

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

PANTAURUS, LLC

Plaintiff,

v.

**ALADDIN KNOWLEDGE SYSTEMS,
LTD., SAFENET INC, and
GEMALTO INC**

Defendants.

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CIVIL ACTION NO.

JURY TRIAL DEMANDED

COMPLAINT FOR INFRINGEMENT OF PATENT

COMES NOW, Plaintiff Pantaurus, LLC (“Pantaurus” or Plaintiff), through the undersigned attorneys, and respectfully alleges, states, and prays as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement under the Patent Laws of the United States, Title 35 United States Code (“U.S.C.”) to prevent and enjoin defendants Aladdin Knowledge Systems, Ltd., SafeNet Inc., and Gemalto Inc., (hereinafter “Defendants”) from infringing and profiting, in an illegal and unauthorized manner and without authorization and/or of the consent from Pantaurus, from U.S. Patent No. 6,272,533 (the “533 patent”, attached hereto as Exhibit “A”) pursuant to 35 U.S.C. § 271, and to recover damages, attorney’s fees, and costs.

THE PARTIES

2. Plaintiff Pantaurus is a Texas entity with its principal place of business at 2305 North St. Ste. 205, Beaumont, TX 77702.

3. Upon information and belief, defendant Aladdin Knowledge Systems, Ltd. is a corporation organized and existing under the laws of Israel with a principal place of business at 35 Efal St., Kiryat Arye, Petach Tikva, Israel 49511.

4. Upon information and belief, defendant SafeNet, Inc. is a corporation organized and existing under the laws of the state of Delaware with a principal place of business at 4690 Millennium Drive Belcamp, Maryland 21017. Upon information and belief, defendant SafeNet, Inc. may be served with process at The Corporation Trust Company, Corporation Trust Center 1209 Orange St., Wilmington, DE 19801.

5. Upon information and belief, defendant Gemalto Inc. is a corporation organized and existing under the laws of the state of Delaware with a principal place of business at 9442 Capital of Texas Highway North, Suite 400, upon information and belief, defendant Gemalto Inc. may be served with process at Corporation Service Company, 2711 Centerville Rd. Suite 400 Wilmington, DE 19808.

JURISDICTION AND VENUE

6. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because the action arises under the Patent Laws of the United States, 35 U.S.C. §§ 1 *et seq.*

7. This Court has personal jurisdiction over Defendants by virtue of their systematic and continuous contacts with this jurisdiction, as alleged herein, as well as because of the injury to Pantaurus, and the cause of action Pantaurus has risen, as alleged herein.

8. Defendants are subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to their substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this judicial district.

9. Defendants have conducted and do conduct business within the state of Texas, including the geographic region within the Eastern District of Texas, directly or through intermediaries, resellers or agents, or offers for sale, sells, advertises (including through the use of interactive web pages with promotional material) products or services, or use or induce others to use services or products in Texas, including this judicial district, that infringe the '533 patent.

10. Specifically, Defendants solicit business from and market their services to consumers within Texas, including the geographic region within the Eastern District of Texas, by selling and offering for sale secure computer systems and methods including a switch operable to inhibit data corruption on a storage device to said Texas consumers.

11. In addition to Defendants continuously and systematically conducting business in Texas, the causes of action against Defendants are connected (but not limited) to Defendants' purposeful acts committed in the state of Texas, including the geographic region within the Eastern District of Texas, including Defendants' making, using, offering for sale, or selling removable memory storage devices having a display used for managing files stored on the storage devices that fall within the scope of at least one claim of the '533 patent.

12. Venue lies in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400(b).

JOINDER

13. Defendants are properly joined under 35 U.S.C. § 299(a)(1) because a right to relief is asserted against the parties jointly, severally, and in the alternative with respect to the same transactions, occurrences, or series of transactions or occurrences relating to the making, using, importing into the United States, offering to sell, and/or selling the same accused products. Specifically, as alleged in detail below, Defendants are alleged to infringe the '262 patent with respect to the same products.

