

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No.

MICROSOFT, INC., a Washington Corporation,

Plaintiff,

vs.

OFFICE SOLUTIONS USA LLC, a Florida
Limited Liability Company, and HENRIQUE
COUTINHO TRAD, aka HENRIQUE TRAD
SOUZA, an individual,

Defendants.

COMPLAINT

Plaintiff Microsoft Corporation (“Microsoft”) brings this Complaint against Office Solutions USA LLC (“Office Solutions”) and Henrique Coutinho Trad, aka Henrique Trad Souza (“Trad”) (collectively, “Defendants”), alleging as follows:

I. INTRODUCTION

1. This is an action for 1) contributory copyright infringement; 2) trademark infringement; 3) false designation of origin and false and misleading representations and descriptions of fact; and 4) trade dress infringement.

2. Defendants are prolific distributors of black market access devices to Microsoft software that they unlawfully advertise to consumers as genuine software. As a major part of their sales, Defendants instruct their customers to acquire, install, and activate copies of Microsoft software with the access devices. This software is either from counterfeit download sites or Microsoft sites that require the purchase of licensed software.

3. Defendants use Microsoft’s trademarks and trade dress in their marketing and sales materials without authorization to deceive consumers about the characteristics, origin, and authenticity of the software. In particular, Defendants deceive their customers into believing that this software is legally licensed for them to use, when it is not.

4. Defendants' black market access devices include product activation keys which are uncoupled from the genuine, licensed Microsoft software they were intended and authorized to activate and sold by Defendants on a "stand-alone" basis separate from the original licensed software ("decoupled product keys"). Defendants' black market access devices also include tokens for software pre-installed on Original Equipment Manufacturer ("OEM") devices and only authorized for use by specific OEMs for devices in China ("OEM tokens"). Lastly, Defendants' black market access devices include credentials for unlicensed Office 365 cloud accounts that were created and distributed without authorization from Microsoft ("unauthorized credentials").

5. Decoupled product keys, OEM tokens, and unauthorized credentials do not constitute or represent licenses for Microsoft software. They are merely technology tools that Microsoft provides customers and its supply chain partners to access, install and activate copies of legally licensed software. When these tools are uncoupled from legally licensed software, disassociated with the devices on which they were authorized to be used, or created without authorization, the tools do not have any independent value other than to deceive unwitting consumers into acquiring copies of pirated and unlicensed software. That is the case here.

6. On information and belief, Defendants have reaped substantial profits from their unlawful sales of unauthorized access devices, all while falsely holding themselves out to be legitimate distributors of licensed Microsoft software. Defendants knew, or had reason to know, that they were facilitating, contributing to, and causing the unlawful copying and distribution of unlicensed Microsoft software.

7. Defendants' unlawful sale of unauthorized access devices hurts consumers, legitimate commerce, and the software business. Customers are deceived into purchasing unlicensed and counterfeit copies of software when they think they are buying genuine, licensed software. Businesses selling genuine licensed software are harmed when potential customers are lured away by lower-priced pirated software offerings. Microsoft is harmed by Defendants' misuse and theft of its intellectual property.

8. To put a stop to Defendants' scheme and associated unlawful activities and hold them accountable, Microsoft seeks an order permanently enjoining Defendants from further sales of unauthorized access devices and an award of money damages for the substantial harm Defendants have caused.

II. PARTIES

9. Microsoft is a Washington corporation with its principal place of business in Redmond, Washington. Microsoft develops, markets, distributes, and licenses computer software, among other products and services.

10. On information and belief, Office Solutions is a Florida limited liability company with its principal place of business at 601 Brickell Key Drive, Miami, Florida. Office Solutions advertises and sells Microsoft-branded products through its website at officesolutionsusa.net.

11. On information and belief, Office Solutions is owned, operated by, or otherwise under the substantial control of Trad, who resides in Doral, Florida. On information and belief, Trad, who is a citizen of the state of Florida, is the sole member of Office Solutions. On information and belief, Trad personally participated in and had the right and ability to supervise, direct, and control the wrongful conduct alleged in this Complaint, and he derived a direct financial benefit from that wrongful conduct. Trad is therefore liable for the wrongful conduct alleged herein under principles of secondary liability, including, without limitation, respondeat superior, vicarious liability, and contributory infringement.

