

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

UNILOC USA, INC. and	§	
UNILOC LUXEMBOURG, S.A.,	§	
	§	Civil Action No. 2:16-cv-1193
Plaintiffs,	§	
	§	
v.	§	PATENT CASE
	§	
NUTANIX, INC.,	§	
	§	
Defendant.	§	JURY TRIAL DEMANDED
	§	

**ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiffs, Uniloc USA, Inc. and Uniloc Luxembourg, S.A. (together “Uniloc”), as and for their complaint against defendant, Nutanix, Inc. (“Nutanix”), allege as follows:

**THE PARTIES**

1. Uniloc USA, Inc. (“Uniloc USA”) is a Texas corporation having a principal place of business at Legacy Town Center I, Suite 380, 7160 Dallas Parkway, Plano Texas 75024. Uniloc also maintains a place of business at 102 N. College, Suite 603, Tyler, Texas 75702.

2. Uniloc Luxembourg S.A. (“Uniloc Luxembourg”) is a Luxembourg public limited liability company having a principal place of business at 15, Rue Edward Steichen, 4<sup>th</sup> Floor, L-2540, Luxembourg (R.C.S. Luxembourg B159161).

3. Uniloc Luxembourg owns a number of patents in the field of application management in a computer network.

4. Upon information and belief, Nutanix is a Delaware corporation having a principal place of business in San Jose, California and regular places of business in or around Austin, San Antonio and/or Dallas, Texas. Upon information and belief, Nutanix offers its

products, including those accused herein of infringement, to customers and/or potential customers located in Texas and in the judicial Eastern District of Texas. Nutanix may be served with process through its registered agent in Texas: Corporation Service Company d/b/a CSC – Lawyers Incorporating Service Company, 211 E. 7<sup>th</sup> Street, Suite 620, Austin, Texas 78701.

**JURISDICTION AND VENUE**

5. Uniloc brings this action for patent infringement under the patent laws of the United States, 35 U.S.C. § 271 *et seq.* This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1338(a) and 1367.

6. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(c) and 1400(b). Upon information and belief, Nutanix is deemed to reside in this judicial district, has committed acts of infringement in this judicial district, and/or has purposely transacted business involving the accused products in Texas and this judicial district.

7. Nutanix is subject to this Court’s jurisdiction pursuant to due process and/or the Texas Long Arm Statute due at least to its substantial business in this State and judicial district, including: (A) at least part of its past infringing activities, (B) regularly doing and/or soliciting business in Austin, Dallas, and/or San Antonio, Texas and/or (C) engaging in persistent conduct and/or deriving substantial revenue from goods and services provided to customers in Texas, including sales to Dell, Inc., Houston Healthcare, Texas A&M University and/or the Office of the District Attorney in Harris County.

**COUNT I**

(INFRINGEMENT OF U.S. PATENT NO. 6,324,578)

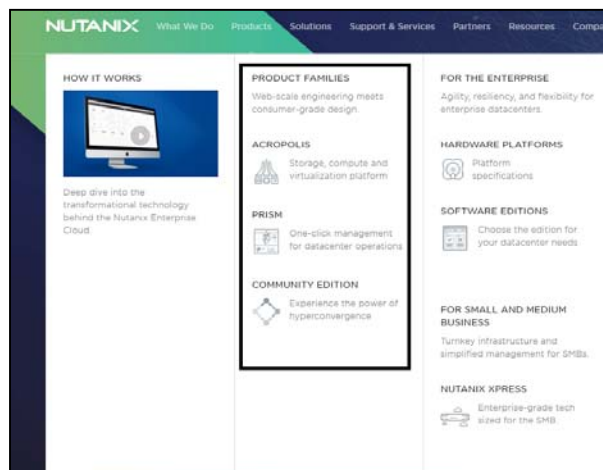
8. Uniloc incorporates paragraphs 1-7 above by reference.

9. Uniloc Luxembourg is the owner, by assignment, of U.S. Patent No. 6,324,578 (“the ’578 Patent”), entitled METHODS, SYSTEMS AND COMPUTER PROGRAM

PRODUCTS FOR MANAGEMENT OF CONFIGURABLE APPLICATION PROGRAMS ON A NETWORK that issued on November 27, 2001. A true and correct copy of the '578 Patent is attached as Exhibit A hereto.

10. Uniloc USA is the exclusive licensee of the '578 Patent with ownership of all substantial rights therein, including the right to grant sublicenses, to exclude others, and to enforce, sue and recover past damages for the infringement thereof.

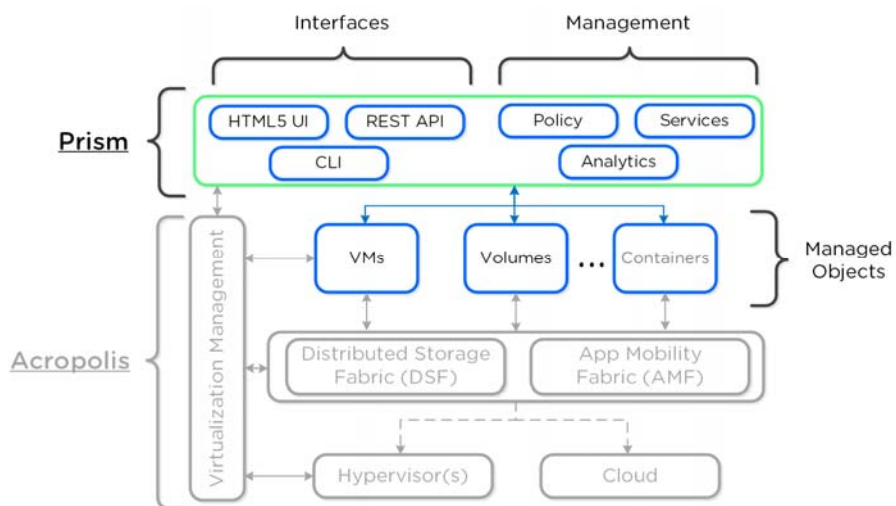
11. Upon information and belief, the following describes, at least in part, the Nutanix Acropolis platform and Prism software families:



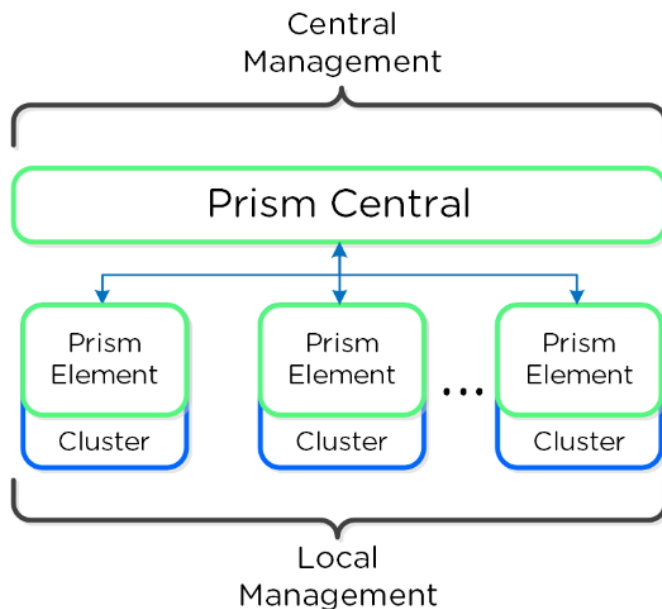
12. Upon information and belief, the following describes, at least in part, how the Nutanix Acropolis and Prism products free applications from the economic and architectural restrictions imposed by legacy on-premise infrastructure:



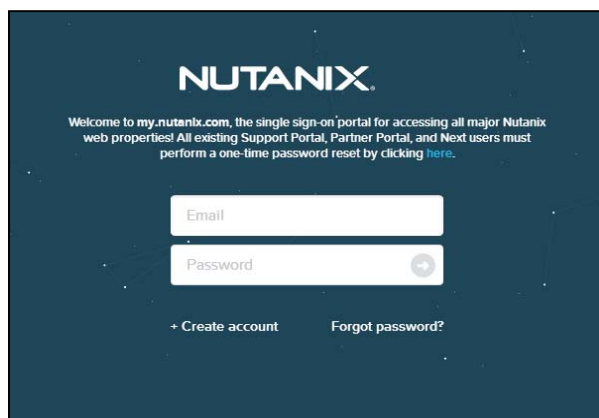
13. Upon information and belief, the following illustrates, at least in part, the conceptual nature of Prism’s interface and management components as part of the Nutanix platform:



