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17 **UNITED STATES DISTRICT COURT**
18 **CENTRAL DISTRICT OF CALIFORNIA**

19 X1 DISCOVERY, INC.,
20 Plaintiff,
21 v.
22 MICROSOFT CORPORATION,
23 Defendant.

Civil Action No. 8:23-cv-02415-
GW-JDE

JURY TRIAL DEMANDED

24 **FIRST AMENDED COMPLAINT**

25 Plaintiff X1 Discovery, Inc. ("X1"), brings this First Amended Complaint
26 against Defendant Microsoft Corporation ("Microsoft") for patent infringement.

27 **NATURE OF THE ACTION**

28 1. This a case to stop the theft of X1's patented technology by Microsoft,

MICROSOFT EXHIBIT 1081
Microsoft v. X1 Discovery
IPR2025-00254

1 alleging a civil action for patent infringement under the Patent Laws of the United
2 States, 35 U.S.C. § 1, *et seq*, including 35 U.S.C. § 271, 281, 283, 284, and 285.

3 2. In the early 2000s, software engineers at X1 recognized that the need
4 to find and access digitally stored information and applications quickly and
5 efficiently was growing, and that conventional search software was inadequate.
6 They worked tirelessly to develop technology that would shift the search paradigm
7 and allow users to find and act upon information as fast as possible. With hard
8 work and ingenuity, they developed novel and reactive search methods and systems
9 that displayed search results as fast as a user could type, updating results in real
10 time, and in fewer steps.

11 3. X1 was built upon these inventions—a small company named after the
12 Bell X-1, the first airplane to exceed the speed of sound. Like its namesake, X1
13 sought to develop products and technology that could deliver search results faster
14 than ever before. X1 invested significant time and resources developing its
15 groundbreaking and award-winning flagship product, X1 Search™, which is based
16 on the technology protected by X1’s valid and enforceable U.S. Patent Nos.
17 7,370,035 (“the ’035 Patent,” attached as Exhibit 1), 9,633,139 (“the ’139 Patent,”
18 attached as Exhibit 2), 10,552,490 (“the ’490 Patent,” attached as Exhibit 3), and
19 8,498,977 (“the ’977 Patent,” attached as Exhibit 4) (collectively, the “Asserted
20 Patents”). The inventions of the Asserted Patents are central to X1’s product
21 offerings.

22 4. Microsoft directly infringes, either literally or under the doctrine of
23 equivalents, and indirectly infringes one or more claims of the Asserted Patents.

24 **THE PARTIES**

25 5. Plaintiff X1 Discovery, Inc. is a corporation organized and existing
26 under the laws of the State of Delaware with a principal place of business at 251
27 South Lake Avenue, Suite 800, Pasadena, California 91101.

28 6. On information and belief, Defendant Microsoft Corporation is a

1 Washington corporation with a principal place of business located at 1 Microsoft
2 Way, Redmond, Washington 98052-8300. On information and belief, Microsoft
3 causes and controls the sale, offer for sale, and distribution of its products in the
4 State of California and in this District.

5 **JURISDICTION AND VENUE**

6 7. This is a civil action for patent infringement under the Patent Laws of
7 the United States, 35 U.S.C. § 1 *et seq*, including 35 U.S.C. § 271, 281, 283, 284,
8 and 285.

9 8. This Court has original subject matter jurisdiction over X1's claims for
10 patent infringement pursuant to 28 U.S.C. §§ 1331 and 1338(a) and 35 U.S.C. §§
11 271 *et seq*.

12 9. This Court has personal jurisdiction over Defendant because
13 Defendant regularly transacts business in this District by, among other things,
14 offering Defendant's products and services to customers, business affiliates and
15 partners located in this District. In addition, Defendant has committed acts of direct
16 infringement of one or more claims of the Asserted Patents in this District.

17 10. Venue is proper in this judicial district for X1's claims for patent
18 infringement pursuant to 28 U.S.C. §§ 1391(b), 1391(c) and/or 1400(b) because
19 Defendant is subject to personal jurisdiction in this District, transacts business and
20 is registered to transact business within this District and offers for sale in this
21 District products that infringe, or induce or contribute to the infringement of, one or
22 more claims of the Asserted Patents. On information and belief, Defendant has
23 regular and established places of business in this District in at least the following
24 locations: 3 Park Plaza, Suite 1600, Irvine, CA 92614; 3333 Bristol Street, Suite
25 1249, Costa Mesa, CA 92626; and 13031 West Jefferson Blvd., Suite 200, Los
26 Angeles, CA 90094.

27 **FACTUAL BACKGROUND**

28 11. X1 is the sole owner by assignment of all right, title, and interest in all

1 four Asserted Patents, which generally relate to computing devices utilizing novel
2 indexed search systems and components thereof. *See* Exhibits 1-4.

3 12. Conventional search application programs are slow and cumbersome
4 to use. If a search engine returns unsatisfactory results, then the user needs to edit
5 the search terms, initiate another search, and review the new results. Conventional
6 search technologies had limited ways to quickly and efficiently search for
7 documents or files based on their characteristics such as date or file location.
8 Searches may also take an excessive amount of time to complete.

9 13. X1's software engineers recognized the limitations of conventional
10 searching and developed novel methods and systems for search indexing—creating
11 incremental or reactive searching of a variety of search targets, including files,
12 emails, email attachments, Web pages, and specific databases that were significant
13 technological improvements over the prior art. In recognition of these
14 groundbreaking inventions, the United States Patent and Trademark Office
15 subsequently granted the Asserted Patents protecting this novel technology.

16 14. In 2003, X1 Technologies, LLC¹ (“X1 Technologies”) was founded.
17 The company spent significant time and resources developing its flagship product:
18 X1 Search™. X1 Search™ is an award-winning, next generation productivity
19 application, which simplifies the way users search and act upon desktop files, items
20 in cloud repositories such as OneDrive, emails, attachments, SharePoint and more.
21 X1 Search™'s single, unified interface and fast-as-you-type search with hit
22 highlighting and full-fidelity preview of results provides immediate visibility into
23 the critical information users need.

24 15. In 2011, X1 Technologies was reorganized and became X1 Discovery,
25 Inc. (“X1”). X1 currently has two product offerings: X1 Search™ and X1
26 Enterprise Collect™. X1 Search™ is an embedded feature of each of these
27 products and X1's business is built around these product offerings.

