1

BENEDICT O'MAHONEY (State Bar No.152447)
TERRA LAW

2

177 Park Avenue, Third Floor
San Jose, California 95113

3

Telephone: 408-299-1200
Facsimile: 408-998-4895

4

Email: bomahoney@terralaw.com

5

JONATHAN T. SUDER (*Pro Hac Vice To Be Filed*)
CORBY R. VOWELL (*Pro Hac Vice To Be Filed*)

6

TODD I. BLUMENFELD (*Pro Hac Vice To Be Filed*)
FRIEDMAN, SUDER & COOKE

7

Tindall Square Warehouse No. 1
604 East 4th Street, Suite 200

8

Fort Worth, Texas 76102
Telephone: (817) 334-0400

9

Facsimile: (817) 334-0401
Email: jts@fsclaw.com

10

Email: vowell@fsclaw.com
Email: blumenfeld@fsclaw.com

11

Attorneys for Plaintiff

12

SOFTVAULT SYSTEMS, INC.

13

14

15

16

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

17

SOFTVAULT SYSTEMS, INC.,

18

Plaintiff,

19

vs.

20

HONEYWELL INTERNATIONAL, INC.,

21

Defendant.

CASE NO.

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

JURY TRIAL DEMANDED

22

23

24

25

26

27

28

COMPLAINT FOR INFRINGEMENT OF PATENT

1   Plaintiff SOFTVAULT SYSTEMS, INC. files its Complaint against Defendant

2 HONEYWELL INTERNATIONAL, INC., 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 HONEYWELL INTERNATIONAL, INC.

8 ("HONEYWELL") is a corporation organized and existing under the laws of the State of

9 Delaware, with its principal place of business in Morris Township, New Jersey. HONEYWELL

10 may be served with process through its registered agent, Corporation Service Company at 2710

11 Gateway Oaks Drive, Suite 150N, Sacramento, CA.

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, HONEYWELL is subject to personal jurisdiction by

16 this Court. HONEYWELL has committed such purposeful acts and/or transactions in the State

17 of California that it reasonably knew and/or expected that it could be hailed into a California

18 court as a future consequence of such activity. HONEYWELL makes, uses, and/or sells

19 infringing products within the Northern District of California and has a continuing presence and

20 the requisite minimum contacts with the Northern District of California, such that this venue is a

21 fair and reasonable one. Upon information and belief, HONEYWELL has transacted and, at the

22 time of the filing of this Complaint, is continuing to transact business within the Northern

23 District of California. For all of these reasons, personal jurisdiction exists and venue is proper in

24 this Court under 28 U.S.C. §§ 1391(b)(1), (2) and (c)(2) and 28 U.S.C. § 1400(b).

25   **PATENTS-IN-SUIT**

26   5.   On June 19, 2001, United States Patent No. 6,249,868 BI ("the '868 Patent") was

27 duly and legally issued for "METHOD AND SYSTEM FOR EMBEDDED, AUTOMATED,

28 COMPONENT-LEVEL CONTROL OF COMPUTER SYSTEMS AND OTHER COMPLEX

1

COMPLAINT FOR INFRINGEMENT OF PATENT

1179366

1 SYSTEMS." A true and correct copy of the '868 Patent is attached hereto as Exhibit A and

2 made a part hereof.

3   6.   On July 15, 2003, United States Patent No. 6,594,765 B2 ("the '765 Patent") was

4 duly and legally issued for "METHOD AND SYSTEM FOR EMBEDDED, AUTOMATED,

5 COMPONENT-LEVEL CONTROL OF COMPUTER SYSTEMS AND OTHER COMPLEX

6 SYSTEMS." A true and correct copy of the '765 Patent is attached hereto as Exhibit B and

7 made a part hereof.

8   7.   The '868 Patent and the '765 Patent are sometimes referred to herein collectively

9 as "the Patents-in-Suit."

10   8.   As it pertains to this lawsuit, the Patents-in-Suit, very generally speaking, relate to

11 a method and system of protecting electronic, mechanical, and electromechanical devices and

12 systems, such as for example a computer system, and their components and software from

13 unauthorized use. Specifically, certain claims of the '868 and '765 Patents disclose the

14 utilization of embedded agents within system components to allow for the enablement or

15 disablement of the system component in which the agent is embedded. The invention disclosed

16 in the Patents-in-Suit discloses a server that communicates with the embedded agent through the

17 use of one or more handshake operations to authorize the embedded agent. When the embedded

18 agent is authorized by the server, it enables the device or component, and when not authorized

19 the embedded agent disables the device or component.

<div align="center">

FIRST CLAIM FOR RELIEF

(Patent Infringement)

</div>

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

23   10.   SoftVault is the owner of the Patents-in-Suit with the exclusive right to enforce

24 the Patents-in-Suit against infringers, and collect damages for all relevant times, including the

25 right to prosecute this action.

