

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

GOOD TECHNOLOGY CORPORATION  
and GOOD TECHNOLOGY SOFTWARE,  
INC.,

Plaintiffs,

V.

AIRWATCH, LLC,

Defendant.

C.A. No. 14-1092-LPS-CJB

## JURY TRIAL DEMANDED

## AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Good Technology Corporation and Good Technology Software, Inc. (“Good”) hereby allege for their Amended Complaint against defendant AirWatch, LLC (“AirWatch”) on personal knowledge as to its own actions and on information and belief as to the actions of others, as follows:

## NATURE OF THE ACTION

1. Good is a pioneer in technology and products that are critical to the backbone and safety of smartphones and tablets, which have become critical technology in today's society.

2. Good's innovations in the area of mobile data and device management have resulted in broad intellectual property protection for Good's innovations, including over 100 issued patents and pending patent applications, many of which are early, highly-cited, and foundational patents.

3. Since 1996, Good has spent hundreds of millions of dollars researching, developing, and marketing its solutions, which have revolutionized and improved users' experiences on remote devices and provided a secure environment to access the most sensitive business and personal data.

4. In 1997, Good, formerly known as Visto Corporation, created the first product that enabled users to securely access corporate email and other business data. Over the late 1990s and early 2000s, as smartphone devices were increasingly being seen in the marketplace, Good evolved this product to support “push” email, automatically synchronize data, and provide security controls such as “remote wipe”—features smartphone users utilize repeatedly throughout the day.

5. Good’s innovations have become the *de facto* standard for secure access to email and other business data on smartphones and tablets. Without these security and management functions, businesses and government agencies—such as banks, healthcare providers, life sciences and high tech companies, and many others—would not be able to utilize new and innovative devices and apps to increase workforce efficiency and productivity. Good has entered into intellectual property agreements with technology leaders, such as Research In Motion (RIM), Microsoft and Nokia.

6. Nevertheless, Good’s innovations have been the subject of widespread copying by other competitors who have unfairly attempted to capitalize on Good’s pioneering efforts and success by imitating Good’s innovative technology and product offerings.

7. One of Good’s principal imitators is AirWatch. Instead of pursuing independent product development, AirWatch has chosen to use Good’s innovative technology and product offerings, in violation of Good’s valuable intellectual property rights. As alleged below in detail, AirWatch has made its AirWatch products work through widespread patent infringement.

### **PARTIES**

8. Plaintiffs Good Technology Corporation and Good Technology Software, Inc. are Delaware corporations with their principal place of business at 430 N. Mary Ave., Suite 200, Sunnyvale, CA 94085.

9. Defendant AirWatch is a Delaware limited liability company with its principal place of business at 1155 Perimeter Center West, Suite 100, Atlanta, Georgia 30338.

10. AirWatch is doing business and infringing Good's patent-in-suit in Delaware and elsewhere in the United States.

### **JURISDICTION AND VENUE**

11. This is a civil action for patent infringement arising under the patent laws of the United States, Title 35, United States Code, including 35 U.S.C. §§ 271 *et seq.* and 281-285. Jurisdiction is conferred on this Court pursuant to 28 U.S.C. §§ 1331 and 1338(a).

12. AirWatch is transacting and/or has transacted business within the State of Delaware. AirWatch, directly or through intermediaries, is committing and/or has committed acts of infringement in the State of Delaware, including at least distributing, selling, offering for sale, advertising, using and/or supporting products or services that fall within one or more claims of Good's patent-in-suit. AirWatch is therefore subject to the personal jurisdiction of this Court.

13. AirWatch, directly or through intermediaries, has committed acts of infringement in this District, including at least distributing, selling, offering for sale, advertising, using and/or supporting products or services that fall within one or more claims of Good's patent-in-suit. Both parties reside in the District of Delaware. Accordingly, venue to adjudicate whether Good's patent-in-suit is infringed is appropriate in the District of Delaware pursuant to 28 U.S.C. §§ 1391 and 1400(b).