14. Upon information and belief, the following illustrates, at least in part, the conceptual relationship between Prism Central and Prism Element:



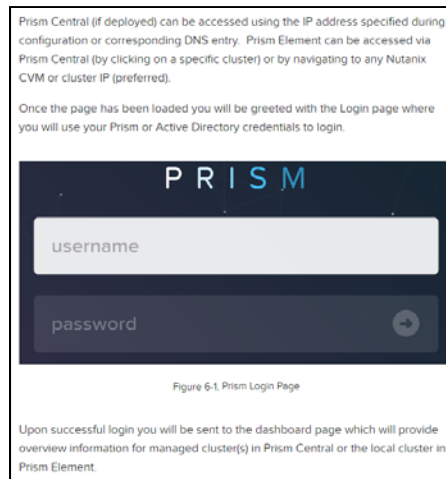
15. Upon information and belief, the following illustrates, at least in part, the user email identity sign-on screen for Nutanix’s software distribution and management system



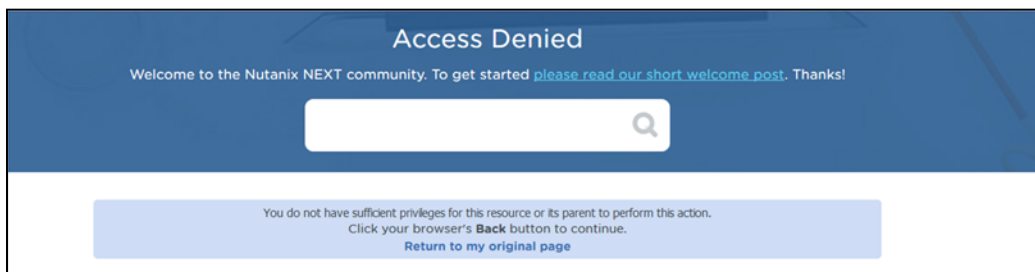
16. Upon information and belief, the following illustrates, at least in part, the user email identity sign-on screen for Nutanix’s software distribution and management system:



17. Upon information and belief, the following describes, at least in part, how the Nutanix Prism product utilizes a user identity policy when deployed:



18. Upon information and belief, the following illustrates, at least in part, an example of the Access Denied notice generated when Nutanix determines that the user does not have sufficient license rights to use Nutanix's software:



19. Upon information and belief, the following describes, at least in part, a variety of subscription plans offered by Nutanix for products distributed to its customers:

Product Name	Mfg. #	Availability	Advertised Price
NUTANIX PRO ENTLMT NX-1065-G5 LIC	L-PRO-1065-G5   CDW #: 4152255	In Stock	\$3,035.99
NUTANIX PRISM PRO 1N LIC 3Y PROMO	LIC-PRS-PRM-3YR-1   CDW #: 4153168	In Stock	\$4,699.99
NUTANIX LIC PRO ENT F/NX-3175-G5 3Y	L-PRO-3175-G5   CDW #: 4208750	In Stock	\$19,109.99
NUTANIX PRO ENTITLEMENT 3155G-G4 LIC	LIC-PRO-3155G-G4   CDW #: 3977494	In Stock	Request Pricing

20. Upon information and belief, the following describes, at least in part, the main dashboard for the Nutanix software distribution and management system:

**Performance**

	LATENCY	BW	IOPS
AWS	7.52 ms	120.49M	205
Naboo	4.28 ms	5.21G	35968
Atlas	4 ms	41K	4
Borg	3.67 ms	16.57M	325
Leviathan	3.46 ms	18.48M	350
VDI-King	153 ms	448K	25

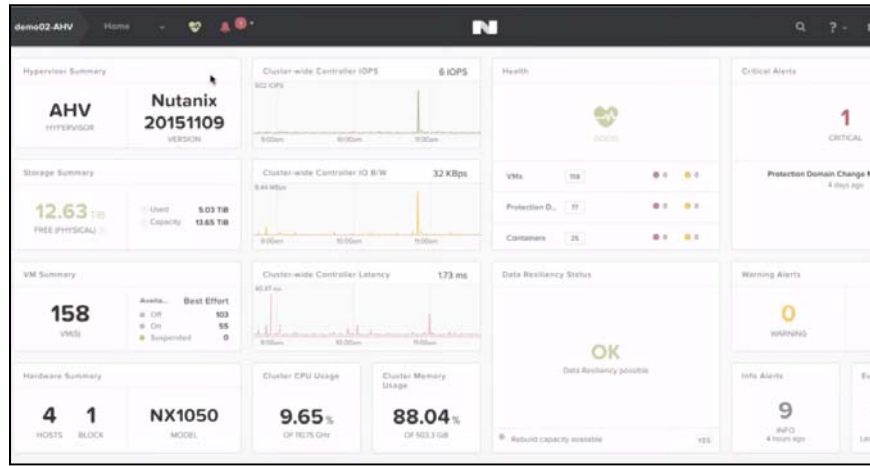
**Cluster Runway**

Cluster	Runway
Atlas	4 weeks
Leviathan	9 weeks
Borg	18 weeks
VDI-King	29 weeks
Naboo	43 weeks
AWS	52 weeks

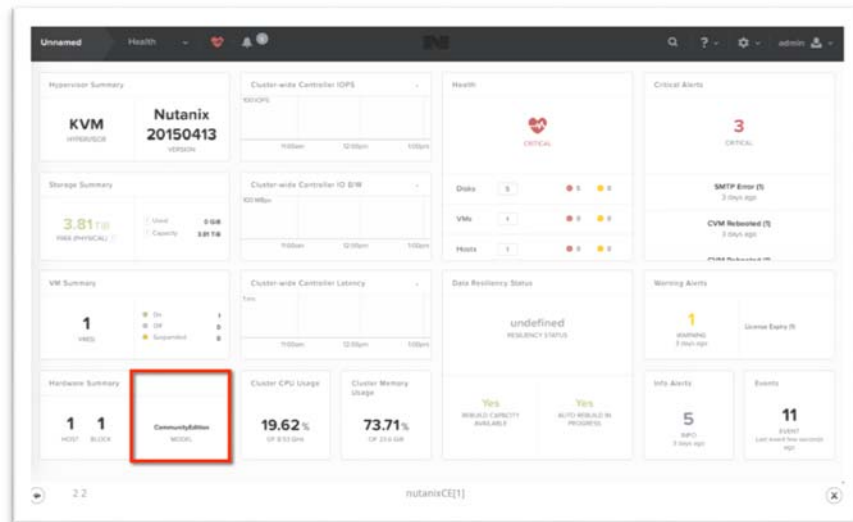
**Cluster Storage**

CLUSTER	USED STORAGE	SAVING
Atlas	9.96 TB	4:1
AWS	42.59 TB	4:1
Naboo	146.98 TB	4:1
Leviathan	19.11 TB	4:1
VDI-King	4.43 TB	4:1
Borg	1.21 TB	4:1

21. Upon information and belief, the following illustrates, at least in part, an instance of the Prism software distributed to Nutanix's customers and used in an Acropolis environment:

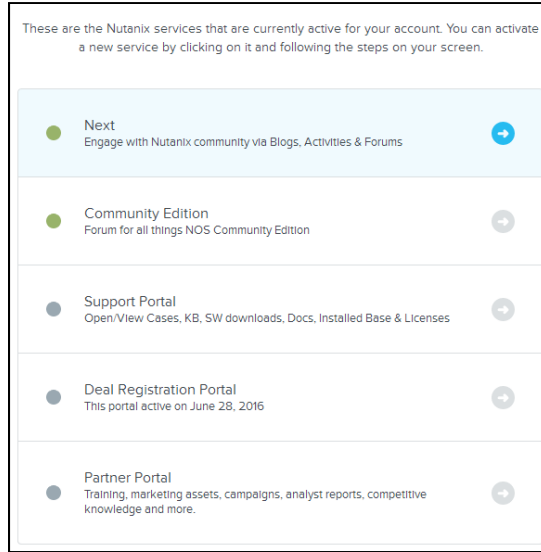


22. Upon information and belief, the following illustrates, at least in part, an instance of the Prism community edition software in an Acropolis environment:

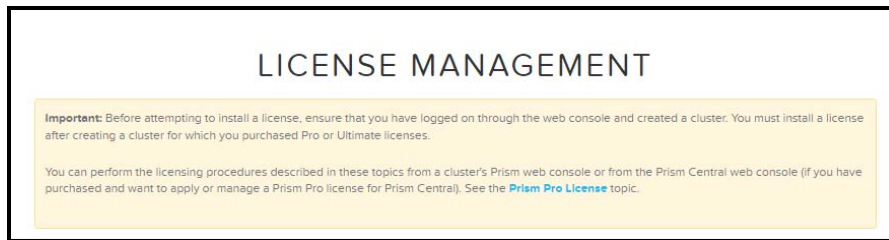


23. Upon information and belief, the following describes, at least in part, a plurality of configurable options offered to users of the Nutanix software distribution and management system:

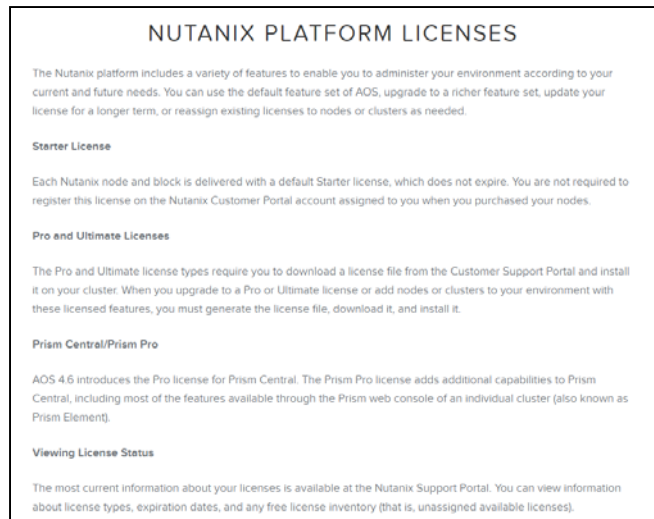




24. Upon information and belief, the following describes, in part at least, a Nutanix License Management policy for the Prism software:



25. Upon information and belief, the following describes, at least in part, a version of Nutanix's Platform Licenses policy:



26. Upon information and belief, the following describes, at least in part, a version of Nutanix software and documentation licensing policy:

1. **License Grant and Entitlement.** The Software and Documentation are licensed, not sold, to You by Nutanix. This Agreement confers no title or ownership and is not a sale of any rights in the Software. Subject to the terms and conditions of this Agreement, the terms of Your entitlement which evidences Your authorization to use the Software and the authorized scope of use of the Software ("Entitlement"), and payment of the purchase price and/or all fees, You are hereby granted a personal, limited, non-assignable non-exclusive, non-sublicensable and non-transferable right to run one copy of the object code version of the Software on one authorized Nutanix system during the period of the license and for internal business operations only ("Permitted Use"). The Entitlement shall be specified in writing on the order or equivalent document issued by Nutanix or the party from whom You have lawfully acquired the products. The Entitlement shall specify the name of the product, the number of Licensed Units and the usage level and feature set authorized. Your Permitted Use is limited to the number of Licensed Units stated in Your Entitlement. "Licensed Unit" means the unit of measure by which Your use of Software is licensed, as described in Your Entitlement. If You have multiple Licensed Units, You may install and use as many copies of the Software as You have Licensed Units, in each case, on an authorized Nutanix system and only as permitted herein. Use of the Software outside the scope of Your Entitlement is unauthorized and shall constitute a material breach of this Agreement and void the warranty and/or support obligations of which You may otherwise be entitled. You agree to use Your best efforts to prevent and protect the contents of the Software and Documentation from unauthorized disclosure or use. Nutanix and its licensors reserve all rights, including but not limited to ownership and intellectual property rights, not expressly granted to You. Nutanix's licensors are the intended third party beneficiaries of this Agreement and have the express right to rely upon and directly enforce the terms set forth herein. There are no implied licenses granted by Nutanix under this Agreement. Except as expressly specified above, You shall have no rights to the Software.

27. Upon information and belief, the following describes, at least in part, how the Nutanix Acropolis software distribution and management system works:

**Nutanix Virtualization**

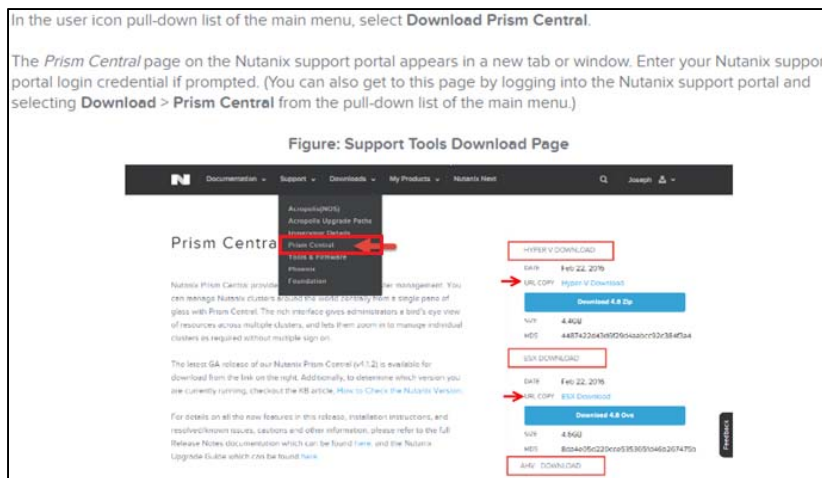
Nutanix Acropolis is a turnkey infrastructure platform delivering enterprise-class storage, compute and virtualization services for any application. As a fully integrated IT solution, it eliminates the cost and complexity of legacy datacenter products that are individually deployed and separately managed. For maximum flexibility, enterprise professionals have the choice of using VMware vSphere®, Microsoft Hyper-V® or the built-in virtualization capabilities of Acropolis to run their applications on Nutanix.

Acropolis includes its own natively integrated hypervisor - the Acropolis Hypervisor (AHV) - which is built on proven open-source KVM technology and security hardened. The platform also incorporates the Acropolis App Mobility Fabric (AMF) - a highly available and scalable management layer enabling easy workload migration between hypervisors and different runtime environments.

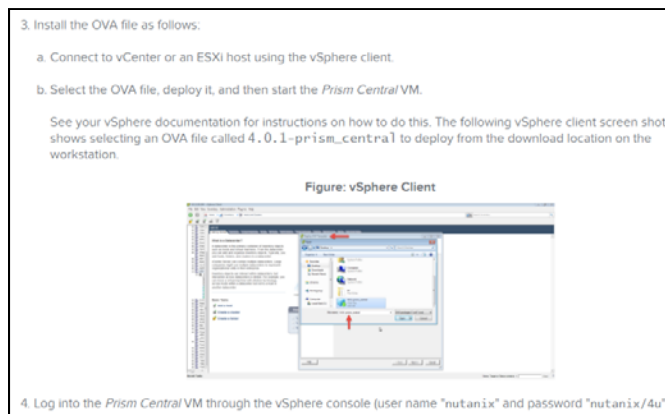
28. Upon information and belief, the following describes, at least in part, how the Nutanix NX-8000 Series hardware platform:

	SINGLE NODE (1 PER APPLIANCE)	PER NODE (2 PER APPLIANCE)
Model	NX-8150-G5 (Configure to Order)	NX-8035-G5 (Configure to Order)
Server Compute	Dual Intel Broadwell: E5-2667v4 [16 cores / 3.2 GHz], E5-2680v4 [28 cores / 2.4 GHz], E5-2695v4 [36 cores / 2.1 GHz], E5-2699v4 [44 cores / 2.2 GHz]	Dual Intel Broadwell: E5-2640v4 [20 cores / 2.4 GHz], E5-2643v4 [12 cores / 3.4 GHz], E5-2650v4 [24 cores / 2.2 GHz], E5-2680v4 [28 cores / 2.4 GHz], E5-2695v4 [36 cores / 2.1 GHz]

29. Upon information and belief, the following describes, at least in part, how the Nutanix Prism product may be downloaded by a user:



30. Upon information and belief, the following describes, at least in part, how the Nutanix Prism product works:



31. Upon information and belief, the following describes, at least in part, how a user can set one or more of a plurality of configurable preferences using the Nutanix Prism software:

**User Menu**

A user icon appears on the far right side of the main menu with the current user login name. Clicking the user icon displays a list of options to update your user account, log out from *Prism Central*, and other miscellaneous tasks. The following table describes each option in the pull-down menu.

