

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

GUARDIAN MAIL, LLC)	
)	
Plaintiff,)	
)	Civil Action No. 2:16-cv-833-JRG-RSP
v.)	
)	JURY TRIAL DEMANDED
ENTRUST, INC. and)	
ENTRUST DATACARD CORPORATION)	
)	
Defendants.)	
_____)	

AMENDED COMPLAINT

For its Complaint, Plaintiff Guardian Mail, LLC ("Guardian Mail"), by and through the undersigned counsel, alleges as follows:

THE PARTIES

1. Guardian Mail is a Texas limited liability company with a place of business located at 1400 Preston Road, Suite 400, Plano, Texas 75093.

2. Defendant Entrust, Inc. is a Maryland company with, upon information and belief, a place of business located at Three Lincoln Centre, 5430 LBJ Freeway, Suite 1250, Dallas, Texas 75240.

3. Defendant Entrust Datacard Corporation is a Delaware corporation with, upon information and belief, a place of business located at 1187 Park Place, Shakopee, Minnesota 55379.

4. Defendant Entrust Datacard Corporation's website identifies Three Lincoln Centre, 5430 LBJ Freeway, Suite 1250, Dallas, Texas 75240 as the location of one of its "Global Office Locations." See <https://www.datacard.com/datacard-locations-the-americas> (last accessed Aug. 5, 2016).

5. Upon information and belief, Defendant Entrust, Inc. and Defendant Entrust Datacard Corporation (collectively, "Defendants") are related entities.

JURISDICTION AND VENUE

6. This action arises under the Patent Act, 35 U.S.C. § 1 *et seq.*

7. Subject matter jurisdiction is proper in this Court under 28 U.S.C. §§ 1331 and 1338.

8. Upon information and belief, Defendants conduct substantial business in this forum, directly or through intermediaries, 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 this district.

9. Venue is proper in this district pursuant to §§ 1391(b), (c) and 1400(b).

THE PATENT-IN-SUIT

10. On December 7, 2004, U.S. Patent No. 6,829,613 (the "'613 patent"), entitled "Techniques for Controlling Distribution of Information from a Secure Domain," was duly and lawfully issued by the U.S. Patent and Trademark Office. A true and correct copy of the '613 patent is attached hereto as Exhibit A.

11. Guardian Mail is the assignee and owner of the right, title and interest in and to the '613 patent, including the right to assert all causes of action arising under said patents and the right to any remedies for infringement of it.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 6,829,613

12. Guardian Mail repeats and realleges the allegations of paragraphs 1 through 11 as if fully set forth herein.

13. Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendants are liable for infringement of at least claim 1 of the '613 patent by making, using, importing, offering for sale, and/or selling a method and system for controlling distribution of a message from a sender to a recipient, including, but not limited to, Entrust Intelligence Messaging Server in combination with Entrust Intelligence Content Control Server and Entrust Intelligence Monitoring Server (the "Accused Instrumentality").

14. More specifically and upon information and belief, the Accused Instrumentality is a content monitoring system that quarantines a message or file, etc. if it contains content that breaches industry policies, regulatory compliance, corporate compliance, etc. *See* Entrust Intelligence Messaging Server at p. 1 (available at https://www.entrust.com/wp-content/uploads/2013/05/DS_EMS_web_April2012.pdf (last accessed July 29, 2016); Scan, Filter, Organize: Compliance Through Advanced Policy-Based Content Analysis ("Scan, Filter, Organize") at p. 16 (available at https://www.entrust.com/wp-content/uploads/2013/05/Entrust_ContentAnalysis_WP.pdf (last accessed July 29, 2016)). The Accused Instrumentality includes content analysis that has predefined categories in which e-mails can be categorized where each category has a different semantic meaning. *See* Scan, Filter, Organize at p. 16-17. The content analysis uses NLP on e-mail content to generate context of e-mail. *See id.* at p. 16; Form 10-K, Entrust, Inc. at pp. 7-8 (available at <https://www.sec.gov/Archives/edgar/data/1031283/000119312506045096/d10k.htm> (last accessed July 29, 2016)). The content analysis is based on the semantic meaning of e-mail content and the multiple categories of assentor, and e-mails are subsequently categorized. *See* Scan, Filter, Organize at pp. 16-17. The content analysis determines how a message is

categorized on the basis of its content and depending on the category of the message, the message is quarantined. *Id.*

15. Guardian Mail is entitled to recover from Defendants the damages sustained by Guardian Mail as a result of Defendants' infringement of the '613 patent in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

JURY DEMAND

Guardian Mail hereby demands a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Guardian Mail requests that this Court enter judgment against Defendants as follows:

- A. An adjudication that Defendants have infringed the '613 patent;
- B. An award of damages to be paid by Defendants adequate to compensate Guardian Mail for Defendants' past infringement of the '613 patent and any continuing or future infringement through the date such judgment is entered, including interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;
- C. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of Guardian Mail's reasonable attorneys' fees; and
- D. An award to Guardian Mail of such further relief at law or in equity as the Court deems just and proper.

Dated: August 5, 2016

/s/ Richard C. Weinblatt

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