14. For example, AirWatch provides hardware and software solutions (in traditional forms, cloud-based, and software as service (SaaS)) for providing and securing remote access to corporate resources and services, including through authentication and for synchronizing data between corporate resources and services and remote devices (the "AirWatch Products").<sup>1</sup>

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<sup>1</sup> By way of example only, this would include the AirWatch Enterprise Mobility Management platform and associated software (formerly called the AirWatch 'Mobile Device Management System' and 'AirWatch Solution'), including at least one of the following services/solutions: Mobile Device Management, Laptop Management, Bring Your Own Device (including hybrid approach), Mobile Security Management, Mobile Content Management, Mobile Email

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AirWatch is currently marketing and selling its products and services, including its AirWatch Products, in Delaware and elsewhere in the United States. AirWatch also has commercial relationships with various technology partners to promote, sell, offer for sale, and/or advertise AirWatch accused products and services in this State and this District. For example, AirWatch's software is available to customers in Delaware through the Apple App Store and Google Play markets.

15. AirWatch also uses websites to market accused products and services in Delaware, and enable users of its sites to inquire about (and receive) additional information and product support. AirWatch's website also allows residents of this State and this District to search for and apply for employment positions with AirWatch.

#### **GENERAL ALLEGATIONS**

16. Good holds all right, title, and interest in and to United States Patent No. 8,117,344, entitled "Global Server for Authenticating Access to Remote Servers" ("the '344 Patent"), which was duly and legally issued by the USPTO on February 14, 2012 in the name of Daniel J. Mendez, et al. A copy of the '344 Patent is attached as Exhibit A.

17. Good holds all right, title, and interest in and to United States Patent No. 8,812,708, entitled "System and Method for Using a Global Translator to Synchronize Workspace Elements Across a Network" ("the '708 Patent"), which was duly and legally issued by the USPTO on February 8, 2000 in the name of Daniel J. Mendez, et al. A copy of the '708 Patent is attached as Exhibit B.

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Management); and the following server components associated with the implementation of the AirWatch Enterprise Mobility Management Platform (the AirWatch Console, Enterprise Integration Service, AirWatch Secure Email Gateway, AirWatch Mobile Email Gateway, AirWatch Cloud Directory Connector, AirWatch Mobile Access Gateway; AirWatch MDM Server, AirWatch Cloud Connector, and AirWatch Cloud Messaging, as well as the AirWatch Secure Content Locker and AirWatch Inbox/Email Client.

18. Good holds all right, title, and interest in and to United States Patent No. 8,812,702, entitled “System and Method for Globally and Securely Accessing Unified Information in a Computer Network” (“the ’702 Patent”), which was duly and legally issued by the USPTO on August 19, 2014 in the name of Daniel J. Mendez, et al. A copy of the ’702 Patent is attached as Exhibit C.

**Count 1: Infringement Of U.S. Patent No. 8,117,344**

19. Good refers to and incorporates herein the allegations of Paragraphs 1-18 above.

20. AirWatch makes, uses, sells, offers for sale, exports, supplies, and/or distributes within and from the United States, products and/or services that provide authenticated access to services, including at least one or more versions of the following: The AirWatch Enterprise Mobility Management platform and associated software (formerly called the AirWatch ‘Mobile Device Management System’ and ‘AirWatch Solution’), including at least one of the following services/solutions: Mobile Device Management, Laptop Management, Bring Your Own Device (including hybrid approach), Mobile Security Management, Mobile Content Management, Mobile Email Management; and the following server components associated with the implementation of the AirWatch Enterprise Mobility Management Platform (the AirWatch Console, Enterprise Integration Service, AirWatch Secure Email Gateway, AirWatch Mobile Email Gateway, AirWatch Cloud Directory Connector, AirWatch Mobile Access Gateway; AirWatch MDM Server, AirWatch Cloud Connector, and AirWatch Cloud Messaging (“the ’344 Accused Products”). In addition, AirWatch provides these products and/or services to distributors, resellers, developers and/or users.