14. Defendants are properly joined under 35 U.S.C. § 299(a)(2). Questions of fact will arise that are common to all defendants, including for example, whether Defendants' products have features that meet the features of one or more claims of the '262 patent, and what reasonable royalty will be adequate to compensate the owner of the '262 patent for their infringement.

15. Defendants use, make, sell, offer to sell and/or import products that, when used, infringe on the '262 patent.

16. At least one right to relief is asserted against these parties jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences relating to the making, using, importing into the United States, offering to sell, or selling of the same accused product and/or process.

FACTUAL ALLEGATIONS

17. On August 7, 2001, the United States Patent and Trademark Office ("USPTO") duly and legally issued the '533 patent, entitled "Removable Memory Storage Device Having a Display" after a full and fair examination. (Exhibit A).

18. Pantaurus is presently the owner of the patent, having received all right, title and interest in and to the '533 patent from the previous assignee of record. Pantaurus possesses all rights of recovery under the '533 patent, including the exclusive right to recover for past infringement.

19. The '533 patent contains nine (9) independent claims and thirty six (36) dependent claims. Defendant commercializes, *inter alia*, devices that include each and every element of at least one claim of the '533 patent.

20. The invention claimed in the '533 patent comprises a secure computer system and method of providing secure access to a computer system including a switch operable to inhibit data corruption on a storage device.

DEFENDANT'S PRODUCTS

21. Defendants' products, such as the "Aladdin eToken NG-FLASH (Java)," the "Aladdin eToken NG-FLASH Anywhere," and the "Aladdin eToken NG-OTP (Java) Cryptographic Modules (CM)" (the "Accused Products"), are digital computer systems. For example, the Accused Product includes several microcontrollers, memory, data storage, and various ports and interfaces. The Accused Products, at least during internal testing and normal use, operate in conjunction with other computing systems.

22. The Accused Products include a first processor connected to a first system bus and a second processor connected to a second system bus. For example, the Accused Product includes a first system bus that connects a first processor in the ISO 7816 Controller (the "first processor") to the memory system of the Accused Products through Access Control, thereby enabling the system to read from or write to the memory drive (*e.g.*, the OTP/ EEPROM/ CRYPTO-ROM/ Program Memory) of the Accused Products. Furthermore, the Accused Product includes a second system bus that connects a second processor in the AdvX Crypto Coprocessor (the "second processor") with the memory system through the Access Control, thereby enabling the system to read from or write to the OTP/EEPROM/CRYPTO-ROM Program Memory (the "data storage device") of the Accused Product.

23. The Accused Product includes at least a data storage device connected to a first system bus. For example, the Accused Product includes a first system bus that connects the first processor to the data storage device, whereby the first processor is able to read from and write to

the data storage device through the flash memory module's connection to both the first and second system buses.

24. The Accused Product includes at least a data storage device connected to a second system bus. For example, the Accused Product includes a second system bus that connects the second processor to the data storage device, whereby the second processor is able to read from and write to the data storage device through the flash memory module's connection to the second system bus.

25. The Accused Product selectively operates in a plurality of operating modes so as to access the data storage device. For example, the Accused Product supports at least two modes: a Crypto Officer role and a User role, each mode with its own associated services and rights.

26. The Accused Product includes a switch operable to selectively enable and disable at least one of the operating modes, by means distinct and separate from at least one of the first or the second processor, therefore inhibiting one of the first or the second processor from accessing the data storage. For example, the first processor works in conjunction with a keyboard or a keypad (a switch) which accepts entry of user credentials. The first processor further supports two or more modes: a user and cryptographic officer, each with its own corresponding credentials that must be provided via the switch which will disable/enable at least one of the above modes. The second processor is inhibited from controlling the switch; therefore operation of the switch is independent of said second processor.

27. The elements described in paragraphs 21-26 are covered by at least claim 29 of the '533 patent. Thus, Defendants' use, manufacture, sale, and/or offer for sale of the Accused Product is enabled by the device described in the '533 patent.