28

¹ In 2004 X1 Technologies, LLC was converted to a corporation, X1 Technologies, Inc.

16. Defendant makes, uses, imports, sells, and/or offers for sale products that infringe at least one claim of each of the Asserted Patents, including at least its Surface Laptop Go 4, Surface Laptop Go 3, Surface Laptop Go 2, Surface Laptop 7, Surface Laptop 6, Surface Laptop 5, Surface Laptop Studio, Surface Laptop Studio 2, Surface Pro 11, Surface Pro 10, Surface Pro 9, Surface Pro 8, Surface Pro 7+, Surface Pro 7, Surface Pro X, Surface Go 4, Surface Go 3, and Surface Go 2. (collectively, the “Accused Computer Products”). By making, using, selling, and/or offering for sale each of the Accused Computer Products, Defendant infringes, either directly or indirectly, each of the Asserted Patents.

17. In addition, Defendant makes, uses, imports, sells, and/or offers for sale various products that include infringing software including Microsoft Windows 10 or 11 (with at least Windows Search and File Explorer Search), Microsoft 365 (with at least Microsoft 365 Search), and SharePoint (with at least SharePoint Search). By making, using, selling, and/or offering for sale at least Windows Search, File Explorer Search, Microsoft 365 Search, and SharePoint Search (collectively, the “Accused Software Products”), Defendant infringes, either directly or indirectly, at least one claim of each of the Asserted Patents.

THE ASSERTED PATENTS

The '035 Patent

18. X1 is the owner by assignment of all right, title and interest, including the right to sue for damages, in and to the '035 Patent.

19. The '035 Patent is entitled “Methods and Systems for Search Indexing” and names William Gross and Steven Lee Colwell as inventors. The '035 Patent issued on May 6, 2008, based on U.S. Application No. 10/654,588, filed on September 3, 2003. The '035 Patent expired on October 1, 2023. A copy of the '035 Patent is attached to the First Amended Complaint as Exhibit 1.

20. The '035 Patent is valid and enforceable under United States Patent Laws.

1 21. The '035 Patent relates to improvements in computer search
2 technology and data processing, and more particularly to methods and systems for
3 locating data.² Prior to the claimed invention, conventional searching using
4 existing search engines was slow and cumbersome, for example, requiring a user to
5 type in search terms, click on the search button, and review the results. '035 Patent
6 at 1:32-35. If the user was not satisfied with the search results, as would often be
7 the case where too many results were returned or items that were not of interest
8 were found, then the user would be required to edit the search terms, click search,
9 and again review the results. *Id.* at 1:35-39. In addition, many conventional search
10 technologies had a limited number of ways to search for documents or files based
11 on their characteristics such as date or file location. The prior art did not allow a
12 user to quickly and efficiently search specific types of targets such as email, web
13 pages, or other type of files.. *Id.* at 1:39-42. Such conventional searching also
14 required the user to develop deliberate and tedious search stings and strategies. *Id.*
15 at 1:62-65.

16 22. To address these problems with conventional searching, the '035
17 Patent discloses novel methods and systems for incremental or reactive searching of
18 a variety of search targets, including files, emails, email attachments, Web pages,
19 and specific databases, effectively improving and increasing the speed of searching,
20 organizing, and accessing files in a data storage system of a computer system. *See*
21 *e.g.*, '035 Patent at 2:9-13. Unlike conventional searching, because a search is
22 performed incrementally, the search results are provided or narrowed substantially
23 immediately after each character in a search string is entered by the user. *Id.* at
24 2:13-16. This provides the user with immediate feedback as the search string is
25 entered, so the user can quickly decide whether the search string needs to be
26 modified, improving search accuracy and allowing for quicker access to the file or

27 ² X1 provides the following general description of the '035 Patent. This description is not
28 intended to limit, define, or otherwise affect the construction and/or application of the '035
Patent.

1 application the user needs. *Id.* at 2:16-21.

2 23. Specifically, the '035 Patent teaches in certain embodiments a novel
3 method of performing a search using a first search string and a second string in the
4 search field, wherein the first and second strings are separated by a string separator
5 character in the first search field, and incrementally locating a first group of
6 documents that has at least the first word in the first string and receiving a second
7 string in the first search field, wherein in response to the second string,
8 incrementally locating a second group of documents that has at least a second word
9 that begins with the second string. The '035 Patent also teaches in certain
10 embodiments a method of performing a search where in response to receiving the
11 first and second strings the identified documents are displayed. The '035 Patent
12 also teaches in certain embodiments that the displayed documents are automatically
13 highlighted for occurrences of the words used in the search strings. The '035 Patent
14 also teaches a search apparatus comprising instructions configured to execute the
15 claimed search methods.

16 24. The methods and systems disclosed in the '035 Patent were neither
17 well-known nor conventional to skilled artisans as of the priority date. The prior art
18 does not teach or suggest the claimed reactive and incremental searching methods.
19 For example, the '035 Patent teaches a method of performing a search in which the
20 system first receives a first partial search string in a first search field, and a second
21 partial search string in the first search field, wherein the first and second partial
22 search strings are separated by a string separator character in the first search field.
23 When the first string is detected, an incremental search is initiated, which can
24 search a plurality of types of documents (including word processing documents and
25 emails) that has at least a first word that begins with the first string. The search
26 results are then updated with each successive character, including in response to a
27 second string. In response to receiving the second string, an incremental search is
28 initiated for a second group of documents that has at least a second word that begins

1 with the second string and one or more documents that are included in each of the
2 first and second groups of documents can include those that include the term from
3 the first search string and the second search string. The resulting documents are
4 then displayed for the user. Prior art methods for searching were much slower and
5 did not allow for incremental updating of search results. The prior art methods also
6 did not disclose having multiple search strings in a single search field with a string
7 separator, and using the specific claimed method of efficiently locating documents
8 that have both search strings. Thus, the claimed invention specifically improves
9 computer technology at least with regard to the accuracy and efficiency with which
10 searches can be conducted and generally improves user interfaces by providing
11 users with quicker and easier access to desired files or applications using a first and
12 second search string in a single search field. The claimed invention is thus directed
13 to specific steps to accomplish a technological improvement, and not an abstract
14 idea.

