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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

SURENDRA GOEL

Plaintiff,

v.

MICROSOFT CORPORATION, A
WASHINGTON CORPORATION

Defendants.

Case No:

**COMPLAINT FOR PATENT
INFRINGEMENT**

JURY TRIAL DEMANDED

1 Plaintiff Surendra Goel (“Plaintiff” or “Surendra”), through his attorneys, complains of
2 Defendant Microsoft Corporation (“Defendant” or “Microsoft”), and alleges the following:

3
4 **PARTIES**

5 1. Plaintiff is an individual and resident of Virginia.

6 2. Defendant Microsoft is a corporation organized and existing under the laws of the state
7 of Washington, with its principal place of business at One Microsoft Way, Redmond, WA 98052.

8 3. On information and belief, there may be other corporate affiliates of Defendant who
9 participated in the infringing acts complained of herein. The identities of such affiliates are currently
10 unknown, because publicly available information does not permit the identification of each affiliate
11 who participated in the infringing acts. Plaintiff expects the identities of such affiliates to be revealed
12 in discovery. Plaintiff reserves the right to amend this Complaint to name such affiliates, if necessary,
13 once they have been revealed.

14
15 **JURISDICTION**

16 4. This is an action for patent infringement arising under the patent laws of the United
17 States, Title 35 of the United States Code.

18 5. This Court has subject matter jurisdiction over the parties pursuant to 28 U.S.C. §§1331
19 and 1338(a).

20 6. This court has personal jurisdiction over Microsoft because Microsoft resides in
21 Washington. Microsoft resides in Washington because its principal place of business is in
22 Washington, at One Microsoft Way, Redmond, WA 98052.

23 7. This Court also has specific personal jurisdiction over Defendant because it has engaged
24 in systematic and continuous business activities in this District. As described below, Defendant has
25 committed acts of patent infringement giving rise to this action within this District.

26
27 **VENUE**

1 8. Venue is proper in this district under 28 U.S.C. § 1400(b) because Microsoft maintains
2 its principal place of business is located in this district, has committed acts of patent infringement in
3 this District, and has an established place of business in this District.

4
5 **PATENT-IN-SUIT**

6 9. Plaintiff is the assignee of all right, title, and interest in United States Patent No.
7 11,134,217 (the “Patent-in-Suit” or “the ‘217 Patent”); including all rights to enforce and
8 prosecute actions for infringement and collect damages for all relevant times against infringers
9 of the Patent-in-Suit. Accordingly, Plaintiff possesses the exclusive right and standing to
10 prosecute the present action for infringement of the Patent-in-Suit by Defendant.

11 10. No assignment needs to be recorded with the USPTO, because without an assignment,
12 title rests with the inventor.

13 11. The ‘217 Patent is attached to this Complaint as Exhibit 1.

14
15 **THE ‘217 PATENT**

16 12. Plaintiff incorporates the above paragraphs herein by reference.

17 13. Surendra Goel is the sole named inventor of the ‘217 Patent.

18 14. On January 11, 2021, Surendra Goel filed with the United States Patent and Trademark
19 Office (“USPTO”) Non-Provisional Patent Application no. 17/145,842 (the ‘842 application)
20 directed to his inventions. On September 28, 2021, the USPTO issued the ‘217 Patent from
21 the ‘842 application.

22 15. The ‘217 Patent is valid and enforceable. The ‘217 Patent claims patent-eligible matter.

23 16. “The following is an examiner’s statement of reasons for allowance: The present
24 invention relates to video conferencing with accent modification and multiple video
25 overlaying”. This is from the August 24, 2021 “Notice of Allowance and Fees Due (PTOL-
26 85)”, pdf page 6, in the prosecution of the ‘217 Patent, and can be found here:

27 <https://patentcenter.uspto.gov/applications/17145842/ifw/docs>
28

1 17. The August 24, 2021 “Notice of Allowance and Fees Due (PTOL-85)” is attached as
2 Exhibit 2 to the Complaint.

