Microsoft worked with the Kensington Computer Products Group of ACCO Brands to develop the “SD7000 Surface Pro Docking Station” and is therefore a joint developer of the “SD7000 Surface Pro Docking Station” with the Kensington Computer Products Group of ACCO Brands.

40. Microsoft is liable for patent infringement because when infringement results from the participation and combined action(s) of more than one entity, all joint developers are liable as infringers.

41. Microsoft, as a joint developer with the Kensington Computer Products Group of ACCO Brands of the “SD7000 Surface Pro Docking Station,” cannot be deemed a “mere reseller” of the “SD7000 Surface Pro Docking Station.”

42. Think Products has suffered, and will continue to suffer, damages as a result of the infringement by Microsoft of at least one claim of U.S. Patent No. 11,313,155 B2.

43. Think Products is entitled to recover damages adequate to compensate it for the infringement of at least one of the claims of U.S. Patent No. 11,313,155 B2 by Microsoft in an amount no less than a reasonable royalty under 35 U.S.C. §284.

COUNT III

**INFRINGEMENT OF UNITED STATES PATENT NO. 10,704,299 B2
BY MICROSOFT'S JOINT DEVELOPMENT WITH ACCO BRANDS
OF THE "SMART VIEW ORGANIZING LAPTOP RISER"**

44. This is a count for the infringement of U.S. Patent No. 10,704,299 B2, issued July 7, 2020 ("Exhibit 1"), which count arises under the Patent Laws of the United States, Title 35, United States Code, and, specifically, under 35 U.S.C. §271(a).

45. Think Products incorporates by reference the allegations of ¶¶ 1-43 of this Complaint, as applicable to the SmartView Organizing Laptop Riser, as if fully set forth herein.

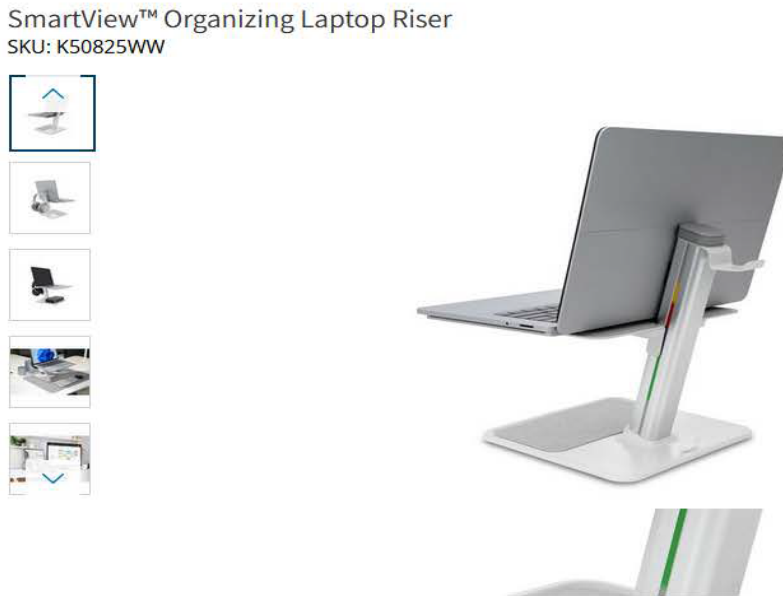
46. This Court has jurisdiction over the subject matter of this count pursuant to 28 U.S.C. §§1331 and 1338(a).

47. Venue is proper in this judicial district pursuant to 28 U.S.C. §1400(b) because Microsoft has committed acts of patent infringement in this district and has a regular and established place of business in this district.

48. Think Products is the owner of the entire right, title and interest in, and to, U.S. Patent No. 10,704,299 B2, and the invention disclosed and claimed therein, entitled "LOCKING ASSEMBLY FOR ELECTRONIC TABLET AND OTHER DEVICES," by virtue of an Assignment recorded in the United States Patent and Trademark Office on

October 22, 2019. (“Exhibit 2”)

49. Upon information and belief, Microsoft has jointly developed with ACCO Brands the “SmartView Organizing Laptop Riser,” as shown below:



50. The “SmartView Organizing Laptop Riser,” which has been jointly developed by Microsoft and ACCO Brands, infringes at least Claim 7 of U.S. Patent No. 10,704,299 B2 (“Exhibit 1”), as reexamined and for which the *Ex Parte* Reexamination Certificate No. 10,704,299 C1, issued December 15, 2021 (“Exhibit 3”), such infringe-

ment, upon information and belief, continuing and in willful disregard of the rights of Think Products.