**Table: User Menu List**

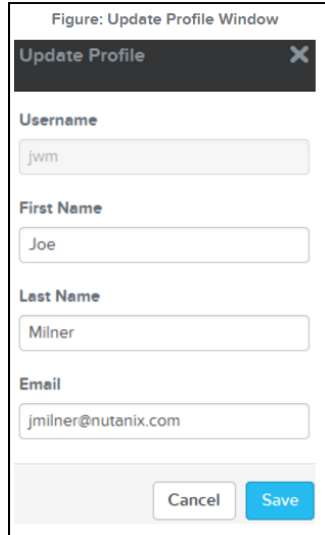
Name	Description
Update Profile	Opens the <b>Update Profile</b> window to update your user name and email address (see <a href="#">Updating My Account</a> ).
Change Password	Opens the <b>Change Password</b> window to update your password (see <a href="#">Updating My Account</a> ).

32. Upon information and belief, the following describes, at least in part, how to login to the Nutanix software distribution and management system:

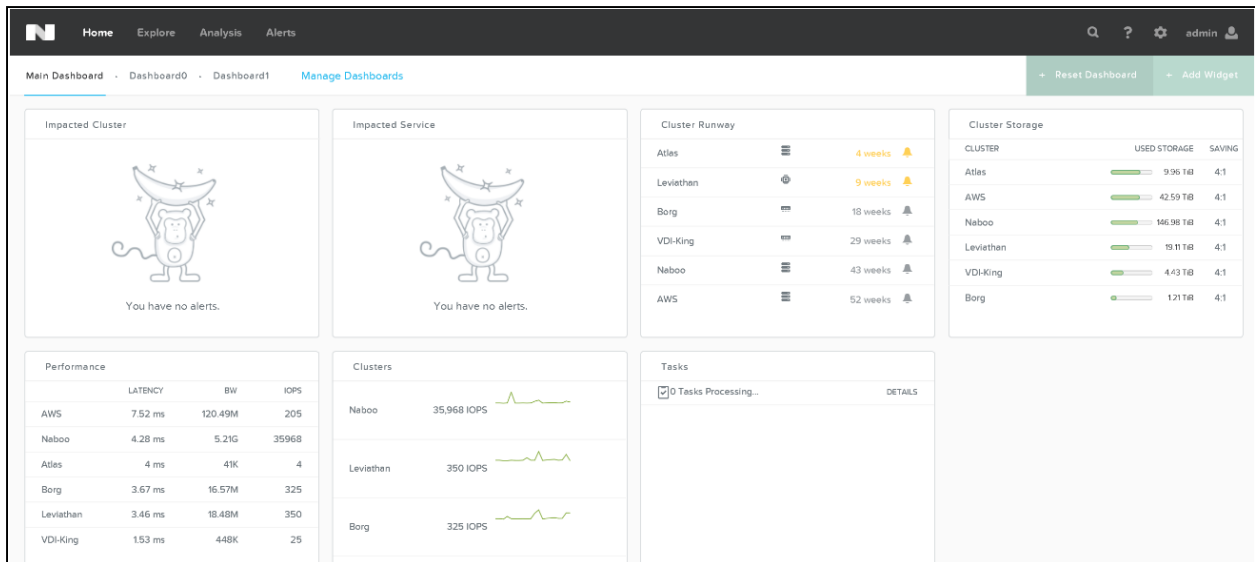
**Figure: Change Password Window**

The screenshot shows a 'Change Password' dialog box. It features three text input fields stacked vertically, labeled 'Current Password', 'New Password', and 'Confirm Password'. At the bottom right of the dialog, there are two buttons: a 'Cancel' button and a 'Save' button.

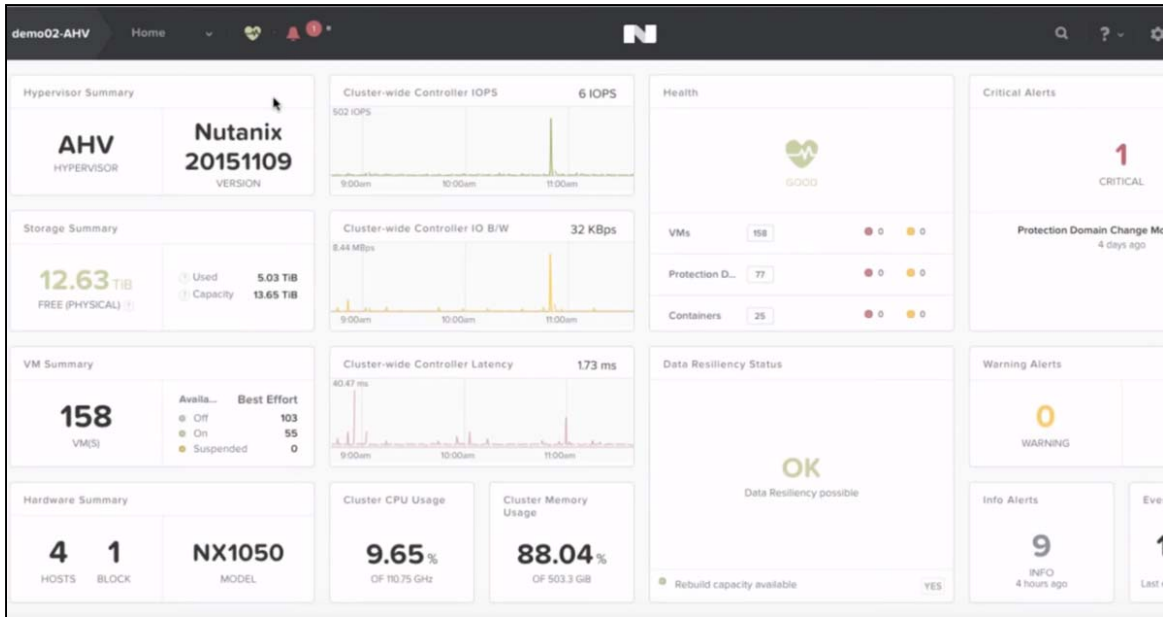
33. Upon information and belief, the following describes, at least in part, how to login to the Nutanix software distribution and management system:



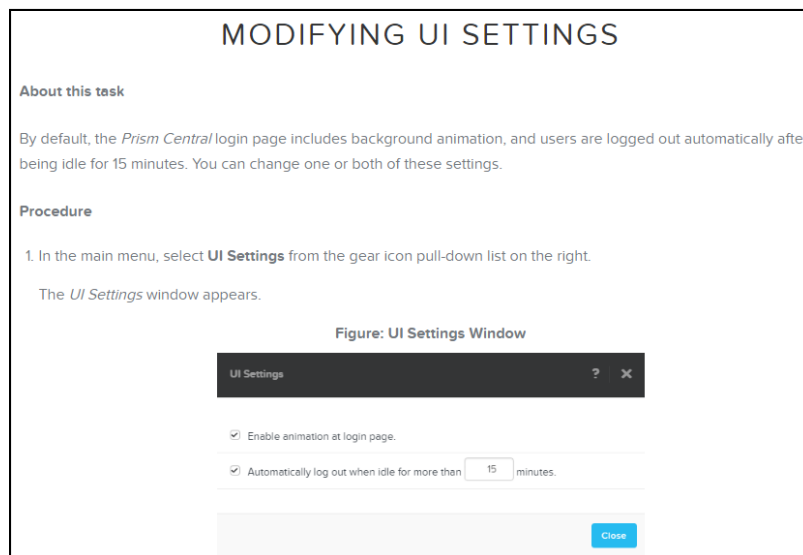
34. Upon information and belief, the following is an example of a Prism user interface known as the “Main Dashboard”:



35. Upon information and belief, the following is an example of a Prism user interface:



36. Upon information and belief, the following describes, at least in part, how to configure user interface settings of the Nutanix software distribution and management system:



37. Upon information and belief, the following describes, at least in part, how the login procedure for the Nutanix software distribution and management system works:

2. To disable the login page background animation, uncheck the **Enable animation at login page** box (or check it to enable).

3. To configure automatic logout, do the following in the **Automatically log out when idle for more than <number> minutes** field:

- To disable automatic logout, uncheck this box (or check it to enable).
- To reset the timeout interval, enter the desired number of minutes in the <number> box. The number can be any positive integer.