15 25. As described above, the '035 Patent's claims are inventive and
16 describe a substantial improvement in the art of computer searching. Namely, the
17 claims describe methods for performing searches in a manner that is more than just
18 the performance of well-understood, routine, or conventional activities that were
19 previously known in the field. The conventional searching methods predating the
20 '035 Patent did not involve incrementally updating search results in real time as
21 each successive character is entered. The ordered combination of receiving a first
22 string in a search field and incrementally locating a first set of documents, followed
23 by receiving a second string in the same search field and incrementally locating a
24 second set of documents and identifying documents included in each of the first and
25 second groups of documents, wherein the search field corresponds with a single
26 field of the documents and the incremental searching is performed only on content
27 of the single field of the documents was novel. Additionally, the claimed methods
28 allow users to incrementally search over at least two strings in a single search field

1 and displays results containing both strings, a marked improvement over the older
2 searching techniques and search interfaces. These searching techniques and
3 strategies and this combined interface were not routinely used or conventional
4 before the '035 Patent was filed and therefore constitute an improvement in
5 computer searching.

6 **The '139 Patent**

7 26. X1 is the owner by assignment of all right, title and interest, including
8 the right to sue for damages, in and to the '139 Patent.

9 27. The '139 Patent is entitled "Methods and Systems for Search
10 Indexing" and names William Gross and Steven Lee Colwell as inventors. The
11 '139 Patent issued on April 25, 2017, based on U.S. Application No. 14/507,519,
12 filed on October 6, 2014. The '139 Patent expired on October 1, 2023. A copy of
13 the '139 Patent is attached to the First Amended Complaint as Exhibit 2.

14 28. The '139 Patent is valid and enforceable under United States Patent
15 Laws.

16 29. The '139 Patent relates to improvements in computer search
17 technology and data processing, and more particularly to methods and systems for
18 locating data.³ Prior to the claimed invention, conventional searching using
19 existing search engines was slow and cumbersome, for example, requiring a user to
20 type in search terms, click on the search button, and review the results. '139 Patent
21 at 1:38-41. If the user was not satisfied with the search results, as would often be
22 the case where too many results were returned or items that were not of interest
23 were found, then the user would be required to edit the search terms click search,
24 and again review the results. *Id.* at 1:41-45. In addition, many conventional search
25 technologies had a limited number of ways to search for documents or files based
26 on their characteristics such as date or file location. The prior art did not allow a

27 ³ X1 provides the following general description of the '139 Patent. This description is not
28 intended to limit, define, or otherwise affect the construction and/or application of the '139
Patent.

1 user to quickly and efficiently search specific types of targets such as email, web
2 pages, or other type of files. *Id.* at 1:45-48. Such conventional searching also
3 required the user to develop deliberate and tedious search stings and strategies. *Id.*
4 at 2:1-4.

5 30. To address these problems with conventional searching, the '139
6 Patent discloses novel methods and systems for incremental or reactive searching of
7 a variety of search targets, including files, emails, email attachments, Web pages,
8 and specific databases, effectively improving and increasing the speed of searching,
9 organizing, and accessing files in a data storage system of a computer system. *See*
10 *e.g.*, '139 Patent at 2:15-19. Unlike conventional searching, because a search is
11 performed incrementally, the search results are provided or narrowed substantially
12 and immediately after each character in a search string is entered by the user. *Id.* at
13 2:19-22. This provides the user with immediate feedback as the search string is
14 entered, so the user can quickly decide whether the search string needs to be
15 modified, improving search accuracy and allowing for quicker access to the file or
16 application the user needs. *Id.* at 2:22-27.

17 31. Specifically, the '139 Patent teaches in certain embodiments a method
18 of performing a search using a first partial search string and a second partial search
19 string in the search field, wherein the first and second partial strings are separated
20 by a string separator character in the first search field, and incrementally searching
21 for a first group of documents that has at least one string that corresponds to the
22 first partial string and receiving a second partial string in the first search field,
23 wherein in response to the second partial string, incrementally searches for a second
24 group of documents each including at least one string that corresponds to the
25 second partial search string. The '139 Patent further teaches updating the search
26 results as each successive character of the first partial search string and the second
27 partial search string is received respectively in the first search field by identifying
28 one or more documents included in both the first group of documents and the

1 second group of documents, wherein the first partial search string and the second
2 partial search string are non-adjacent in at least one of the identified documents.
3 The '139 Patent further teaches in certain embodiments a method of performing a
4 search where in response to receiving the first and second partial strings the
5 identified documents are displayed. The '139 Patent also teaches a computing
6 system executing software to execute the claimed search methods.

7 32. The methods and systems disclosed in the '139 Patent were neither
8 well-known nor conventional to skilled artisans as of the priority date. The prior art
9 does not teach or suggest the claimed reactive and incremental searching methods.
10 For example, the '139 Patent teaches a method of performing a search in which the
11 system first receives a first partial search string in a first search field, and a second
12 partial search string in the first search field, wherein the first and second partial
13 search strings are separated by a string separator character in the first search field.
14 When the first partial string is detected, an incremental search is initiated, which
15 can search a plurality of types of documents (including word processing documents
16 and/or emails) that has at least a first word that begins with the first partial string.
17 The search results are then updated with each successive character, including in
18 response to a second partial string. In response to receiving the second partial
19 string, an incremental search is initiated for a second group of documents that has at
20 least a second word that begins with the second partial string. The documents that
21 are included in each of the first and second groups of documents can include those
22 that include the term from the first partial search string and the second partial
23 search string and/or documents wherein the first partial search string and the second
24 partial search string are non-adjacent in at least one of the identified documents.
25 The resulting documents are then displayed for the user. Prior art methods for
26 searching were much slower and did not allow for incremental updating of search
27 results or the identification of documents wherein the first and second partial strings
28 are non-adjacent in the document. Thus, the claimed invention specifically

1 improves computer technology at least with regard to the accuracy and efficiency
2 with which searches can be conducted and generally improves user interfaces by
3 providing users with quicker and easier access to desired files or applications using
4 a first and second search string and the ability to identify more relevant documents
5 based on the presence of the first and second partial search strings even when non-
6 adjacent within the document or file. The claimed invention is thus directed to
7 specific steps to accomplish a technological improvement, and not an abstract idea.