21. AirWatch has been and is now directly infringing the ’344 Patent in this District and elsewhere by making, using, offering for sale, selling, importing, exporting, supplying and/or distributing within, to, and/or from the United States the ’344 Accused Products, in violation of 35 U.S.C. § 271(a). On information and belief, AirWatch had and has prior

knowledge of the '344 patent.<sup>2</sup> On information and belief, AirWatch uses advertising, marketing and sales activity to knowingly entice distributors, resellers, and/or end user customers to infringe the '344 Patent by using, offering for sale, selling, or distributing the '344 Accused Products in an infringing manner—e.g., to provide authenticated access to services via a global server. Furthermore, on information and belief, AirWatch provides distributors, resellers, and/or end user customers technical support and services as well as detailed explanations, instructions and information as to arrangements, applications and uses of the '344 Accused Products that knowingly promote and demonstrate how to use the '344 Accused Products in a manner that would infringe the '344 Patent—e.g., to provide authenticated access to services via a global server. Thus, AirWatch has indirectly infringed one or more claims of the '344 Patent by actively and knowingly inducing such use of the claimed methods and systems by its distributors, resellers, and/or end user customers using the '344 Accused Products in violation of 35 U.S.C. § 271(b). Additionally, AirWatch has contributorily infringed one or more claims of the '344 Patent by providing the '344 Accused Products directly or by way of distributors and/or resellers to end users, with the intent that these end users in turn combine the '344 Accused Products, which have no substantial non-infringing uses, with available hardware and/or software to infringe one or more claims of the '344 Patent in violation of 35 U.S.C. § 271(c).

22. On information and belief, AirWatch had and has knowledge of the '344 patent arising out of Good's public notice of the patent and AirWatch's prior conduct as relates to Good's patent rights and business. Good has provided public notice of the '344 Patent on its website.<sup>3</sup> Moreover, on information and belief, AirWatch has become aware of the '344 patent in light of litigation in the pending case of *Good Tech. Corp. v. AirWatch, LLC*, Case No. 5-12-

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<sup>2</sup> See paragraph 22.

cv-05827 (N.D. Cal.). Furthermore, it is Good's understanding that AirWatch in fact monitors Good's patent portfolio. Therefore, upon information and belief, AirWatch had and has knowledge of the '344 Patent, AirWatch has been and is aware of its infringement, and AirWatch's infringement has been and continues to be willful.

23. Good has been irreparably harmed by AirWatch's acts of infringement of the '344 Patent, and will continue to be harmed unless and until AirWatch's acts of infringement are enjoined and restrained by order of this Court. Good has no adequate remedy at law to redress AirWatch's continuing acts of infringement. The hardships that would be imposed upon AirWatch by an injunction are less than those faced by Good should an injunction not issue. Furthermore, the public interest would be served by issuance of an injunction.

24. As a result of AirWatch's acts of infringement, Good has suffered and will continue to suffer damages in an amount to be proved at trial.

**Count 2: Infringement Of U.S. Patent No. 6,023,708**

25. Good refers to and incorporates herein the allegations of Paragraphs 1-24 above.

26. AirWatch makes, uses, sells, offers for sale, exports, supplies, and/or distributes within and from the United States, products and/or services, including at least one or more versions of the following: AirWatch Secure Content Locker and AirWatch Inbox/Email Client software along with the AirWatch Enterprise Mobility Management platform (formerly called the AirWatch "Mobile Device Management System" and "AirWatch Solution"), including at least one of the following services/solutions: Mobile Device Management, Mobile Content Management, Mobile Email Management, Secure Browser, Mobile Browsing Management, Mobile Email Gateway, and Mobile Application Gateway; and at least the following server components: the Airwatch MDM Server and/or Airwatch Console ("the '708 Accused

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<sup>3</sup> See, for example: <http://www1.good.com/good-dynamics-platform/boxtone.html>, <http://media.www1.good.com/documents/US8117344.pdf>, <http://au.good.com/legal/other-legal.html>, <http://au.good.com/secure-mobility-solution/mobile-application-containerization>.

Products”). In addition, AirWatch provides these products and/or services to distributors, resellers, developers and/or users.