**Note:** Automatic logout cannot be disabled for an administrator (admin user), and the timeout interval for an administrator cannot be set for longer than 60 minutes.

38. Upon information and belief, the following describes, at least in part, how the Nutanix software distribution and management system provides options to the user:

Welcome Banner	Opens the <b>Edit Welcome Banner</b> window to create a welcome banner message that appears before users login to <i>Prism Central</i> (see <a href="#">Configuring a Banner Page</a> ).
UI Settings	Opens the <b>UI Settings</b> window to disable (or re-enable) the login screen background video (see <a href="#">Modifying UI Settings</a> ).

39. Upon information and belief, the following describes, at least in part, features of the Nutanix software distribution and management system provides configurable options to the user:

Name	Description
Upgrade Prism Central	Opens the <b>Upgrade Software</b> window to upgrade the Prism Central VM to a newer version (see <a href="#">Upgrading Prism Central</a> ).
Authentication	Opens the <b>Authentication Configuration</b> window to configure <i>Prism Central</i> authentication (see <a href="#">Configuring Authentication</a> ).
SSL Certificate	Opens the <b>SSL Certificates</b> window to create a self-signed certificate (see <a href="#">Installing an SSL Certificate</a> ).
Role Mapping	Opens the <b>Role Mapping</b> window to configure role mappings that apply in the user authentication process ( <a href="#">Assigning Role Permissions</a> ).
User Management	Opens the <b>User Management</b> window. This window lists current users and allows you to add, update, and delete user accounts ( <a href="#">Managing User Accounts</a> ).
Alert Email Configuration	Opens the <b>Alert Email Configuration</b> window, which allows you to configure rules and templates that apply to the alert messages from selected (or all) clusters (see <a href="#">Configuring Alert Emails</a> ).
Alert Policies	Opens the <b>Alert Policies</b> window, which allows you to specify what events should generate an alert and how frequently the system should check for each event type (see <a href="#">Configuring Alert Policies</a> ).
Capacity Configurations	Opens the <b>Update Capacity Configurations</b> window, which allows you to configure sizing rules for cluster runway analysis and alerting (see <a href="#">Updating Capacity Configurations</a> ).
Cluster Lockdown	Opens the <b>Cluster Lockdown</b> window, which allows you to delete (or add) public authentication keys used for SSH access into <i>Prism Central</i> (see <a href="#">Controlling Prism Central Access</a> ). Removing all public keys locks down <i>Prism Central</i> from external access.

40. Upon information and belief, the following describes, at least in part, the Home Screen of the Nutanix software distribution and management system:

**Home Screen Layout**

In addition to the main menu options (see [Main Menu Options](#)), the Home dashboard includes a menu bar and a display section for a collection of widgets that appear as tiles with targeted information about the registered clusters in each tile. The menu bar includes the following options:

- **Main Dashboard** tab. Click this tab to display the main dashboard. Additional tabs appear for any custom dashboards you create.
- **Manage Dashboard** button. Click this button to create a custom dashboard, edit the name of a custom dashboard, or delete a custom dashboard (see [Creating a New Dashboard](#)).
- **Reset Dashboard** button. Click this button to reset the main dashboard to its original set of widgets.
- **Add Widget** button. Click this button to add a widget to the displayed dashboard (see [Adding Dashboard Widgets](#)).

**Note:** **Manage Dashboards** and **Add Widget** are Prism Pro license features. If Prism Pro is disabled, these buttons disappear, and you cannot customize or add dashboards. Any custom dashboards created before Prism Pro was disabled remain, but clicking the **Reset All** button (which replaces the **Reset Dashboard** button) deletes all custom dashboards and returns the main dashboard to the default state.

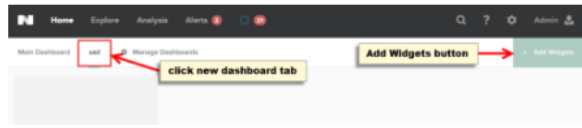


41. Upon information and belief, the following describes, at least in part, how to download widgets using the Nutanix software distribution and management system:

4. Click the tab for the new dashboard (to display that dashboard) and then click the **Add Widgets** button.

The new dashboard is empty (no widgets) initially.

**Figure: Custom Dashboard Display**



5. In the *Add Widgets* screen, select a widget and add it to the dashboard (see [Adding Dashboard Widgets](#)).

42. Upon information and belief, the following describes, at least in part, how to modify a dashboard in the Nutanix software distribution and management system:

### Modifying a Dashboard

**About this task**

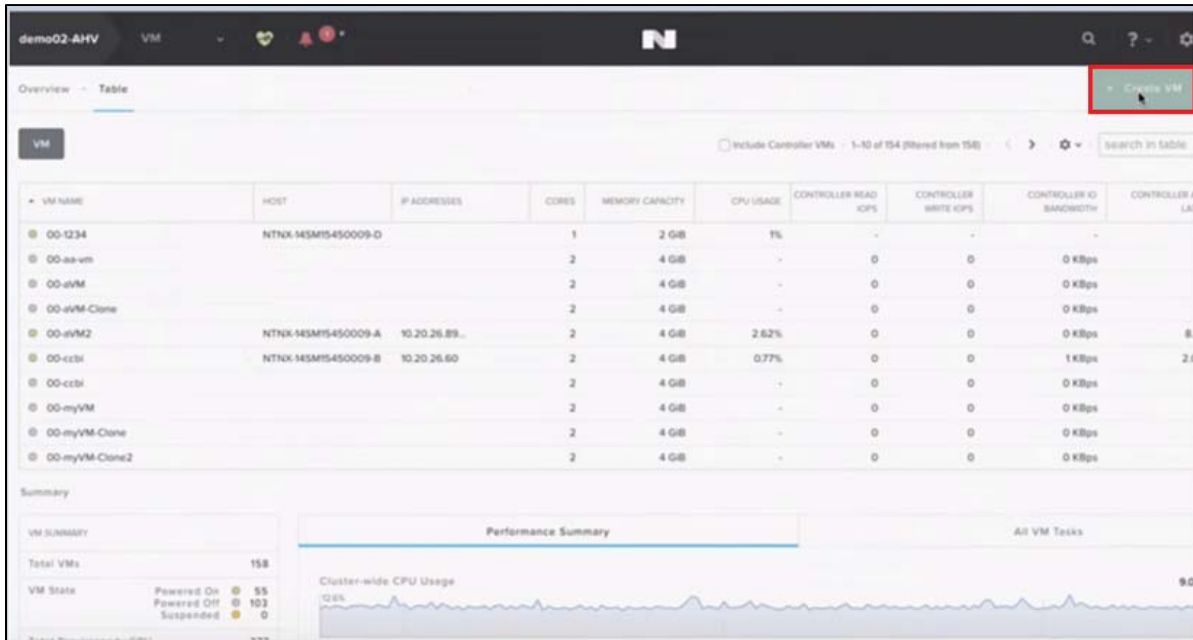
The main dashboard provides a default view into the registered clusters, but you can customize that view at any time. To modify the main dashboard or any other dashboard you create, do the following:

**Note:** Customizing a dashboard requires a Prism Pro license. The **Add Widgets** and **Manage Dashboards** buttons do not appear if Prism Pro is disabled.