INFRINGEMENT OF THE '533 PATENT

28. Plaintiff realleges and incorporates by reference the allegations set forth in paragraphs 1 to 27.

29. In violation of 35 U.S.C. § 271, Defendants are now, and have been directly and indirectly infringing the '533 patent.

30. Defendants have had knowledge of infringement of the '533 patent at least as of the service of the present complaint.

31. Defendants have directly infringed and continue to directly infringe at least claim 29 of the '533 patent by making, using, importing, offering for sale, and/or selling the Accused Product through its website without authority in the United States, and will continue to do so unless enjoined by this Court. As a direct and proximate result of Defendants' direct infringement of the '533 patent, Plaintiff has been and continues to be damaged.

32. Defendants have indirectly infringed and continues to indirectly infringe at least claim 29 of the '533 patent by actively inducing its respective customers, users, and/or licensees to directly infringe by using, selling, offering to sell and/or importing the Accused Product. Defendants engaged or will have engaged in such inducement having knowledge of the '533 patent. Furthermore, Defendants knew or should have known that their action would induce direct infringement by others and intended that its actions would induce direct infringement by others. For example, Defendants use, sell, offer for sale and advertise the Accused Product in Texas specifically intending that its customers use it. Furthermore, the use of the Accused Product by Defendants' customers is facilitated by the system described in the '533 patent. As a direct and proximate result of Defendants' indirect infringement by inducement of the '533 patent, Plaintiff has been and continues to be damaged.

33. Defendants have contributorily infringed and continues to contributorily infringe at least claim 29 of the '262 patent by selling and/or offering to sell the Accused Product, whose infringing features are not a staple article of commerce and when used by a third-party, such as a customer, can only be used in a way that infringes the '533 patent. Defendants have done this with knowledge of the '533 patent and knowledge that the Accused Product constitutes a material part of the invention claimed in the '533 patent. Defendants engaged or will have engaged in such contributory infringement having knowledge of the '533 patent. As a direct and proximate result of Defendants' contributory infringement of the '533 patent, Plaintiff has been and continues to be damaged.

34. By engaging in the conduct described herein, Defendants have injured Pantaurus and are thus liable for infringement of the '533 patent, pursuant to 35 U.S.C. § 271.

35. Defendants have committed these acts of infringement without license or authorization.

36. As a result of Defendants' infringement of the '533 patent, Pantaurus has suffered monetary damages and is entitled to a monetary judgment in an amount adequate to compensate for Defendants' past infringement, together with interests and costs.

37. Pantaurus will continue to suffer damages in the future unless Defendants' infringing activities are enjoined by this Court. As such, Pantaurus is entitled to compensation for any continuing and/or future infringement up until the date that Defendants are finally and permanently enjoined from further infringement.

DEMAND FOR JURY TRIAL

38. Pantaurus demands a trial by jury of any and all causes of action.

PRAYER FOR RELIEF

WHEREFORE, Pantaurus prays for the following relief:

1. That Defendants be adjudged to have infringed the '533 patent, directly and/or indirectly, by way of inducement and/or contributory infringement, literally and/or under the doctrine of equivalents;

2. That Defendants, their officers, directors, agents, servants, employees, attorneys, affiliates, divisions, branches, parents, and those persons in active concert or participation with any of them, be permanently restrained and enjoined from directly and/or indirectly infringing the '533 patent;

3. An award of damages pursuant to 35 U.S.C. § 284 sufficient to compensate Pantaurus for the Defendants' past infringement and any continuing or future infringement up until the date that Defendants are finally and permanently enjoined from further infringement, including compensatory damages;

4. An assessment of pre-judgment and post-judgment interest and costs against Defendants, together with an award of such interest and costs, in accordance with 35 U.S.C. § 284;

5. That Defendants be directed to pay enhanced damages, including Pantaurus' attorneys' fees incurred in connection with this lawsuit pursuant to 35 U.S.C. § 285; and

6. That Pantaurus have such other and further relief as this Court may deem just and proper.

Dated: March 2, 2016

Respectfully Submitted,

By: /s/Eugenio J. Torres-Oyola

Eugenio J. Torres-Oyola

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