27. AirWatch has been and is now directly infringing the ’708 Patent in this District and elsewhere by making, using, offering for sale, selling, importing, exporting, supplying and/or distributing within, to, and/or from the United States the ’708 Accused Products, in violation of 35 U.S.C. § 271(a). On information and belief, AirWatch had and has prior knowledge of the ’708 patent.<sup>4</sup> On information and belief, AirWatch uses advertising, marketing and sales activity to knowingly entice distributors, resellers, and/or end user customers to infringe the ’708 Patent by using, offering for sale, selling, or distributing the ’708 Accused Products in an infringing manner—e.g., synchronizing data between corporate resources and services and remote devices. Furthermore, on information and belief, AirWatch provides distributors, resellers, and/or end user customers technical support and services as well as detailed explanations, instructions and information as to arrangements, applications and uses of the ’708 Accused Products that knowingly promote and demonstrate how to use the ’708 Accused Products in a manner that would infringe the ’708 Patent—e.g., synchronizing data between corporate resources and services and remote devices. Thus, AirWatch has indirectly infringed one or more claims of the ’708 Patent by actively and knowingly inducing such use of the claimed methods and systems by its distributors, resellers, and/or end user customers using the ’708 Accused Products in violation of 35 U.S.C. § 271(b). Additionally, AirWatch has contributorily infringed one or more claims of the ’708 Patent by providing the ’708 Accused Products directly or by way of distributors and/or resellers to end users, with the intent that these end users in turn combine the ’708 Accused Products, which have no substantial non-infringing uses, with available hardware and/or software to infringe one or more claims of the ’708 Patent in violation of 35 U.S.C. § 271(c).

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<sup>4</sup> See paragraph 28.



28. On information and belief, AirWatch had and has knowledge of the '708 patent arising out of Good's public notice of the patent and AirWatch's prior conduct as relates to Good's patent rights and business. Good has provided public notice of the '708 Patent on its website.<sup>5</sup> Furthermore, it is Good's understanding that AirWatch in fact monitors Good's patent portfolio. Therefore, upon information and belief, AirWatch had and has knowledge of the '708 Patent, AirWatch has been and is aware of its infringement, and AirWatch's infringement has been and continues to be willful.

29. Good has been irreparably harmed by AirWatch's acts of infringement of the '708 Patent, and will continue to be harmed unless and until AirWatch's acts of infringement are enjoined and restrained by order of this Court. Good has no adequate remedy at law to redress AirWatch's continuing acts of infringement. The hardships that would be imposed upon AirWatch by an injunction are less than those faced by Good should an injunction not issue. Furthermore, the public interest would be served by issuance of an injunction.

30. As a result of AirWatch's acts of infringement, Good has suffered and will continue to suffer damages in an amount to be proved at trial.

**Count 3: Infringement Of U.S. Patent No. 8,812,702**

31. Good refers to and incorporates herein the allegations of Paragraphs 1-30 above.

32. AirWatch makes, uses, sells, offers for sale, exports, supplies, and/or distributes within and from the United States, products and/or services, including at least one or more versions of the following: AirWatch Secure Content Locker and AirWatch Inbox/Email Client software along with the AirWatch Enterprise Mobility Management platform (formerly called the AirWatch "Mobile Device Management System" and "AirWatch Solution"), including at least one of the following services/solutions: Mobile Device Management, Mobile Content Management, Mobile Email Management, Secure Browser, Mobile Browsing Management,

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<sup>5</sup> See, for example: <http://au.good.com/legal/patent-litigation.html>;  
<http://au.good.com/legal/other-legal.html>.

Mobile Email Gateway, and Mobile Application Gateway; and at least the following server components: the AirWatch MDM Server and/or AirWatch Console (“the ’702 Accused Products”). In addition, AirWatch provides these products and/or services to distributors, resellers, developers and/or users.

33. AirWatch has been and is now directly infringing the ’702 Patent in this District and elsewhere by making, using, offering for sale, selling, importing, exporting, supplying and/or distributing within, to, and/or from the United States the ’702 Accused Products, in violation of 35 U.S.C. § 271(a). On information and belief, AirWatch had and has prior knowledge of the ’702 patent.<sup>6</sup> On information and belief, AirWatch uses advertising, marketing and sales activity to knowingly entice distributors, resellers, and/or end user customers to infringe the ’702 Patent by using, offering for sale, selling, or distributing the ’702 Accused Products in an infringing manner—e.g., synchronizing data between corporate resources and services and remote devices. Furthermore, on information and belief, AirWatch provides distributors, resellers, and/or end user customers technical support and services as well as detailed explanations, instructions and information as to arrangements, applications and uses of the ’702 Accused Products that knowingly promote and demonstrate how to use the ’702 Accused Products in a manner that would infringe the ’702 Patent—e.g., synchronizing data between corporate resources and services and remote devices. Thus, AirWatch has indirectly infringed one or more claims of the ’702 Patent by actively and knowingly inducing such use of the claimed methods and systems by its distributors, resellers, and/or end user customers using the ’702 Accused Products in violation of 35 U.S.C. § 271(b). Additionally, AirWatch has contributorily infringed one or more claims of the ’702 Patent by providing the ’702 Accused Products directly or by way of distributors and/or resellers to end users, with the intent that these end users in turn combine the ’702 Accused Products, which have no substantial non-

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<sup>6</sup> See paragraph 34.

infringing uses, with available hardware and/or software to infringe one or more claims of the '702 Patent in violation of 35 U.S.C. § 271(c).