51. As reexamined, original Claim 7 of U.S. Patent No. 10,704,299 B2 (“Exhibit 1”) is identical in scope to Claim 1, as issued in the *Ex Parte* Reexamination Certificate No. 10,704,299 C1 (“Exhibit 3”) on December 15, 2021.

52. Microsoft worked with the Kensington Computer Products Group of ACCO Brands to develop the “SmartView Organizing Laptop Riser” and is therefore a joint developer of the “SmartView Organizing Laptop Riser” with the Kensington Computer Products Group of ACCO Brands.

53. Microsoft is liable for patent infringement because when infringement results from the participation and combined action(s) of more than one entity, all joint developers are liable as infringers.

54. Think Products has suffered, and will continue to suffer, damages as a result of the infringement of at least original Claim 7 of U.S. Patent No. 10,704,299 B2 by Microsoft, which is identical in scope to Claim 1 as issued in the *Ex Parte* Reexamination Certificate No. 10,704,299 C1 (“Exhibit 3”) on December 15, 2021.

55. Think Products is entitled to recover damages adequate to compensate it for the infringement of at least original Claim 7 of U.S. Patent No. 10,704,299 B2, which is identical in scope to Claim 1 as issued in the *Ex Parte* Reexamination Certificate No. 10,704,299 C1 (“Exhibit 3”) on December 15, 2021, by Microsoft in an amount no less than a reasonable royalty under 35 U.S.C. §284.

WHEREFORE, Plaintiff Think Products, Inc. respectfully requests Judgment against Defendant Microsoft Corporation to include:

I. An award of damages adequate to compensate Plaintiff Think Products, Inc. for the infringement of at least one of original Claims 5, 7 and 9-12 of U.S. Patent No. 10,704,299 B2 resulting from the joint development and sale by Defendant Microsoft Corporation of the “SD7000 Surface Pro Docking Station,” together with prejudgment interest from the date of the commencement of the infringing activities, but in no event less than a reasonable royalty, as specified by 35 U.S.C. §284;

II. An award of damages adequate to compensate Plaintiff Think Products, Inc. for the infringement of at least one claim of U.S. Patent No. 11,313,155 B2 resulting from the joint development and sale by Defendant Microsoft Corporation of the “SD7000 Surface Pro Docking Station,” together with prejudgment interest from the date of the commencement of the infringing activities, but in no event less than a reasonable royalty, as specified by 35 U.S.C. §284;

III. An award of damages adequate to compensate Plaintiff Think Products, Inc. for the infringement of at least original Claim 7 of U.S. Patent No. 10,704,299 B2, which is identical in scope to Claim 1 as issued in the *Ex Parte* Reexamination Certificate No. 10,704,299 C1 (“Exhibit 3”) on December 15, 2021, resulting from the joint development by Defendant Microsoft Corporation of the “SmartView Organizing Laptop Riser,” together with prejudgment interest from the date of the commencement of the infringing activities, but in no event less than a reasonable royalty, as specified by 35 U.S.C. §284;

IV. An award of reasonable attorneys’ fees to Plaintiff Think Products, Inc., pursuant to 35 U.S.C. §285, this case being “exceptional” within the meaning of that statutory provision;

V. Preliminary and permanent injunctive relief enjoining Defendant Microsoft

Corporation, its agents and all those acting in active concert with them, from the further infringement of U.S. Patent No. 10,704,299 B2, as reexamined, as consistent with the principles and laws of equity; and,

VI. Such other and further relief as to which Plaintiff Think Products, Inc. may be entitled.

Respectfully submitted,

THINK PRODUCTS, INC.

Dated: September 28, 2022

By /s/ *Edwin D. Schindler*

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