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11 Attorneys for Plaintiff
12 SOFTVAULT SYSTEMS, INC.

13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**
15 **SAN JOSE DIVISION**

16
17 SOFTVAULT SYSTEMS, INC.,
18 Plaintiff,
19 vs.
20 ALCATEL-LUCENT USA INC.,
21 Defendant.

Case No. 5:13-cv-00751-LHK

**FIRST AMENDED COMPLAINT FOR
INFRINGEMENT OF
U.S. PATENT NOS. 6,249,868 AND
6,594,765**

JURY TRIAL DEMANDED

1 Plaintiff SOFTVAULT SYSTEMS, INC. files this First Amended Complaint against
2 Defendant ALCATEL-LUCENT USA INC.¹, alleging as follows:

3 **THE PARTIES**

4 1. Plaintiff SOFTVAULT SYSTEMS, INC. (“SoftVault”) is a corporation organized
5 and existing under the laws of the State of Washington with its principle place of business in the
6 State of Washington.

7 2. Upon information and belief ALCATEL-LUCENT USA INC. (“ALCATEL-
8 LUCENT”) is a corporation organized and existing under the laws of the State of Delaware, with
9 its principal place of business in Murray Hill, New Jersey. ALCATEL-LUCENT may be served
10 with process through its registered agent The Prentice-Hall Corporation System, Inc., 2710
11 Gateway Oaks Drive, Suite 150N, Sacramento, California 95833-3502.

12 **JURISDICTION AND VENUE**

13 3. This is an action for infringement of United States patents. This Court has
14 exclusive jurisdiction of such action under Title 28 U.S.C. § 1338(a).

15 4. Upon information and belief, ALCATEL-LUCENT is subject to personal
16 jurisdiction by this Court. ALCATEL-LUCENT has committed such purposeful acts and/or
17 transactions in the State of California that it reasonably knew and/or expected that it could be
18 haled into a California court as a future consequence of such activity. ALCATEL-LUCENT
19 makes, uses, and/or sells infringing products within the Northern District of California and has a
20 continuing presence and the requisite minimum contacts with the Northern District of California,
21 such that this venue is a fair and reasonable one. Upon information and belief, ALCATEL-
22 LUCENT has transacted and, at the time of the filing of this Complaint, is continuing to transact
23 business within the Northern District of California. For all of these reasons, personal jurisdiction
24 exists and venue is proper in this Court under 28 U.S.C. §§ 1391(b)(1), (2) and (c)(2) and 28
25 U.S.C. § 1400(b).

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28 ¹ Plaintiff filed its Original Complaint in this lawsuit against Motive, Inc. which no longer exists as a separate entity after being acquired by Alcatel-Lucent USA Inc. Plaintiff files this First Amended Complaint to name the proper legal entity in the lawsuit.

PATENTS-IN-SUIT

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2 5. On June 19, 2001, United States Patent No. 6,249,868 BI (“the ‘868 Patent”) was
3 duly and legally issued for “METHOD AND SYSTEM FOR EMBEDDED, AUTOMATED,
4 COMPONENT-LEVEL CONTROL OF COMPUTER SYSTEMS AND OTHER COMPLEX
5 SYSTEMS.” A true and correct copy of the ‘868 Patent is attached hereto as Exhibit A and
6 made a part hereof.

7 6. On July 15, 2003, United States Patent No. 6,594,765 B2 (“the ‘765 Patent”) was
8 duly and legally issued for “METHOD AND SYSTEM FOR EMBEDDED, AUTOMATED,
9 COMPONENT-LEVEL CONTROL OF COMPUTER SYSTEMS AND OTHER COMPLEX
10 SYSTEMS.” A true and correct copy of the ‘765 Patent is attached hereto as Exhibit B and
11 made a part hereof.

12 7. The ‘868 Patent and the ‘765 Patent are sometimes referred to herein collectively
13 as “the Patents-in-Suit.”

14 8. As it pertains to this lawsuit, the Patents-in-Suit, very generally speaking, relate to
15 a method and system of protecting electronic, mechanical, and electromechanical devices and
16 systems, such as for example a computer system, and their components and software from
17 unauthorized use. Specifically, certain claims of the ‘868 and ‘765 Patents disclose the
18 utilization of embedded agents within system components to allow for the enablement or
19 disablement of the system component in which the agent is embedded. The invention disclosed
20 in the Patents-in-Suit discloses a server that communicates with the embedded agent through the
21 use of one or more handshake operations to authorize the embedded agent. When the embedded
22 agent is authorized by the server, it enables the device or component, and when not authorized
23 the embedded agent disables the device or component.