26   11.   Upon information and belief, HONEYWELL is liable under 35 U.S.C. §271(a)

27 for direct infringement of the Patents-in-Suit because it manufactures, makes, has made, uses,

28

COMPLAINT FOR INFRINGEMENT OF PATENT
1179366

1   practices, imports, provides, supplies, distributes, sells, and/or offers for sale products and/or

2   systems that practice one or more claims of the Patents-in-Suit.

3   12.   More specifically, HONEYWELL infringes the Patents-in-Suit because it makes,

4   uses, sells, and offers for sale products and systems which prevent unauthorized use of a

5   computer system through the ability to enable or disable the operation of a device's components

6   utilizing an authorization process performed by an embedded agent in the component device and

7   a server. By way of example only, HONEYWELL's Remote MasterMind Device Management

8   Software, at a minimum, in the past directly infringed and continues to directly infringe at least

9   claims 1 and 44 of the '868 Patent, as well as at least claim 9 of the '765 Patent.

10   13.   HONEYWELL's Remote MasterMind Device Management Software, includes

11   the capability to enable or disable a mobile device, such as a tablet or smart phone, to prevent

12   misuse of the system. The HONEYWELL Remote MasterMind Device Management Software

13   includes an agent (the "Remote MasterMind Device Agent"") that is installed and embedded

14   within a mobile device and communicates with a HONEYWELL server (the "Remote

15   MasterMind Deployment Server"). This communication includes a series of message exchanges,

16   memorialized by authentication certificates, constituting a handshake operation between the

17   HONEYWELL Remote MasterMind Deployment Server and the Remote MasterMind Device

18   Agent. Through these exchanges the server and the embedded agent mutually authenticate one

19   another, resulting in the authorization of a device in which the HONEYWELL Remote

20   MasterMind Device Agent is embedded. When the agent is authorized by the server, the mobile

21   device operates normally and when the agent is not authorized, the mobile device is remotely

22   locked, wiped, and/or disabled.

23   14.   HONEYWELL has actual notice of the Patents-in-Suit at least as early as the

24   filing of this Complaint.

25   15.   SoftVault has been damaged as a result of HONEYWELL's infringing conduct.

26   HONEYWELL is, thus, liable to SoftVault in an amount that adequately compensates SoftVault

27   for HONEYWELL's infringement, which, by law, cannot be less than a reasonable royalty,

28   together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

PRAYER FOR RELIEF

SoftVault requests that the Court find in its favor and against HONEYWELL, and that the Court grant SoftVault the following relief:

    a.   Judgment that one or more claims of the Patents-in-Suit have been infringed, either literally and/or under the doctrine of equivalents, by HONEYWEL ;

    b.   Judgment that HONEYWELL account for and pay to SoftVault all damages to and costs incurred by SoftVault because of HONEYWELL's infringing activities and other conduct complained of herein;

    c.   That HONEYWELL, its officers, agents, servants and employees, and those persons in active concert and participation with any of them, be permanently enjoined from infringement of the Patents-in-Suit. In the alternative, if the Court finds that an injunction is not warranted, SoftVault requests an award of post judgment royalty to compensate for future infringement;

    d.   That SoftVault be granted pre-judgment and post-judgment interest on the damages caused to it by reason of HONEYWELL's infringing activities and other conduct complained of herein;

    e.   That this Court declare this an exceptional case and award SoftVault its reasonable attorney's fees and costs in accordance with 35 U.S.C. § 285; and

    f.   That SoftVault be granted such other and further relief as the Court may deem just and proper under the circumstances.

JURY DEMAND

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

/

/

/

/

/

4

COMPLAINT FOR INFRINGEMENT OF PATENT

1179366

1 DATED: March 12, 2014.   /s/ Benedict O'Mahoney

2   Benedict O'Mahoney
                                                       (Bar No.152447)
3   TERRA LAW
                                                       177 Park Avenue, Third Floor
4   San Jose, California 95113
                                                       Telephone: 408-299-1200
5   Facsimile: 408-998-4895
                                                       Email: bomahoney@terralaw.com
6
                                                       Attorney for Plaintiff
7   SOFTVAULT SYSTEMS, INC.

8   Of Counsel:

9   Jonathan T. Suder
                                                       Corby R. Vowell
10   Todd Blumenfeld
                                                        FRIEDMAN, SUDER & COOKE
11   Tindall Square Warehouse No. 1
                                                       604 East 4th Street, Suite 200
12   Fort Worth, Texas 76102
                                                       Telephone: (817) 334-0400
13   Facsimile: (817) 334-0401
                                                       Email: jts@fsclaw.com
14   Email: blumenfeld@fsclaw.com
                                                       Email: vowell@fsclaw.com
15

16

17

18

19

20

21

22

23

24

25

26

27

28

COMPLAINT FOR INFRINGEMENT OF PATENT

1179366