8 33. As described above, the '139 Patent's claims are inventive and
9 describe a substantial improvement in the art of computer searching. Namely, the
10 claims describe methods for performing searches in a manner that is more than just
11 the performance of well-understood, routine, or conventional activities that were
12 previously known in the field. The conventional searching methods predating the
13 '139 Patent did not involve incrementally updating search results in real time as
14 each successive character is entered. The ordered combination of receiving a first
15 partial search string in a first search field and incrementally searching for a first one
16 or more documents, each including at least one string that corresponds to the first
17 partial search string, followed by receiving a second partial search string in the first
18 search field and searching for a second one or more documents, each including at
19 least one string that corresponds to the second partial search string and identifying
20 documents included in both groups of documents wherein the first search field
21 corresponds with a single field of the documents and the incremental searching is
22 performed only on the content of the single field of the documents was novel at the
23 time of the '139 Patent's invention. Additionally, the claimed methods allow users
24 to incrementally search over at least two partial strings in a single search field and
25 displays results containing both strings, including results wherein the first and
26 second partial search strings are non-adjacent in the same document, a marked
27 improvement over the older searching techniques and searching interfaces. These
28 searching techniques and strategies and this combined interface were not routinely

1 used or conventional before the '139 Patent was filed and therefore constitute an
2 improvement in computer searching.

3 **The '490 Patent**

4 34. X1 is the owner by assignment of all right, title and interest, including
5 the right to sue for damages, in and to the '490 Patent.

6 35. The '490 Patent is entitled "Methods and Systems for Search
7 Indexing" and names William Gross and Steven Lee Colwell as inventors. The
8 '490 Patent issued on February 4, 2020, based on U.S. Application No. 15/495,507,
9 filed on April 24, 2017. The '490 Patent expired on November 8, 2024. A copy of
10 the '490 Patent is attached to the First Amended Complaint as Exhibit 3.

11 36. The '490 Patent is valid and enforceable under United States Patent
12 Laws.

13 37. The '490 Patent relates to improvements in computer search
14 technology and data processing, and more particularly to systems for storing an
15 index data structure comprising associations between each of a plurality of
16 character strings to associated files of a plurality of files in which the character
17 strings are included.⁴ Prior to the claimed invention, conventional searching using
18 existing search engines was slow and cumbersome, for example, requiring a user to
19 type in search terms, click on the search button, and review the results. '490 Patent
20 at 1:43-46. If the user was not satisfied with the search results, as would often be
21 the case where too many results were returned or items that were not of interest
22 were found, then the user would be required to edit the search terms click search,
23 and again review the results. *Id.* at 1:46-50. In addition, many conventional search
24 technologies had a limited number of ways to search for documents or files based
25 on their characteristics such as date or file location. The prior art did not allow a
26 user to quickly and efficiently search specific types of targets such as email, web

27 ⁴ X1 provides the following general description of the '490 Patent. This description is not
28 intended to limit, define, or otherwise affect the construction and/or application of the '490
Patent.

1 pages, or other type of files. *Id.* at 1:50-53. Such conventional searching also
2 required the user to develop deliberate and tedious search stings and strategies. *Id.*
3 at 2:6-9.

4 38. To address these problems with conventional searching, the '490
5 Patent discloses novel systems for incremental or reactive searching of a variety of
6 search targets, including files, emails, email attachments, Web pages, and specific
7 databases, effectively improving and increasing the speed of searching, organizing,
8 and accessing files in a data storage system of a computer system. *See e.g.*, '490
9 Patent at 2:20-24. Unlike conventional searching, because a search is performed
10 incrementally, the search results are provided or narrowed substantially and
11 immediately after each character in a search string is entered by the user. *Id.* at
12 2:24-27. This provides the user with immediate feedback as the search string is
13 entered, so the user can quickly decide whether the search string needs to be
14 modified, improving search accuracy and allowing for quicker access to the file or
15 application the user needs. *Id.* at 2:27-32. Additionally, the '490 Patent discloses
16 using an index data structure comprising associations between files and character
17 strings to further improve searching speed and file accessibility. *Id.* at 5:29-36.

18 39. Specifically, the '490 Patent teaches in certain embodiments a
19 computing system with one or more hardware computer processors, a display
20 device viewable by the user, and a computer readable storage medium storing an
21 index data structure. The index includes a data structure that associates character
22 search strings (including a first and second search string) with files, documents, and
23 the like. *Id.* at 5:6-12. For example Web pages previously viewed in the search
24 application's view pane or area, and optionally, stored Web pages previously
25 viewed using other user browsers, or otherwise stored locally can be indexed. *Id.* at
26 12-15. Separate indexes can be used for the email, files, cached Web pages,
27 databases and the like, or a single index can be used for the foregoing. *Id.* at 15-18.
28 The '490 Patent also teaches in certain embodiments searching the index data

1 structure for a first one or more of the plurality of files each including at least one
2 string that corresponds to the first search string and searching the index data
3 structure for a second one or more of the plurality of files each including at least
4 one string that corresponds to the second search string. The '490 Patent also
5 teaches updating a set of matching files of the plurality of files as each successive
6 character of the first partial search string and the second partial search string is
7 received respectively in the first search field by identifying any of the plurality of
8 files included in both the first one or more of the plurality of files and the second
9 one or more of the plurality of files, wherein the first partial search string and the
10 second partial search string are non-adjacent in at least one of the matching files.

11 40. The systems disclosed in the '490 Patent were neither well-known nor
12 conventional to skilled artisans as of the priority date. The prior art does not teach
13 or suggest the claimed reactive and incremental searching systems. For example,
14 the '490 Patent teaches a system with a searchable index data structure that includes
15 files that associate character search strings (including a first and second search
16 string) with files, documents, and the like. The '490 Patent also teaches in certain
17 embodiments searching the index data structure for a first one or more of the
18 plurality of files each including at least one string that corresponds to the first
19 search string and searching the index data structure for a second one or more of the
20 plurality of files each including at least one string that corresponds to the second
21 search string. The '490 Patent also teaches updating a set of matching files of the
22 plurality of files as each successive character of the first partial search string and
23 the second partial search string is received respectively in the first search field by
24 identifying any of the plurality of files included in both the first one or more of the
25 plurality of files and the second one or more of the plurality of files, wherein the
26 first partial search string and the second partial search string are non-adjacent in at
27 least one of the matching files. Thus, the claimed invention specifically improves
28 computer technology at least with regard to the accuracy and efficiency with which

1 searches can be conducted and generally improves user interfaces by allowing users
2 to search indexed data for first and second search strings and the ability to identify
3 more relevant documents in the indexed data structure based on the presence of the
4 first and second search strings even when non-adjacent within a document or file.
5 The claimed invention is thus directed to specific steps to accomplish a
6 technological improvement, and not an abstract idea.

