

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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Nuxeo Corporation, :  
 :  
 Plaintiff, : INDEX No.  
 :  
 vs. :  
 :  
 Lone Star Document Management, LLC, :  
 :  
 Defendant. :  
----- X

Plaintiff Nuxeo Corporation (“Nuxeo”) for its complaint against Defendant Lone Star Document Management, LLC (“Lone Star”) alleges as follows:

**PARTIES**

1. Plaintiff Nuxeo Corporation is a Delaware corporation with a principal place of business at 181 North 11th Street Suite 307, Brooklyn, New York 11211.
2. On information and belief, Defendant Lone Star Document Management, LLC, is a Delaware limited liability company with its principal office located at 555 Republic Drive, 2nd Floor, Plano, Texas 75074.

**JURISDICTION AND VENUE**

3. This is an action for a declaratory judgment of non-infringement of United States Patent No. 6,918,082 (“the ’082 patent”). The action arises under the Declaratory Judgment Act, 28 U.S.C. §§ 2201-2202, and the patent laws of the United States, including Title 35, United States Code. This Court has original jurisdiction over the subject matter of this action under 28 U.S.C. § 1338.
4. This Court has personal jurisdiction over Lone Star because, on information and belief, its founder, manager, and principal employee Jeffrey M. Gross is domiciled in New York, New York. Mr. Gross is also purportedly a co-inventor of the ’082 patent. Lone Star’s counsel

has sent written communications to Nuxeo in Brooklyn, New York, alleging that Nuxeo infringes one or more claims of the '082 patent.

5. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b) and (c) and 28 U.S.C. § 1400(b) because on information and belief, a substantial part of the events giving rise to the claims occurred in this District. Nuxeo sells and markets its software and services accused of infringement in Brooklyn, New York.

#### **THE PATENT**

6. The '082 patent is entitled "Electronic Document Proofing Mechanism." The named inventors of the '082 patent are Jeffrey M. Gross and Matthew H. Parker, both of Brooklyn, New York. A true and correct copy of the '082 patent is attached hereto as Exhibit A.

7. The '082 patent is assigned to Jeffrey M. Gross on its face.

8. Lone Star purports to be the holder of all right, title, and interest in the '082 patent.

#### **EXISTENCE OF AN ACTUAL CONTROVERSY**

9. There is an actual controversy within the jurisdiction of this Court under 28 U.S.C. §§ 2201 and 2202.

10. On January 25, 2016, Lone Star sent a demand letter to Nuxeo. The letter accuses Nuxeo of infringing the '082 patent "through the use, manufacture, sale, and offers for sale of its document collaboration system" through its products and services, which, the letter states, "include but are not limited to the Nuxeo Platform products and services."

11. A true and correct copy of the demand letter is attached as Exhibit B.

12. The demand letter, which attempts to read like a complaint, specifically refers to claim 10 of the '082 patent and accuses Nuxeo of infringing at least claim 10. (Ex. B at 1.) The letter states that "[t]he Infringing Products provide comprehensive capabilities for managing and processing documents in a way that directly infringes the '082 patent." (*Id.*)

13. The demand letter specifically accuses Nuxeo's products and services of allegedly infringing features that "include but are not necessarily limited to delivery of portable format

documents over a network, use of user-identifiers to prevent unauthorized access, versioning and commenting functionality, and the ability to view multiple version and/or comments simultaneously with a given document.” (*Id.*)

14. The demand letter further alleges induced and contributory infringement, and represents that “Lone Star has suffered damages and will continue to suffer damages in the future.” (*Id.* at 1-2.)

15. Based upon the above facts, there is an actual justiciable controversy concerning the ’082 patent within the jurisdiction of this Court under 28 U.S.C. §§ 2201 and 2202.