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FIRST CLAIM FOR RELIEF

(Patent Infringement)

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3 9. SoftVault repeats and realleges every allegation set forth above.

4 10. SoftVault is the owner of the Patents-in-Suit with the exclusive right to enforce
5 the Patents-in-Suit against infringers, and collect damages for all relevant times, including the
6 right to prosecute this action.

7 11. Upon information and belief, ALCATEL-LUCENT is liable under 35 U.S.C.
8 §271(a) for direct infringement of the Patents-in-Suit because it manufactures, makes, has made,
9 uses, practices, imports, provides, supplies, distributes, sells, and/or offers for sale products
10 and/or systems that practice one or more claims of the Patents-in-Suit.

11 12. More specifically, ALCATEL-LUCENT infringes the Patents-in-Suit because it
12 makes, uses, sells, and offers for sale products and systems which prevent unauthorized use of a
13 computer system through the ability to enable or disable the operation of a device's components
14 through an authorization process performed by an embedded agent in the component device and
15 a server. By way of example only, ALCATEL-LUCENT's Mobile Device Management system,
16 at a minimum, in the past directly infringed and continues to directly infringe at least claims 1
17 and 44 of the '868 Patent, as well as at least claim 9 of the '765 Patent.

18 13. ALCATEL-LUCENT's Mobile Device Management system includes the
19 capability to enable or disable a mobile device, such as a laptop or smart phone, to prevent
20 misuse of the system by rogue devices and/or rogue servers. The Mobile Device Management
21 system includes an agent that is installed on a mobile device and communicates with a MDM
22 server. This communication includes a series of message exchanges constituting a handshake
23 operation between the agent and the MDM server. Through these exchanges the MDM server
24 can authenticate and authorize a device in which the agent is embedded. When the agent is
25 authorized by the MDM server, the mobile device operates normally and when the agent is not
26 authorized, the mobile device is remotely locked and disabled.

27 14. ALCATEL-LUCENT has actual notice of the Patents-in-Suit at least as early as
28 the filing of the Original Complaint in this lawsuit.

1 15. SoftVault has been damaged as a result of ALCATEL-LUCENT's infringing
2 conduct. ALCATEL-LUCENT is, thus, liable to SoftVault in an amount that adequately
3 compensates SoftVault for ALCATEL-LUCENT's infringement, which, by law, cannot be less
4 than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C.
5 § 284.

6 **PRAYER FOR RELIEF**

7 SoftVault requests that the Court find in its favor and against ALCATEL-LUCENT, and
8 that the Court grant SoftVault the following relief:

- 9 a. Judgment that one or more claims of the Patents-in-Suit have been infringed,
10 either literally and/or under the doctrine of equivalents, by ALCATEL-LUCENT;
- 11 b. Judgment that ALCATEL-LUCENT account for and pay to SoftVault all
12 damages to and costs incurred by SoftVault because of ALCATEL-LUCENT's
13 infringing activities and other conduct complained of herein;
- 14 c. That ALCATEL-LUCENT, its officers, agents, servants and employees, and
15 those persons in active concert and participation with any of them, be
16 permanently enjoined from infringement of the Patents-in-Suit. In the alternative,
17 if the Court finds that an injunction is not warranted, SoftVault requests an award
18 of post judgment royalty to compensate for future infringement;
- 19 d. That SoftVault be granted pre-judgment and post-judgment interest on the
20 damages caused to it by reason of ALCATEL-LUCENT's infringing activities
21 and other conduct complained of herein;
- 22 e. That this Court declare this an exceptional case and award SoftVault its
23 reasonable attorney's fees and costs in accordance with 35 U.S.C. § 285; and
- 24 f. That SoftVault be granted such other and further relief as the Court may deem just
25 and proper under the circumstances.

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JURY DEMAND

Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

DATED: April 16, 2013.

/s/ Benedict O'Mahoney

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CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of April, 2013, a true and correct copy of the above and foregoing document has been provided, via electronic mail, to all counsel of record.

ATTORNEYS FOR MOTIVE, INC.

/s/ Benedict O'Mahoney