7 41. As described above, the '490 Patent's claims are inventive and
8 describe a substantial improvement in the art of computer searching. Namely, the
9 claims describe systems for performing searches in a manner that is more than just
10 the performance of well-understood, routine, or conventional activities that were
11 previously known in the field. The conventional searching methods predating the
12 '490 Patent did not involve incrementally updating search results in real time as
13 each successive character is entered. The ordered combination of receiving first
14 and second partial strings in a first search field and separately incrementally
15 searching for and identifying files in an indexed data structure that include the first
16 partial string, followed by incrementally searching for and identifying files in
17 indexed data structure that include the second partial string and identifying files
18 included in both groups of files wherein the first search field corresponds with a
19 single field of the files and the incremental searching is performed only on the
20 content of the single field of the files was novel at the time of the '490 Patent's
21 invention. Additionally, the claimed systems allow users to incrementally search
22 over at least two strings, using a single search field, within an indexed data
23 structure and displays results from with that index data structure containing both
24 strings, including results wherein the first and second search strings are non-
25 adjacent in the same document, a marked improvement over the older searching
26 techniques and search interfaces. These searching techniques and strategies and
27 this combined interface were not routinely used or conventional before the '490
28 Patent was filed, and therefore constitute an improvement in computer searching.

The '977 Patent

42. X1 is the owner by assignment of all right, title and interest, including the right to sue for damages, in and to the '977 Patent.

43. The '977 Patent is entitled "Methods and Systems for Search Indexing" and names William Gross and Steven Lee Colwell as inventors. The '977 Patent issued on July 30, 2013, based on U.S. Application No. 11/932,865, filed on October 31, 2007. The '977 Patent expires on May 21, 2026. A copy of the '977 Patent is attached to the First Amended Complaint as Exhibit 4.

44. The '977 Patent is valid and enforceable under United States Patent Laws.

45. The '977 Patent relates to improvements in computer search technology and data processing, and more particularly to methods and systems for locating data.⁵ Prior to the claimed invention, conventional searching using existing search engines was slow and cumbersome, for example, requiring a user to type in search terms, click on the search button, and review the results. '977 Patent at 1:35-36. If the user was not satisfied with the search results, as would often be the case where too many results were returned or items that were not of interest were found, then the user would be required to edit the search terms click search, and again review the results. *Id.* at 1:38-42. In addition, many conventional search technologies had a limited number of ways to search for documents or files based on their characteristics such as date or file location. The prior art did not allow a user to quickly and efficiently search specific types of targets such as email, web pages, or other type of files. *Id.* at 1:42-45. Such conventional searching also required the user to develop deliberate and tedious search stings and strategies. *Id.* at 1:65-2:1.

46. To address these problems with conventional searching, the '977

⁵ X1 provides the following general description of the '977 Patent. This description is not intended to limit, define, or otherwise affect the construction and/or application of the '977 Patent.

1 Patent discloses novel methods and systems for incremental or reactive searching of
2 a variety of search targets, including files, emails, email attachments, Web pages,
3 and specific databases, effectively improving and increasing the speed of searching,
4 organizing, and accessing files in a data storage system of a computer system. *See*
5 *e.g.*, '977 Patent at 2:13-17. Unlike conventional searching, because a search is
6 performed incrementally, the search results are provided or narrowed substantially
7 and immediately after each character in a search string is entered by the user. *Id.* at
8 2:17-20. This provides the user with immediate feedback as the search string is
9 entered, so the user can quickly decide whether the search string needs to be
10 modified, improving search accuracy and allowing for quicker access to the file or
11 application the user needs. *Id.* at 2:20-24.

12 47. Specifically, the '977 Patent teaches in certain embodiments a method
13 of performing a search using first and second search strings, and incrementally
14 locating a document that has at least a first word that begins with the first string and
15 a second word that begins with the second string. *Id.* at 2:33-39. The '977 Patent
16 also teaches in certain embodiments a method of performing a search where one of
17 the search strings comprises a command and executing that command. *Id.* at 2:55-
18 61. Critically, the invention of the '977 Patent is the integration of index-based
19 search, incremental search, and text based command processing into a single system
20 providing users with the ability to quickly and efficiently locate documents and
21 information, or execute commands on their computers by simply entering a single
22 string of text.

23 48. The systems disclosed in the '977 Patent were neither well-known nor
24 conventional to skilled artisans as of the priority date. The prior art does not teach
25 or suggest unifying a search field and a command prompt which allows for the
26 same user-inputted text to be used in two different ways – to instruct a computer
27 and to search for content. For example, the '977 Patent teaches a system with a
28 searchable index data structure that includes files that associate character search

1 strings (including a first and second search string) with files, documents, and the
2 like. The '977 Patent also teaches in certain embodiments searching the index data
3 structure for a first one or more of the plurality of files each including at least one
4 string that corresponds to the first search string and searching the index data
5 structure for a second one or more of the plurality of files each including at least
6 one string that corresponds to the second search string. Additionally, the '977
7 Patent teaches determining whether the first string is a command before initiating a
8 search, allowing a user to use the second string as an argument for the identified
9 command. The '977 Patent also teaches updating a set of matching files of the
10 plurality of files as each successive character of the first partial search string and
11 the second partial search string is received respectively in the first search field by
12 identifying any of the plurality of files included in both the first one or more of the
13 plurality of files and the second one or more of the plurality of files, wherein the
14 first partial search string and the second partial search string are non-adjacent in at
15 least one of the matching files. Thus, the claimed invention specifically improves
16 computer technology at least with regard to the accuracy and efficiency with which
17 searches can be conducted and generally improves user interfaces by allowing the
18 same text to be used both as a command and a way of searching for indexed data
19 using the first and second search strings. The incremental searching capability also
20 provides the ability to identify more relevant documents in the indexed data
21 structure based on the presence of the first and second search strings even when
22 non-adjacent within a document or file. The claimed invention is thus directed to
23 specific steps to accomplish a technological improvement, and not an abstract idea.