3 18. The patentee and the U.S. patent and trademark office reviewed the prior art regarding a
4 system that provides video conferencing with accent modification and multiple video
5 overlaying. The U.S. patent and trademark office found the quoted section above (paragraph
6 17) to not be disclosed in the prior art, and so that section discloses the inventive concept of the
7 ‘217 Patent.

8 19. Claims 1 and 2 (“the Asserted Claims”) of the ‘217 Patent are systems and method
9 claims. One of these is claim 1, an independent system claim. Claim 1 is reproduced below:

10 A system that provides video conferencing, comprising:

11 an option to modify an accent of a user from an original accent to a preferred accent of
12 another user;

13 an option to merge live video streams of each user into one viewable stream such that
14 each user appears sitting next to each other with a variety of possible backgrounds and
15 seats;

16 an option for each user to only share part of their screen as opposed to their whole
17 screen;

18 an option for each user to change the clothing of each user such that it appears the user is
19 wearing different clothing of their choice;

20 an option for each user to choose the frame that each user is displayed in, such that the
21 user is not stuck in a frame that the user does not want to be in;

22 an option for each user to display a video on loop instead of the user's realtime video, so
23 that the other users only see the video on loop and do not see the user's realtime video;

24 the option to merge live video streams of each user into one viewable stream such that
25 each user appears sitting next to each other with the following potential backgrounds and
26 seats:

27 couch, wherein the couch is of a color selected by a user;

28

1 seats around a rectangular conference table, wherein the table is of a color selected by a
2 user;

3 seats around a circular conference table, wherein the table is of a color selected by a user;

4 seats in a movie theater, wherein the seats are of a color selected by a user;

5 seats around a patio table outdoors, wherein the patio table can be transparent or a color
6 selected by a user;

7 seats around a table, wherein the images of the seats and table have been uploaded by a
8 user because a user wants customized images of seats and tables.

9 20. The first 4 lines of claim 1 disclose the inventive concept of the '217 Patent.

10 21. Claim 2 is an independent method claim, and is reproduced below:

11 A method that provides video conferencing, comprising:

12 an option of modifying an accent of a user from an original accent to a preferred accent
13 of another user;

14 an option of merging live video streams of each user into one viewable stream such that
15 each user appears sitting next to each other with a variety of possible backgrounds and
16 seats;

17 an option for each user to only share part of their screen as opposed to their whole
18 screen;

19 an option for each user to change the clothing of each user such that it appears the user
20 is wearing different clothing of their choice;

21 an option for each user to choose the frame that each user is displayed in, such that the
22 user is not stuck in a frame that the user does not want to be in;

23 an option for each user to display a video on loop instead of the user's realtime video, so
24 that the other users only see the video on loop and do not see the user's realtime video;

25 the option of merging live video streams of each user into one viewable stream such
26 that each user appears sitting next to each other with the following potential
27 backgrounds and seats:

28 couch, wherein the couch is of a color selected by a user;

1 seats around a rectangular conference table, wherein the table is of a color selected by a
2 user;

3 seats around a circular conference table, wherein the table is of a color selected by a
4 user;

5 seats in a movie theater, wherein the seats are of a color selected by a user;

6 seats around a patio table outdoors, wherein the patio table can be transparent or a color
7 selected by a user;

8 seats around a table, wherein the images of the seats and table have been uploaded by a
9 user because a user wants customized images of seats and tables.

10 22. The first 4 lines of claim 2 disclose the inventive concept of the '217 Patent.

11
12 **Count 1: Infringement of the '217 Patent**

13 23. Plaintiff incorporates the above paragraphs herein by reference.

14 24. Direct Infringement: On information and belief, Microsoft and/or its affiliates, has been
15 and continues to directly infringed each Asserted Claim of the '217 Patent in at least this
16 District, by making, using, selling and offering to sell, without limitation, at least Mcrosoft
17 Teams ("the Accused Products") that infringe the Asserted Claims of the '217 Patent as shown
18 in the claim chart attached to this Complaint in Exhibit 3, literally or by the doctrine of
19 equivalents.

