

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ROSEBUD LMS, INC.,
d/b/a ROSEBUD PLM,

Plaintiff,

v.

ADOBE SYSTEMS INCORPORATED,

Defendant.

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Case No. 12-1141-SLR

JURY TRIAL DEMANDED

PLAINTIFF'S FIRST AMENDED COMPLAINT

1. Rosebud LMS, Inc. d/b/a Rosebud PLM ("Rosebud" or "Plaintiff") respectfully files this patent infringement action against Adobe Systems Incorporated ("Adobe" or "Defendant").

PARTIES

2. Plaintiff Rosebud is a Delaware corporation with its principal place of business at 155 East 77th Street 1A, New York, New York 10021.

3. Defendant Adobe is a Delaware corporation with its principal place of business at 345 Park Avenue, San Jose, California 95110.

JURISDICTION AND VENUE

4. This action arises under the patent laws of the United States, Title 35 of the United States Code.

5. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1338(a) and supplemental jurisdiction pursuant to 28 U.S.C. § 1367.

6. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and (c) and 1400(b).

7. On information and belief, Defendant resides in this district, has transacted business in this district, and committed and/or induced acts of patent infringement in this district.

8. Rosebud is the owner of U.S. Patent No. 8,578,280, which is entitled “Method and Software for Enabling N-Way Collaborative Work Over a Network of Computers.”

9. The ‘280 patent issued on November 5, 2013.

10. A true and correct copy of the ‘280 Patent is attached as Exhibit A.

11. The Collaborate Live feature of Adobe’s Acrobat product infringes one or more claims of the ‘280 patent.

12. Adobe has been and now is manufacturing, using, selling, offering to sell and/or importing the Adobe Acrobat product, which includes the Collaborate Live feature, in the State of Delaware, in this judicial district, and elsewhere in the United States.

13. Adobe has been and now is directly infringing the ‘280 Patent in the State of Delaware, in this judicial district, and elsewhere in the United States, by, among other things, manufacturing, using, selling, offering to sell and/or importing Adobe Acrobat products, including Adobe Acrobat 9, Acrobat X, future versions, and other applications, that include the Collaborate Live feature and/or other similar collaboration features, which are covered by one or more claims of the ‘280 Patent. Defendant Adobe is thus liable for infringement of the ‘280 Patent pursuant to 35 U.S.C. § 271.

14. Adobe has had knowledge of the ‘280 patent and notice of the infringement at least since February 4, 2014, when Demetrios Anaipakos, counsel for Rosebud, notified Michael Berta, counsel for Adobe, of the patent and Rosebud’s infringement allegations in a letter.

15. Therefore, since February 4, 2014, Adobe’s infringement has been willful.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 8,578,280

16. Rosebud re-alleges and incorporates by reference the foregoing paragraphs.

17. Rosebud is the owner of the '280 patent and owns all rights to recover for past and future acts of infringement.

18. Adobe has been and now is manufacturing, using, selling, offering to sell and/or importing the Adobe Acrobat product, which includes the Collaborate Live feature, in the State of Delaware, in this judicial district, and elsewhere in the United States.

19. Defendant Adobe has been and now is directly infringing the '280 Patent in the State of Delaware, in this judicial district, and elsewhere in the United States, by, among other things, manufacturing, using, selling, offering to sell and/or importing Adobe Acrobat products, including Adobe Acrobat 9, Acrobat X, future versions, and other applications, that include the Collaborate Live feature and/or other similar collaboration features, which are covered by one or more claims of the '280 Patent. Adobe is thus liable for infringement of the '280 Patent.

20. At least as early as February 4, 2014, Adobe has had knowledge of the '280 Patent and notice of the infringement.

21. Adobe's infringement has been willful at least since February 4, 2014 and potentially earlier.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter:

1. A judgment in favor of Plaintiff that Defendant has infringed the '280 Patent;
2. A permanent injunction enjoining Defendant and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringement of the '280 Patent;
3. A judgment and order requiring Defendant to pay Plaintiff its damages, costs, expenses, and prejudgment and post-judgment interest for Defendant's infringement of the '280 Patent as provided under 35 U.S.C. § 284;

4. An award to Plaintiff for enhanced damages resulting from the knowing, deliberate, and willful nature of Defendant's prohibited conduct with notice being made as of at least as early of the date of correspondence with Defendant, as provided under 35 U.S.C. § 284;

5. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Plaintiff its reasonable attorneys' fees; and

6. Any and all other relief to which Plaintiff may show itself to be entitled.

DEMAND FOR JURY TRIAL

Plaintiff respectfully requests a trial by jury on any and all issues for which a jury trial is available.

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