24 49. As described above, the '977 Patent's claims are inventive and
25 describe a substantial improvement in the art of computer searching. Namely, the
26 claims describe systems for performing searches in a manner that is more than just
27 the performance of well-understood, routine, or conventional activities that were
28 previously known in the field. The conventional searching methods predating the

1 '977 Patent did not involve incrementally updating search results in real time as
2 each successive character is entered. Further, the ordered combination of a single
3 string of characters in a single search box for both searching documents and
4 executing applications was novel at the time of the '977 Patent's invention.
5 Additionally, the claimed systems allow users to incrementally search over at least
6 two strings within an indexed data structure and displays results from that index
7 data structure containing both strings, including results wherein the first and second
8 search strings are non-adjacent in the same document, a marked improvement over
9 the older searching techniques. These searching techniques and strategies were not
10 routinely used or conventional before the '977 Patent was filed.

11 **COUNT I – INFRINGEMENT OF U.S. PATENT NO. 7,370,035**

12 50. X1 incorporates by reference the allegations contained in paragraphs 1
13 through 49 of this First Amended Complaint, as if fully set forth herein.

14 51. On information and belief, Microsoft has directly (either literally or
15 under the doctrine of equivalents) and indirectly infringed at least independent
16 claim 10 of the '035 Patent by making, using, selling, offering for sale, and
17 importing in the United States certain laptop computers, including without
18 limitation its Surface Laptop Go 4, Surface Laptop Go 3, Surface Laptop Go 2,
19 Surface Laptop 7, Surface Laptop 6, Surface Laptop 5, Surface Laptop Studio,
20 Surface Laptop Studio 2, Surface Pro 11, Surface Pro 10, Surface Pro 9, Surface
21 Pro 8, Surface Pro 7+, Surface Pro 7, Surface Pro X, Surface Go 4, Surface Go 3,
22 and Surface Go 2. Each Accused Computer Product comes installed with
23 Microsoft Windows 10 or 11, which runs infringing searching software, at least
24 Windows Search and File Explorer Search.

25 52. Defendant also separately makes, uses, imports, sells, and/or offers for
26 sale Microsoft 365, which can be installed on users' computers to run Microsoft
27 365 Search. Defendant also separately makes, uses, imports, sells, and/or offers for
28 sale SharePoint, which can be accessed on users' computers to run SharePoint

1 Search. By making, using, selling, and/or offering for sale at least Windows Search,
2 File Explorer Search, Microsoft 365 Search, and SharePoint Search, Microsoft has
3 directly (either literally or under the doctrine of equivalents) and indirectly
4 infringed at least independent claim 10 of the '035 Patent.

5 53. Support for the allegations of direct and/or indirect infringement may
6 be found in the claim charts that apply claim 10 of the '035 Patent to exemplary
7 Accused Computer Products and Accused Software Products, attached hereto as
8 Exhibits 5-8 (with cited Exhibits 9-13). These allegations of infringement are
9 preliminary and are therefore subject to supplementation and change.

10 54. On information and belief, Microsoft has had knowledge and notice of
11 the '035 Patent since at least the filing of its U.S. Patent Application No.
12 12/328,410, filed on December 4, 2008, which cites to the '035 Patent. Microsoft
13 has also had knowledge and notice of the '035 Patent since at least the filing of the
14 original Complaint in this Action on December 19, 2023.

15 55. Microsoft has committed these acts of infringement without license or
16 authorization from X1.

17 56. Microsoft is liable for indirect infringement, *i.e.*, both induced and
18 contributory infringement, based on the direct infringement that is the result of
19 activities performed by customers, distributors, end-users, vendors including
20 customer-support and/or manufacturers who use all elements or perform all steps of
21 one or more claims of the '035 Patent. For example, end users of the Microsoft
22 Accused Computer Products and/or Accused Software Products, either literally or
23 under the doctrine of equivalents, infringe one or more claims of the '035 Patent
24 (*e.g.*, claim 10 and one or more of its dependents).

25 57. Microsoft actively, knowingly, and intentionally induces, and
26 continues to actively, knowingly, and intentionally induce, infringement of the '035
27 Patent under 35 U.S.C. § 271(b) by their customers and end users. For example,
28 Microsoft actively induces its customers, the end-users of the Accused Computer

1 Products and Accused Software Products, to directly infringe the '035 Patent by
2 instructing, directing, and encouraging these end-users to perform the methods of
3 the Asserted Patents using the Accused Products, such that Microsoft is engaged in
4 unlawful inducement of infringement. On information and belief, Microsoft
5 instructs, directs, and encourages its customers to infringe by providing at least
6 installation/technical manuals, troubleshooting guides, and/or product tutorials. *See*
7 Exhibits 11 and 12.

8 58. Microsoft is also liable for contributory infringement under 35 U.S.C.
9 § 271(c) for contributing to and continuing to contribute to the infringement of the
10 '035 Patent by, among other things, providing customers with one or more
11 computing devices utilizing indexed search systems and components thereof that
12 contribute to the infringement of one or more claims of the '035 Patent, including
13 the claims directed to methods of performing a search.

14 59. On information and belief, Microsoft is engaged in induced and
15 contributory infringement with respect to its importation activities and with respect
16 to its sale after importation.

17 60. Microsoft's acts of infringement have caused, and continue to cause,
18 damage to X1, and X1 is entitled to recover damages sustained as a result of
19 Microsoft's wrongful acts.

20 **COUNT II – INFRINGEMENT OF U.S. PATENT NO. 9,633,139**

21 61. X1 incorporates by reference the allegations contained in paragraphs 1
22 through 60 of this First Amended Complaint, as if fully set forth herein.

23 62. On information and belief, Microsoft has directly (either literally or
24 under the doctrine of equivalents) and indirectly infringed at least independent
25 claim 23 of the '139 Patent by making, using, selling, offering for sale, and
26 importing in the United States certain laptop computers, including without
27 limitation its Surface Laptop Go 4, Surface Laptop Go 3, Surface Laptop Go 2,
28 Surface Laptop 7, Surface Laptop 6, Surface Laptop 5, Surface Laptop Studio,

1 Surface Laptop Studio 2, Surface Pro 11, Surface Pro 10, Surface Pro 9, Surface
2 Pro 8, Surface Pro 7+, Surface Pro 7, Surface Pro X, Surface Go 4, Surface Go 3,
3 and Surface Go 2. Each Accused Computer Product comes installed with
4 Microsoft Windows 10 or 11, which runs infringing searching software, at least
5 Windows Search and File Explorer Search.