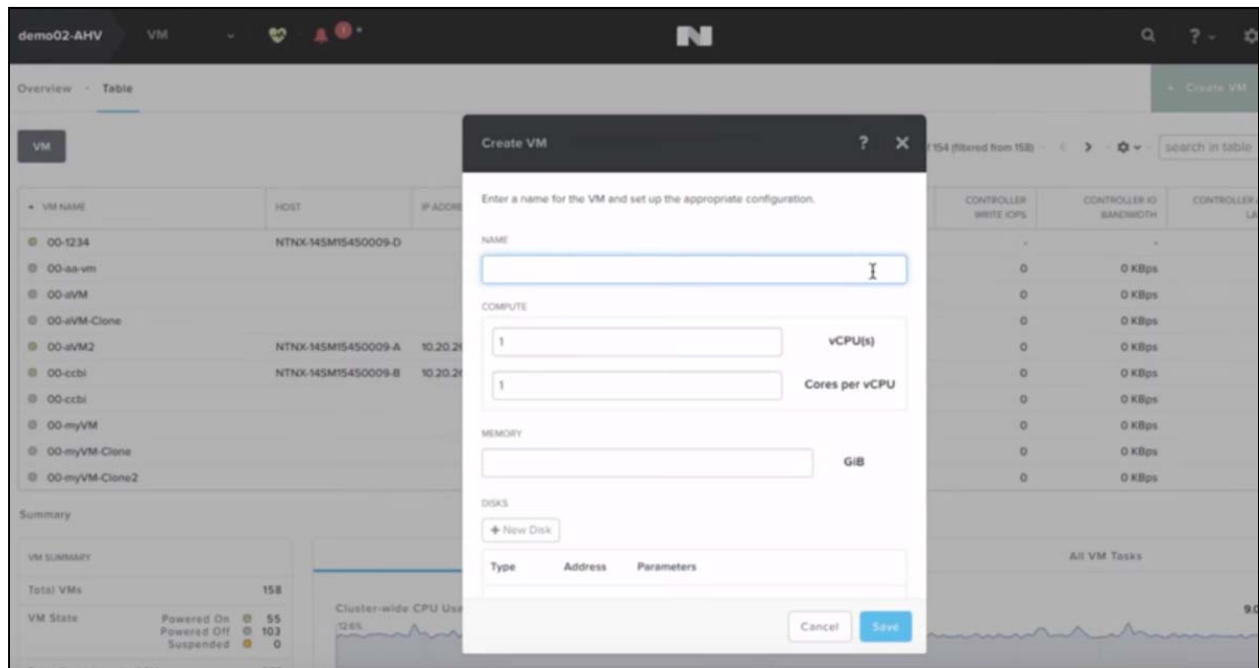
**Procedure**

1. Go to the Home dashboard (see [Home Dashboard](#)) and click the tab of the dashboard to modify (main or previously added custom dashboard).
2. To add a widget to the displayed (main or custom) dashboard, click the **Add Widgets** button, select a widget from the *Add Widgets* screen, and add it to the dashboard (see [Adding Dashboard Widgets](#)).

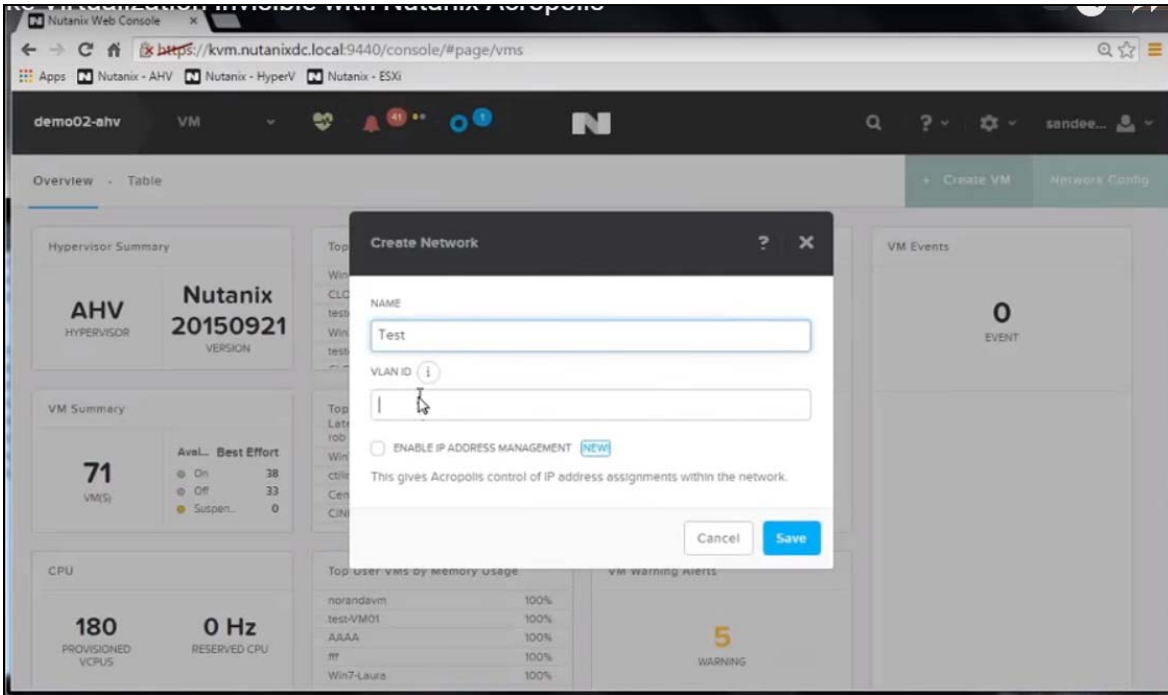
43. Upon information and belief, the following describes, at least in part, how the user can add virtual machines to the performance of the Nutanix software distribution and management system:



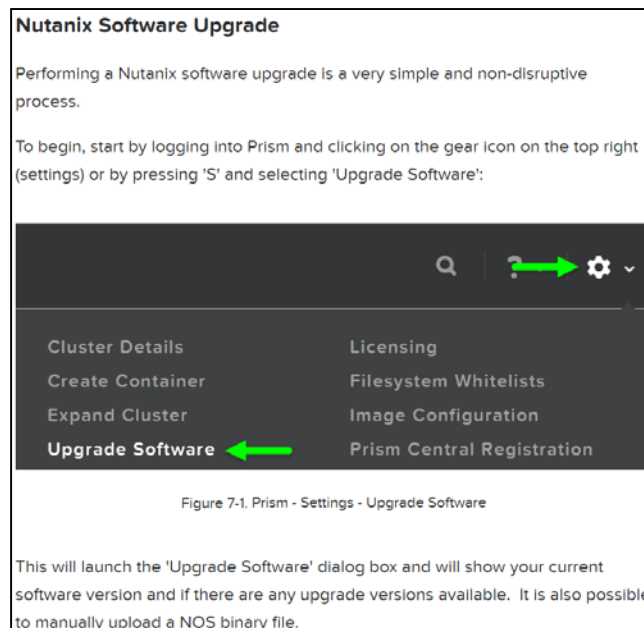
44. Upon information and belief, the following describes, at least in part, how to enter a name for a VM using the Nutanix software distribution and management system user interface:



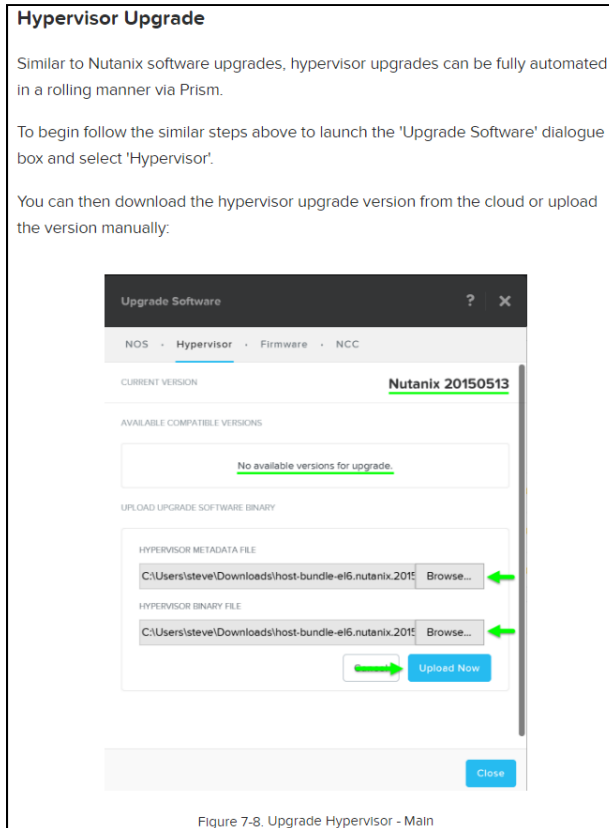
45. Upon information and belief, the following describes, at least in part, how to create a new network and corresponding IP address using the Nutanix software distribution and management system:



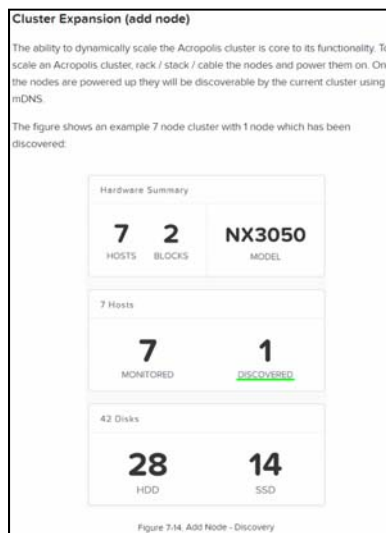
46. Upon information and belief, the following describes, at least in part, how to perform a software upgrade for the Nutanix software distribution and management system:



