

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

D3D TECHNOLOGIES, INC.,

Plaintiff,

v.

MICROSOFT CORPORATION,

Defendant.

Case No.: 6:20-cv-1699

**COMPLAINT AND DEMAND FOR JURY
TRIAL**

(INJUNCTIVE RELIEF SOUGHT)

Plaintiff D3D Technologies, Inc. (“D3D”), by and through undersigned counsel, brings this suit against Defendant Microsoft Corporation (“Microsoft” or “Defendant”) and, pursuant to Rule 8 of the Federal Rules of Civil Procedure, alleges as follows:

PARTIES

1. Plaintiff D3D Technologies, Inc., is a Florida Profit Corporation with its principal place of business located at 1700 Jake Street, Unit 211, Orlando, FL 32814. D3D’s corporate headquarters is located in Orlando, and it employs numerous engineers, software developers and scientists in Orlando who perform research and product development tasks for D3D’s 3D imaging technologies, under the guidance and direction of Dr. David Douglas, Medical Advisor at D3D, and Dr. Robert Douglas, Chief Technology Officer at D3D. Dr. David Douglas and Dr. Robert Douglas are residents of Florida and are the inventors of the D3D patents at issue. D3D has strong and continuous ties to the Orlando area, having been engaged in research, product development and business activities in the Orlando area for over 10 years.

2. Microsoft Corporation is a Washington Corporation with its principal place of business located at One Microsoft Way, Redmond, Washington 98052. Microsoft is a publicly

traded company, with offices and locations all over the world – including within the State of Florida. Within this judicial district Microsoft has a corporate sales office located at 5426 Bay Center Drive, Suite 700, Tampa, FL 33609 and multiple retail stores located at:

- a. 4200 Conroy Road, Suite 220, Orlando, FL 32839;
- b. 8001 South Orange Blossom Trail, Suite 1120B, Orlando, FL, 32809;
- c. 140 University Town Center Drive, Sarasota, Florida 34243; and
- d. 2223 North West Shore Boulevard, Tampa, FL 33607.

Further, Microsoft is registered to conduct business in Florida (Florida Taxpayer ID 91-1144442) and may be served via its registered agent Corporation Service Company located at 1201 Hays Street, Tallahassee, FL 32301.

JURISDICTION AND VENUE

3. This is a civil action for patent infringement arising under the Patent Laws of the United States as set forth in 35 U.S.C. §§ 271, *et seq.*

4. This Court has federal subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a) and pendent jurisdiction over the other claims for relief asserted herein.

5. This Court has personal jurisdiction because Defendant has minimum contacts with this forum as a result of business regularly conducted within the State of Florida and within this judicial district, and, specifically as a result of, at least, committing the tort of patent infringement within Florida and this judicial district. Personal jurisdiction also exists because Defendant, *inter alia*:

- a. engages in substantial and not isolated interstate activity in Florida;

- b. has substantial, continuous, and systematic business contacts in this judicial district;
- c. owns, manages, and operates facilities within this judicial district (*e.g.*, the corporate sales office in Tampa and four retail stores across Orlando, Sarasota, and Tampa as described in Paragraph 2);
- d. actively advertises to residents within this judicial district to purchase infringing products;
- e. actively advertises to residents of this judicial district to work for Microsoft;
- f. employs residents from this judicial district;
- g. operates, conducts, and engages in business within the State of Florida;
- h. continues to conduct such business in Florida through the continued operation within this judicial district;
- i. operates Internet websites, *e.g.*, <https://www.microsoft.com/en-us/> (last visited Sept. 16, 2020), and <https://www.microsoft.com/en-us/hololens> (last visited Sept. 16, 2020), which are available to and accessed by customers and potential customers of the Defendant within this judicial district, and advertises and makes available for purchase within this judicial district Defendant's infringing products;
- j. attends numerous annual conferences held within this judicial district, *e.g.*, the annual Interservice/Industry Training, Simulation and Education Conference (I/ITSEC) which was held in Orlando, Florida for at least the last 5 years; and

- k. hosts annual conferences within this judicial district, *e.g.*, Microsoft' Ignite Conference which has been held in Orlando, Florida for at least the last 3 years. *See Microsoft Ignite 2019*, Microsoft, <<https://news.microsoft.com/ignite2019/>> (last visited Sept. 16, 2020).

Accordingly, this Court's jurisdiction over the Defendant comports with Florida's long-arm statute and the constitutional standards of fair play and substantial justice and arises directly from the Defendant's purposeful minimum contacts with the State of Florida.

6. This Court also has personal jurisdiction over the Defendant because it has purposefully and voluntarily availed itself of the privilege of conducting business in the United States, the State of Florida, and, specifically, this judicial district by continuously and systematically placing goods and services into the stream of commerce through an established distribution channel with the expectation that such goods and services will be purchased by consumers within the United States, Florida, and this judicial district. Defendant, either directly and/or through intermediaries, uses, sells, offers to sell, distributes, advertises, and/or otherwise promotes the accused products in this judicial district.

7. Microsoft has partnered with at least 141 other companies with respect to its infringing HoloLens product, many of which are located or otherwise have locations within the State of Florida and, specifically, this judicial district, *see HoloLens 2, Find a Partner*, Microsoft, <https://www.microsoft.com/en-us/hololens/partners> (last visited Sept. 16, 2020), and are available to and accessed by customers and potential customers of the Defendant within this judicial district. On information and belief, Microsoft's products are sold to and used by the following third-party partners, *inter alia*:

- a. Booz Allen Hamilton located at 4890 West Kennedy Blvd., Suite 475, Tampa, Florida 33609.
- b. CAE Healthcare located at 6300 Edgelake Drive, Sarasota, Florida 34240.
- c. General Electric with locations at 501 E. Kennedy Blvd., Suite 600, Tampa, FL 33602 and 7802 Woodland Center Blvd., Tampa, FL 33614.
- d. Insight with locations at 100 Rialto Pl., Suite 615, Melbourne, FL 32901, 2701 N. Rocky Point Dr., Suite 300, Tampa, FL 33607, and 302 Knights Run Ave., Suite 1175, Tampa, FL 33602.

Further, Microsoft is continually advertising and recruiting new HoloLens partners, such as independent software vendors, system integrators, and digital agencies, both in and out of this judicial district. See *Mixed Reality Partners*, Microsoft, <https://www.microsoft.com/en-us/hololens/mixed-reality-partners> (last visited Sept. 16, 2020) (describing benefits of partnership); *Mixed Reality Partner Program*, Microsoft, <https://www.microsoft.com/en-us/hololens/mrpp> (last visited Sept. 16, 2020) (describing requirements and application for partnership).

8. Venue is proper in this Court under 28 U.S.C. §§ 1391(b), (c), (d) and 28 U.S.C. § 1400(b) because Defendant has committed or induced acts of infringement, and/or advertise, market, sell, and/or offer to sell products, including infringing products, in this judicial district, as discussed, *supra*, in Paragraphs 2 and 5-7 which are incorporated by reference herein. As stated, *supra*, Microsoft has significant ties to, and presence in, the State of Florida and the Middle District of Florida, making venue in this judicial district both proper and convenient

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