6 63. Defendant also separately makes, uses, imports, sells, and/or offers for
7 sale Microsoft 365, which can be installed on users' computers to run Microsoft
8 365 Search. Defendant also separately makes, uses, imports, sells, and/or offers for
9 sale SharePoint, which can be accessed on users' computers to run SharePoint
10 Search. By making, using, selling, and/or offering for sale at least Windows Search,
11 File Explorer Search, Microsoft 365 Search, and SharePoint Search, Microsoft has
12 directly (either literally or under the doctrine of equivalents) and indirectly
13 infringed at least independent claim 23 of the '139 Patent.

14 64. Support for the allegations of direct and/or indirect infringement may
15 be found in the claim charts that apply claim 23 of the '139 Patent to exemplary
16 Accused Computer Products and Accused Software Products, attached hereto as
17 Exhibits 14-17 (with cited Exhibits 9-13). These allegations of infringement are
18 preliminary and are therefore subject to supplementation and change.

19 65. On information and belief, Microsoft has had knowledge and notice of
20 the '139 Patent since at least the filing of its U.S. Patent Application No.
21 12/328,410, filed on December 4, 2008. Microsoft has also had knowledge and
22 notice of the '139 Patent since at least the filing of the original Complaint in this
23 Action on December 19, 2023.

24 66. Microsoft has committed these acts of infringement without license or
25 authorization from X1.

26 67. Microsoft is liable for indirect infringement, *i.e.*, both induced and
27 contributory infringement, based on the direct infringement that is the result of
28 activities performed by customers, distributors, end-users, vendors including

1 customer-support and/or manufacturers who use all elements or perform all steps of
2 one or more claims of the '139 Patent. For example, end users of the Microsoft
3 Accused Computer Products and/or Accused Software Products, either literally or
4 under the doctrine of equivalents, infringe one or more claims of the '139 Patent
5 (e.g., claim 23 and one or more of its dependents).

6 68. Microsoft actively, knowingly, and intentionally induces, and
7 continues to actively, knowingly, and intentionally induce, infringement of the '139
8 Patent under 35 U.S.C. § 271(b) by their customers and end users. For example,
9 Microsoft actively induces its customers, the end-users of the Accused Computer
10 Products and Accused Software Products, to directly infringe the '139 Patent by
11 instructing, directing, and encouraging these end-users to perform the methods of
12 the Asserted Patents using the Accused Products, such that Microsoft is engaged in
13 unlawful inducement of infringement. On information and belief, Microsoft
14 instructs, directs, and encourages its customers to infringe by providing at least
15 installation/technical manuals, troubleshooting guides, and/or product tutorials. *See*
16 Exhibits 11 and 12.

17 69. Microsoft is also liable for contributory infringement under 35 U.S.C.
18 § 271(c) for contributing to and continuing to contribute to the infringement of the
19 '139 Patent by, among other things, providing customers with one or more
20 computing devices utilizing indexed search systems and components thereof that
21 contribute to the infringement of one or more claims of the '139 Patent, including
22 the claims directed to methods of performing a search.

23 70. On information and belief, Microsoft is engaged in induced and
24 contributory infringement with respect to its importation activities and with respect
25 to its sale after importation.

26 71. Microsoft's acts of infringement have caused, and continue to cause,
27 damage to X1, and X1 is entitled to recover damages sustained as a result of
28 Microsoft's wrongful acts.

COUNT III – INFRINGEMENT OF U.S. PATENT NO. 10,552,490

72. X1 incorporates by reference the allegations contained in paragraphs 1 through 71 of this First Amended Complaint, as if fully set forth herein.

73. On information and belief, Microsoft has directly (either literally or under the doctrine of equivalents) infringed at least independent claim 1 of the '490 Patent by making, using, selling, offering for sale, and importing in the United States certain laptop computers, including without limitation its Surface Laptop Go 4, Surface Laptop Go 3, Surface Laptop Go 2, Surface Laptop 7, Surface Laptop 6, Surface Laptop 5, Surface Laptop Studio, Surface Laptop Studio 2, Surface Pro 11, Surface Pro 10, Surface Pro 9, Surface Pro 8, Surface Pro 7+, Surface Pro 7, Surface Pro X, Surface Go 4, Surface Go 3, and Surface Go 2. Each Accused Computer Product comes installed with Microsoft Windows 10 or 11, which runs infringing searching software, at least Windows Search and File Explorer Search.

74. Defendant also separately makes, uses, imports, sells, and/or offers for sale Microsoft 365, which can be installed on users' computers to run Microsoft 365 Search. Defendant also separately makes, uses, imports, sells, and/or offers for sale SharePoint, which can be accessed on users' computers to run SharePoint Search. By making, using, selling, and/or offering for sale at least Windows Search, File Explorer Search, Microsoft 365 Search and SharePoint Search, Microsoft has directly (either literally or under the doctrine of equivalents) and indirectly infringed at least independent claim 1 of the '490 Patent.

75. Support for the allegations of infringement may be found in the claim charts that apply claim 1 of the '490 Patent to exemplary Accused Computer Products and Accused Software Products, attached hereto as Exhibits 18-21 (with cited Exhibits 9-13 and 22-25). These allegations of infringement are preliminary and are therefore subject to supplementation and change.

76. On information and belief, Microsoft has had knowledge and notice of the '490 Patent since at least the filing of its U.S. Patent Application No.

1 12/328,410, filed on December 4, 2008. Microsoft has also had knowledge and
2 notice of the '490 Patent since at least the filing of the original Complaint in this
3 Action on December 19, 2023.

4 77. Microsoft has committed these acts of infringement without license or
5 authorization from X1.

6 78. Microsoft's acts of infringement have caused, and continue to cause,
7 damage to X1, and X1 is entitled to recover damages sustained as a result of
8 Microsoft's wrongful acts.