20 25. Microsoft also has and continues to directly infringe, literally or under the doctrine of
21 equivalents, the Asserted Claims of the '217 Patent, by having its employees internally test and
22 use the Accused Products.

23 26. **Actual knowledge of Infringement.** Microsoft had actual knowledge of the '217
24 Patent at least as of November 4, 2023 when messages regarding this patent were sent to
25 Microsoft over LinkedIn. Acknowledgement of that message in an email Lisa Dong, counsel
26 for Microsoft, is attached to this Complaint as Exhibit 4.

27 27. Despite such actual knowledge, Defendant continues to make, use, test, sell, offer for
28 sale and market products that infringe the '217 Patent. On information and belief, Defendant

1 has also continued to sell the Accused Products and distribute product literature and website
2 materials inducing end users and others to use its products in the customary and intended
3 manner that infringes the '217 Patent.

4 **28. Induced Infringement.** Defendant therefore actively, knowingly, and intentionally has
5 been and continues to induce infringement of the '217 Patent, literally or by the doctrine of
6 equivalents, by selling the Accused Products to their customers for use in end-user products in
7 a manner that infringes the Asserted Claims of the '217 Patent.

8 **29. Contributory Infringement.** Defendant therefore actively, knowingly, and
9 intentionally has been and continues to contribute to their own customers infringement of the
10 '217 Patent, literally or by the doctrine of equivalents, by selling the Accused Products to their
11 customers for use in end-user products in a manner that infringes the Asserted Claims of the
12 '217 Patent. The Accused Products are especially made or adapted for infringing the '217
13 Patent and have no substantial non-infringing use. For example, in view of the preceding
14 paragraphs, the Accused Products contain functionality which is material to at least one claim
15 of the '217 Patent.

16 **30.** Exhibit 3 includes charts comparing the Asserted Claims of the '217 Patent to the
17 Accused Products. As set forth in these charts, the Accused Products practice the technology
18 claimed by the '217 Patent. Accordingly the Accused Products incorporated in these charts
19 satisfy all elements of the Asserted Claims of the '217 Patent.

20 **31.** Plaintiff therefore incorporates by reference in its allegations herein the claim charts of
21 Exhibit 3.

22 **32.** Plaintiff is entitled to recover damages adequate to compensate for Defendant's
23 infringement.

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25 **JURY DEMAND**

26 Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff respectfully requests a
27 trial by jury on all issues so triable.

PRAYER FOR RELIEF

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WHEREFORE, Plaintiff prays judgment against each Defendant as follows:

- A. A judgment that Defendant has infringed directly, contributorily and/or induced infringement of one or more claims of the ‘217 Patent;
- B. An accounting of all damages not presented at trial;
- C. A judgment that awards Plaintiff all appropriate damages under 35 U.S.C. § 284, for Defendants past infringement with respect to the ‘217 Patent;
- D. A judgment that awards Plaintiff all appropriate damages under 35 U.S.C. § 284, for Defendants continuing or future infringement, up until the date such judgment is entered with respect to the ‘217 Patent, including pre- or post-judgment interest, costs, and disbursements as justified under 35 U.S.C. § 284.
- E. And if necessary, to adequately compensate Plaintiff for Defendant’s infringement, an accounting:
 - i. That this case be declared exceptional within the meaning of 35 U.S.C. § 285 and that Plaintiff be awarded its reasonable attorneys fees against Defendant that it incurs in prosecuting this action;
 - j. That Plaintiff be awarded costs, and expenses that it incurs in prosecuting this action;
 - k. That Plaintiff shall have such other and further relief at law or in equity as the Court deems just and proper.

Dated: November 16, 2023

MURTHY PATENT LAW INC.

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