III. JURISDICTION & VENUE

12. The Court has subject-matter jurisdiction over the federal claims alleged herein pursuant to 15 U.S.C. § 1121, 17 U.S.C. § 501, and 28 U.S.C. §§ 1331 and 1338(a). The Court also has subject-matter jurisdiction under 28 U.S.C. § 1332 because this action is between citizens of different states (Washington and Florida), and the matter in controversy exceeds \$75,000, exclusive of interest and costs.

13. The Court has personal jurisdiction over Defendants because they reside in the Southern District of Florida and otherwise do business in the district.

IV. FACTS

A. The Negative Impact of Software Piracy on Consumers, Legitimate Business, and Intellectual Property Rightsholders

14. The U.S. economy loses billions of dollars in revenues each year from software piracy—namely, the unauthorized and unlawful copying, downloading, and distributing of copyrighted and trademarked software and related components. Software developers, like Microsoft, create hundreds of thousands of technology jobs and are significant drivers of economic growth across the United States and globally. The theft of intellectual property negatively impacts software companies' revenues and the economic growth of countries around the world.

15. Software piracy also victimizes consumers who believe they are purchasing genuine, fully licensed products. As occurred in this case, distributors of pirated software deceive consumers by going to great lengths to make the software appear to be licensed and authorized by Microsoft and advertising it as such.

16. Legitimate technology businesses that follow the rules are also harmed by software piracy because their business is displaced by cheaper offerings from dishonest vendors who do not acquire and pay for licensed software.

B. Microsoft's Intellectual Property

17. Microsoft develops, advertises, markets, distributes, and licenses a number of computer software programs. One of the methods that Microsoft uses to distribute software is digital downloads through Microsoft.com and authorized electronic-software distribution vendors.

18. Microsoft sells licenses to use its software; it does not sell the software itself. Microsoft's software licensing agreements make clear to end users that they are acquiring a license to use the software and not title to the software. The licensing agreements contain

limitations around the use of the software and place restrictions on transfer of the software license and accompanying components.

19. Microsoft's software programs include the following, among others:

a) **Microsoft Office 2019:** Microsoft has developed, and advertises, markets, distributes, and licenses a suite of productivity software for business, home, and education use called Microsoft Office 2019 ("Office 2019"). Office 2019 is available in a number of different versions, each of which includes certain combinations of products, programs, and features. Versions of Office 2019 include Office 2019 Professional Plus, Office 2019 Home & Student, and Office 365 Professional. Microsoft holds a valid copyright in Office Professional Plus 2019, the most expansive version of Office 2019. This copyright encompasses all versions of Office 2019. Microsoft's copyright in Office Professional Plus 2019 was duly and properly registered with the United States Copyright Office, bearing the number TX 8-640-200, a true and correct copy of which is attached hereto as **Exhibit 1**.

b) **Microsoft Project 2019:** Microsoft has developed, and advertises, markets, distributes, and licenses a software program of project management called Microsoft Project 2019 ("Project 2019"). Microsoft holds a valid copyright in Microsoft Project Professional 2019, the most expansive version of Project 2019. This copyright encompasses all versions of Project 2019. Microsoft's copyright in Microsoft Project Professional 2019 was duly and properly registered with the United States Copyright Office, bearing the number TX 8-727-066, a true and correct copy of which is attached hereto as **Exhibit 2**.

c) **Microsoft Visio 2019:** Microsoft has developed, and advertises, markets, distributes, and licenses a software program for diagramming and vector graphics called Microsoft Visio 2019 ("Visio 2019"). Microsoft holds a valid copyright in Microsoft Visio Professional 2019, the most expansive version of Visio 2019, and this copyright encompasses all versions of Visio 2019. Microsoft's copyright in Microsoft Visio Professional 2019 was duly

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.