9 **COUNT IV – INFRINGEMENT OF U.S. PATENT NO. 8,498,977**

10 79. X1 incorporates by reference the allegations contained in paragraphs 1
11 through 78 of this First Amended Complaint, as if fully set forth herein.

12 80. On information and belief, Microsoft has directly (either literally or
13 under the doctrine of equivalents) and indirectly infringed at least independent
14 claim 1 of the '977 Patent by making, using, selling, offering for sale, and
15 importing in the United States certain laptop computers, including without
16 limitation its Surface Laptop Go 4, Surface Laptop Go 3, Surface Laptop Go 2,
17 Surface Laptop 7, Surface Laptop 6, Surface Laptop 5, Surface Laptop Studio,
18 Surface Laptop Studio 2, Surface Pro 11, Surface Pro 10, Surface Pro 9, Surface
19 Pro 8, Surface Pro 7+, Surface Pro 7, Surface Pro X, Surface Go 4, Surface Go 3,
20 and Surface Go 2. Each Accused Computer Product comes installed with
21 Microsoft Windows 10 or 11, which runs infringing searching software, at least
22 Windows Search and File Explorer Search.

23 81. Defendant also separately makes, uses, imports, sells, and/or offers for
24 sale Microsoft 365, which can be installed on users' computers to run Microsoft
25 365 Search. Defendant also separately makes, uses, imports, sells, and/or offers for
26 sale SharePoint, which can be accessed on users' computers to run SharePoint
27 Search. By making, using, selling, and/or offering for sale at least Windows Search,
28 File Explorer Search, Microsoft 365 Search, and SharePoint Search, Microsoft has

1 directly (either literally or under the doctrine of equivalents) and indirectly
2 infringed at least independent claim 1 of the '977 Patent.

3 82. Support for the allegations of direct and/or indirect infringement may
4 be found in the claim charts that apply claim 1 of the '977 Patent to exemplary
5 Accused Computer Products and Accused Software Products, attached hereto as
6 Exhibits 26-29 (with cited Exhibits 9-13). These allegations of infringement are
7 preliminary and are therefore subject to supplementation and change.

8 83. On information and belief, Microsoft has had knowledge and notice of
9 the '977 Patent since at least the filing of its U.S. Patent Application No.
10 12/328,410, filed on December 4, 2008. Microsoft has also had knowledge and
11 notice of the '977 Patent since at least the filing of the Complaint in ITC
12 Investigation No. 1337-TA-1389 on December 19, 2023.

13 84. Microsoft has committed these acts of infringement without license or
14 authorization from X1.

15 85. Microsoft is liable for indirect infringement, *i.e.*, both induced and
16 contributory infringement, based on the direct infringement that is the result of
17 activities performed by customers, distributors, end-users, vendors including
18 customer-support and/or manufacturers who use all elements or perform all steps of
19 one or more claims of the '977 Patent. For example, end users of the Microsoft
20 Accused Computer Products and/or Accused Software Products, either literally or
21 under the doctrine of equivalents, infringe one or more claims of the '977 Patent
22 (*e.g.*, claim 1 and one or more of its dependents).

23 86. Microsoft actively, knowingly, and intentionally induces, and
24 continues to actively, knowingly, and intentionally induce, infringement of the '977
25 Patent under 35 U.S.C. § 271(b) by their customers and end users. For example,
26 Microsoft actively induces its customers, the end-users of the Accused Computer
27 Products and Accused Software Products, to directly infringe the '977 Patent by
28 instructing, directing, and encouraging these end-users to perform the methods of

1 the Asserted Patents using the Accused Products, such that Microsoft is engaged in
2 unlawful inducement of infringement. On information and belief, Microsoft
3 instructs, directs, and encourages its customers to infringe by providing at least
4 installation/technical manuals, troubleshooting guides, and/or product tutorials. *See*
5 Exhibits 11 and 12.

6 87. Microsoft is also liable for contributory infringement under 35 U.S.C.
7 § 271(c) for contributing to and continuing to contribute to the infringement of the
8 '977 Patent by, among other things, providing customers with one or more
9 computing devices utilizing indexed search systems and components thereof that
10 contribute to the infringement of one or more claims of the '977 Patent, including
11 the claims directed to methods of performing a search.

12 88. On information and belief, Microsoft is engaged in induced and
13 contributory infringement with respect to its importation activities and with respect
14 to its sale after importation.

15 89. Microsoft's acts of infringement have caused, and continue to cause,
16 damage to X1, and X1 is entitled to recover damages sustained as a result of
17 Microsoft's wrongful acts.

18 **JURY DEMAND**

19 Plaintiff X1 respectfully demands a jury trial pursuant to Fed. R. Civ. P. 38
20 on all issues so triable.

21 **PRAYER FOR RELIEF**

22 WHEREFORE, X1 respectfully demands judgment in its favor and against
23 Microsoft as follows:

- 24 a. A judgment that Defendant has infringed the '035 Patent;
- 25 b. A judgment that Defendant has infringed the '139 Patent;
- 26 c. A judgement that Defendant has infringed the '490 Patent;
- 27 d. A judgement that Defendant has infringed the '977 Patent;
- 28 e. A permanent injunction restraining and enjoining Defendant and its

1 officers, directors, agents, servants, employees, successors, assigns,
2 parents, subsidiaries, affiliated or related companies, attorneys, and all
3 others in active concert or participation with any of the foregoing, from
4 directly or indirectly infringing the '977 Patent;

- 5 f. A judgment that awards X1 all appropriate damages under 35 U.S.C. §
6 284 for Defendant's past infringement, and any continuing or future
7 infringement of the Asserted Patents, up until the date such judgment is
8 entered, including interest, costs, and disbursements as justified under 35
9 U.S.C. § 284 to adequately compensate X1 for Defendant's infringement;
10 g. An adjudication that Defendant's infringement of the Asserted Patents has
11 been willful and deliberate;
12 h. An adjudication that X1 be awarded treble damages and pre-judgment
13 interest under 35 U.S.C. § 284 as a result of Defendant's willful and
14 deliberate infringement of the Asserted Patents;
15 i. An adjudication that this case is exceptional within the meaning of 35
16 U.S.C. § 285;
17 j. An adjudication that X1 be awarded costs and attorney's fees under 35
18 U.S.C. § 285; and
19 k. An award of such other and further relief as the Court deems proper.
20

21 Dated: May 9, 2025

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