34. On information and belief, AirWatch had and has knowledge of the '702 patent arising out of Good's public notice of the patent's application and AirWatch's prior conduct as relates to Good's patent rights and business. Good has provided public notice of the '702 Patent application on its website.<sup>7</sup> Furthermore, it is Good's understanding that AirWatch in fact monitors Good's patent portfolio. Therefore, upon information and belief, AirWatch had and has knowledge of the '702 Patent, AirWatch has been and is aware of its infringement, and AirWatch's infringement has been and continues to be willful.

35. Good has been irreparably harmed by AirWatch's acts of infringement of the '702 Patent, and will continue to be harmed unless and until AirWatch's acts of infringement are enjoined and restrained by order of this Court. Good has no adequate remedy at law to redress AirWatch's continuing acts of infringement. The hardships that would be imposed upon AirWatch by an injunction are less than those faced by Good should an injunction not issue. Furthermore, the public interest would be served by issuance of an injunction.

36. As a result of AirWatch's acts of infringement, Good has suffered and will continue to suffer damages in an amount to be proved at trial.

#### **PRAYER FOR RELIEF**

WHEREFORE Good requests the following relief:

a. That AirWatch and its parents, affiliates, subsidiaries, officers, agents, servants, employees, attorneys, successors, and assigns, and all those persons in active concert or participation with them, or any of them, be preliminarily and permanently enjoined from making, using, importing, exporting, distributing, supplying, offering for sale, selling, or causing to be sold any product or service falling within the scope of any claim of the '344

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<sup>7</sup> <http://www1.good.com/legal/other-legal.html#patent>

Patent, the '708 Patent, or the '702 Patent or otherwise infringing or contributing to or inducing infringement of any claim thereof;

b. A finding that AirWatch has infringed the '344 Patent, the '708 Patent, and the '702 Patent;

c. That Good be awarded its actual damages;

d. That Good be awarded pre judgment interest and post judgment interest at the maximum rate allowed by law, including an award of prejudgment interest, pursuant to 35 U.S.C. § 284, from the date of each act of infringement of the '344 Patent, the '708 Patent, and the '702 Patent by AirWatch to the day a damages judgment is entered, and a further award of post judgment interest, pursuant to 28 U.S.C. § 1961, continuing until such judgment is paid, at the maximum rate allowed by law;

e. That the Court order an accounting for damages through judgment and post-judgment until AirWatch is permanently enjoined from further infringing activities;

f. That the Court declare this to be an exceptional case pursuant to 35 U.S.C. § 285 and requiring AirWatch to pay the costs of this action (including all disbursements) and attorney's fees as provided by 35 U.S.C. § 285;

g. That the Court award enhanced damages pursuant to 35 U.S.C. § 284;

h. That the Court award supplemental damages for any continuing post-verdict infringement up until AirWatch is permanently enjoined from further infringing activities;

i. That the Court award a compulsory future royalty in the event an injunction is not awarded;

j. That the Court require AirWatch to pay interest on such damages at the legal rate;

k. That AirWatch pay Good's reasonable attorney's fees and costs; and

l. That Good be awarded such other and further relief as the Court deems just and proper.

**DEMAND FOR A JURY TRIAL**

Pursuant to the provisions of Rule 38(b) of the Federal Rules of Civil Procedure and in accordance with Civil Local Rule 38.1, Good demands a trial by jury of all issues so triable in this matter.

Respectfully submitted,

SEITZ ROSS ARONSTAM & MORITZ LLP

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*Counsel for Plaintiffs Good Technology Corp.  
and Good Technology Software, Inc.*

Dated: September 16, 2014

**CERTIFICATE OF SERVICE**

I, Benjamin J. Schladweiler, hereby certify that on September 16, 2014, a true copy of the foregoing *Amended Complaint for Patent Infringement* was served via electronic mail upon the following counsel of record:

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