**CAUSE OF ACTION**

**Declaratory Judgment of Non-Infringement of the ’082 Patent**

16. Nuxeo repeats and realleges each and every allegation set forth in paragraphs 1 through 15 in their entirety.

17. Lone Star alleges in the demand letter that Nuxeo has been and is infringing under 35 U.S.C. § 271 one or more claims—specifically claim 10—of the ’082 patent “through the use, manufacture, sale, and offers for sale of its document collaboration system its products and services,” which “include but are not limited to the Nuxeo Platform products and services.” (Ex. B at 1.) It also alleges Nuxeo infringes the ’082 patent through “actively aiding and abetting others . . . by advertising, offering for sale, and selling the Infringing Products, and by providing user manuals, product documentation, and other instructions.” (*Id.* at 1-2.) Lone Star also alleges infringement of the ’082 patent “by providing the Infringing Products to others, including its partners, customers, and end users.” (*Id.*)

18. Nuxeo manufactures a content management platform that is advertised as the “Nuxeo Platform” that does not infringe claim 10 of the ’082 patent—the claim identified in Lone Star’s letter. For example, claims 10 recites limitations not made, sold, used, offered for sale, or imported by Nuxeo, such as “said program for retrieving and formatting the requested

document together with the associated plurality of comments for simultaneous display to permit review.”

**19.** Moreover, multiple actors are required to infringe claim 10, and Nuxeo is not vicariously liable for the acts of any third party, including its customers’ use or implementation of Nuxeo’s products and services, even if those acts resulted in infringement. Accordingly, there can be no direct infringement liability for Nuxeo.

**20.** Because Nuxeo had no knowledge of the ’082 patent before the receipt of the demand letter, Exhibit B, Nuxeo also cannot be liable for indirect infringement before receiving the letter.

**21.** Even after learning of the ’082 patent, Nuxeo cannot be liable for induced infringement. For example, Nuxeo does not intend to induce infringement because its products and services, including the Nuxeo Platform, do not infringe the ’082 patent for at least the exemplary reasons in paragraphs 18. Further, Nuxeo has not encouraged any other party to infringe the ’082 patent.

**22.** Similarly, Nuxeo cannot be liable for contributory infringement since receiving the demand letter attached as Exhibit B. For example, Nuxeo does not contribute to infringement of the ’082 patent because its products and services, including the Nuxeo Platform, do not infringe for at least the reasons in paragraph 18. For at least the exemplary reasons stated in paragraph 18, Nuxeo’s products and services, including the Nuxeo Platform, also do not constitute a material part of the invention allegedly claimed in at least claim 10 of the ’082 patent claims.

**23.** In addition to not practicing all of the claim limitations of claim 10, Nuxeo’s products and services, including the Nuxeo Platform, have substantial non-infringing uses. For example, Nuxeo’s products and services, including the Nuxeo Platform, can be used with a wide variety of applications and file types that are not related to “portable document file[s].” By way of further example, Nuxeo’s products and services, including the Nuxeo Platform, can be used and

implemented in a manner not involving the commenting limitations purportedly required by the '082 patent claim 10.

24. There exists, therefore, an actual and justiciable controversy, within the meaning of 28 U.S.C. §§ 2201 and 2202 between Nuxeo and Lone Star with respect to the non-infringement of the claims of the '082 patent.

25. Absent a declaration of non-infringement, Lone Star will continue to wrongfully allege infringement of the '082 patent against Nuxeo and thereby cause it irreparable injury and damage.

26. Accordingly, Nuxeo seeks a judicial determination and declaration that Nuxeo does not infringe, induce infringement or contributorily infringe any claim of the '082 patent.

**PRAYER FOR RELIEF**

Wherefore, Plaintiff Nuxeo Corporation demands judgment against Defendant Lone Star Document Management, LLC, and respectfully requests that this Court enter the following Orders:

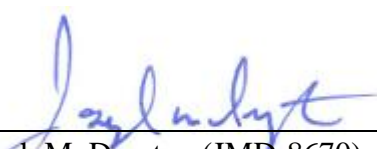
- A. Declaring that Nuxeo does not infringe any claim of U.S. Patent No. 6,918,082;
- B. Declaring that Lone Star and its officers, employees, agents, alter egos, attorneys, and any persons in active concert or participation with them be restrained and enjoined from further prosecuting or instituting any action against Nuxeo claiming that the '082 patent is infringed, or from representing that Nuxeo's products and/or services infringe the '082 patent;
- C. A judgment declaring this case exceptional under 35 U.S.C. § 285 and awarding Nuxeo its attorneys' fees and costs in connection with this case; and
- D. Awarding Nuxeo such other and further relief as this Court deems just and proper.

Dated: February 24, 2016

Respectfully submitted,

COOLEY LLP

By: \_\_\_\_\_

  
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