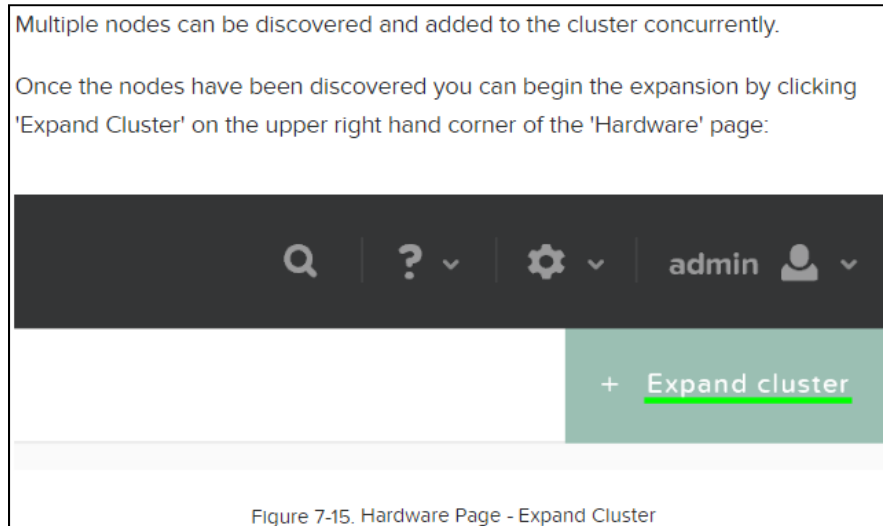
47. Upon information and belief, the following describes, at least in part, how to perform a Hypervisor Upgrade for the Nutanix software distribution and management system:



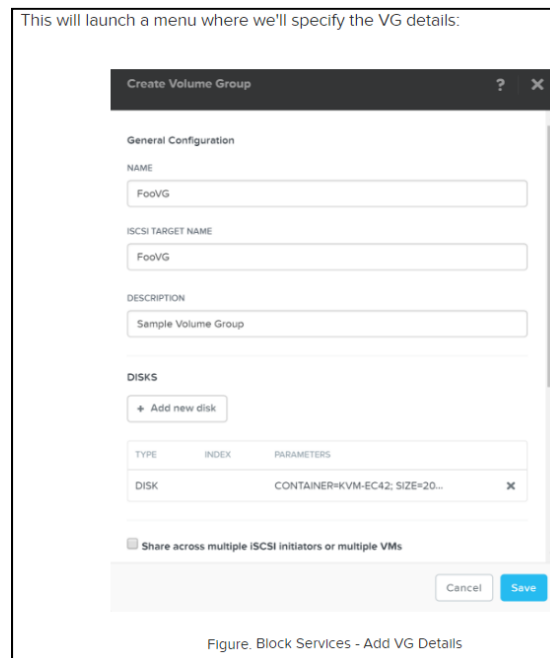
48. Upon information and belief, the following describes, at least in part, Cluster Expansion by adding nodes using the Nutanix Acropolis/Prism software distribution and management system:



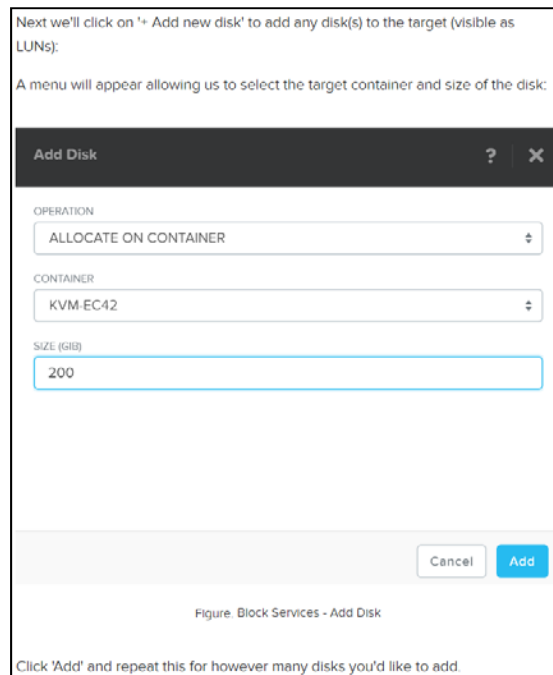
49. Upon information and belief, the following describes, at least in part, cluster expansion by adding nodes using the Nutanix software distribution and management system:



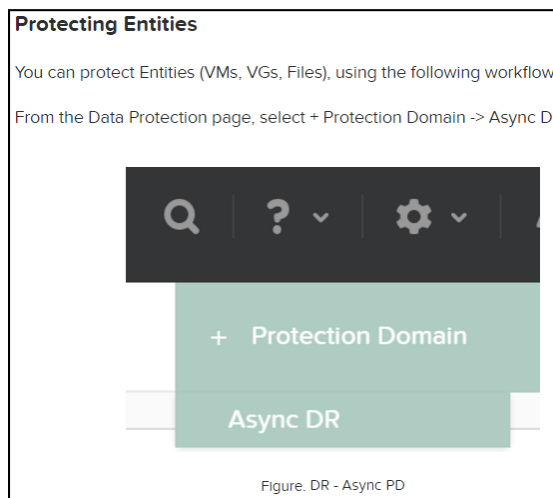
50. Upon information and belief, the following describes, at least in part, how to create a volume group with a custom name using the Nutanix software distribution and management system:



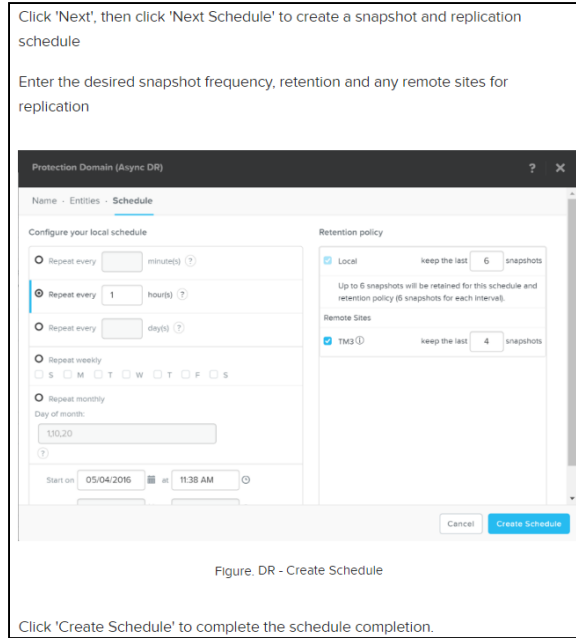
51. Upon information and belief, the following describes, at least in part, how to add a new disk using the Nutanix software distribution and management system works:



52. Upon information and belief, the following describes, at least in part, how to protect entities such as files in the Nutanix software distribution and management system:



53. Upon information and belief, the following describes, at least in part, how to create a schedule for the Nutanix software distribution and management system:



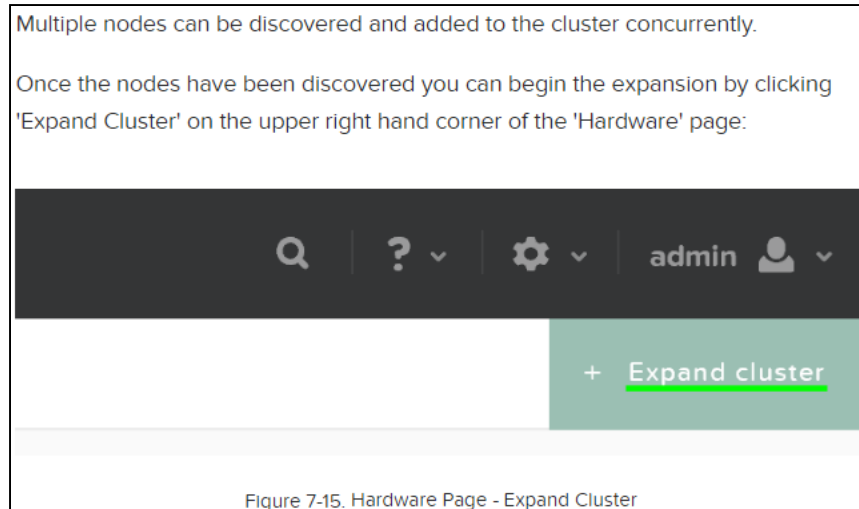
54. Upon information and belief, the following describes, at least in part, how to assign role permissions for various users connected to the Nutanix software distribution and management system:

## Assigning Role Permissions

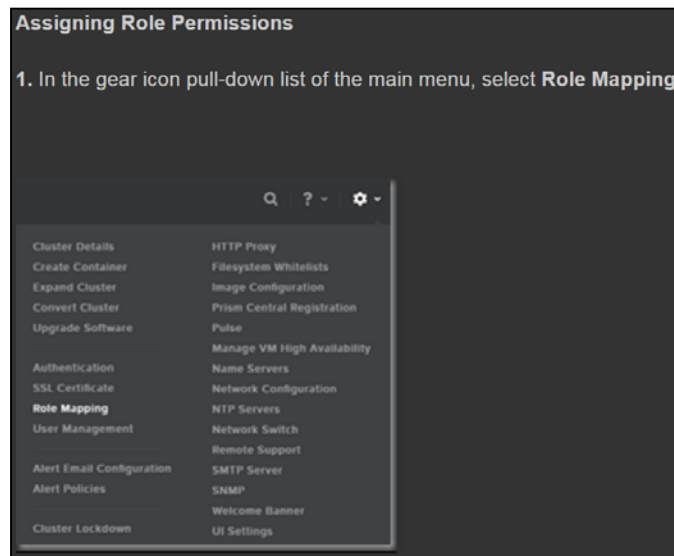
When user authentication is enabled for a directory service (see [Configuring Authentication](#)), all authorized users have full administrator permissions by default. You can refine the authentication process by assigning a role (with associated permissions) to organizational units (OUs), groups, or individuals within a directory. To assign roles, do the following:

1. In the gear icon pull-down list of the main menu (see [Main Menu Options](#)), select Role Mapping.  
The *Role Mapping* window appears.

55. Upon information and belief, the following shows that the Prism software provides admin rights:



56. Upon information and belief, the following describes, at least in part, how to Assign Role Permissions using the configurable preferences available to the admin of the Nutanix system:



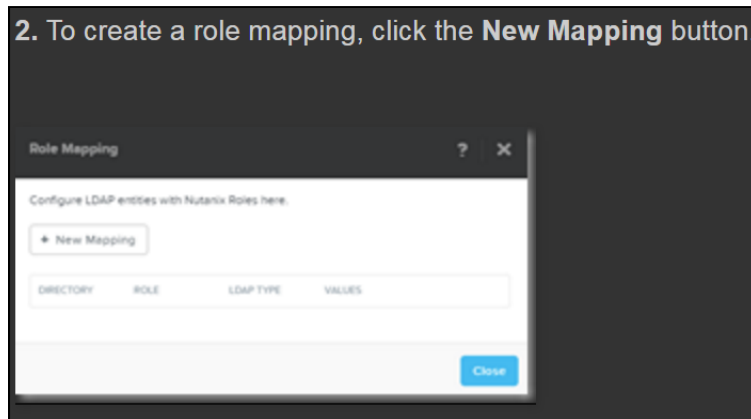
57. Upon information and belief, the following describes, at least in part, how the admin can execute the Role Mapping preference of the Nutanix system:



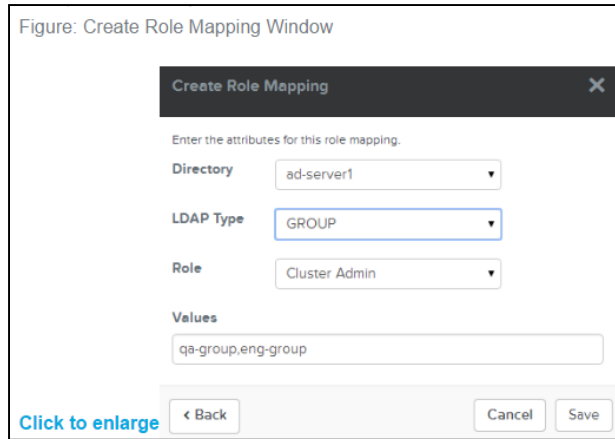
2. To create a role mapping, click the New Mapping button.  
The *Create Role Mapping* window appears. Do the following in the indicated fields:

1. Directory: Select the target directory from the pull-down list.  
Only directories previously defined when configuring authentication appear in this list. If the desired directory does not appear, add that directory to the directory list (see [Configuring Authentication](#)) and then return to this procedure.
2. LDAP Type: Select the desired LDAP entity type from the pull-down list.  
The entity types are GROUP, USER, and OU.
3. Role: Select the user role from the pull-down list.  
There are three roles from which to choose:
  - Viewer: This role allows a user to view information only. It does not provide permission to perform any administrative tasks.
  - Cluster Admin: This role allows a user to view information and perform any administrative task (but not create or modify user accounts).
  - User Admin: This role allows the user to view information, perform any administrative task, and create or modify user accounts.

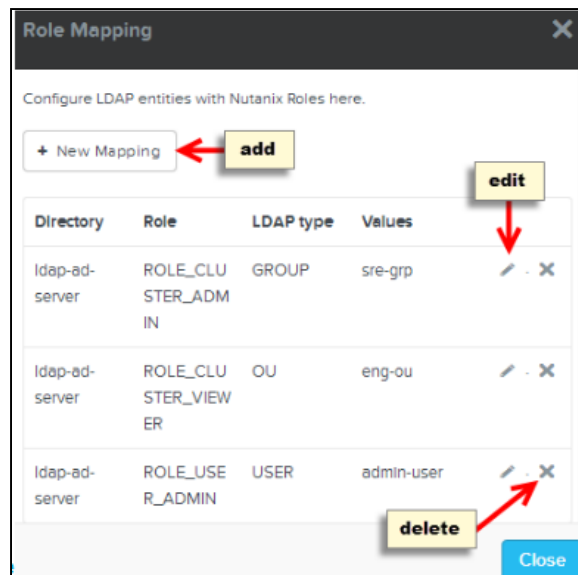
58. Upon information and belief, the following describes, at least in part, how the admin can execute the Role Mapping preference of the Nutanix system:



59. Upon information and belief, the following describes, at least in part, how the admin can execute the Role Mapping preference of the Nutanix system:



60. Upon information and belief, the following describes, at least in part, how the admin can execute the Role Mapping preference of the Nutanix system:



61. Upon information and belief, the following shows that the Nutanix system utilizes a plurality of NX servers:

	SINGLE NODE (1 PER APPLIANCE)	PER NODE (2 PER APPLIANCE)
Model	<a href="#">NX-8150-G5 (Configure to Order)</a>	<a href="#">NX-8035-G5 (Configure to Order)</a>
Server Compute	Dual Intel Broadwell: E5-2667v4 [16 cores / 3.2 GHz], E5-2680v4 [28 cores / 2.4 GHz], E5-2695v4 [36 cores / 2.1 GHz], E5-2699v4 [44 cores / 2.2 GHz]	Dual Intel Broadwell: E5-2640v4 [20 cores / 2.4 GHz], E5-2643v4 [12 cores / 3.4 GHz], E5-2650v4 [24 cores / 2.2 GHz], E5-2680v4 [28 cores / 2.4 GHz], E5-2695v4 [36 cores / 2.1 GHz]

62. Upon information and belief, the following shows that the Nutanix system utilizes a plurality of Cowboy target on-demand servers:

```

Headers
Preview Response Cookies Timing
Name Path
my.nutanix.com
production.min.css /assets/styles
production.min.js /assets/js
analytics.js www.google-analytics.com
auth?_v=1&_v=j44&a=107131 /api/v1
commonauth_uri?_v=1471938274863 /api/v1/utils
ProximalNovaSoft-Medium-w /assets/fonts
ProximalNovaSoft-Bold-webfc /assets/fonts
ProximalNovaSoft-Semibold-w /assets/fonts
ProximalNovaSoft-Regular-w /assets/fonts
collect?v=1&_v=j44&a=107131 www.google-analytics.com
collect?v=1&_v=j44&a=107131 www.google-analytics.com

passiveAuth: false
redirect_uri: https://my.nutanix.com/api/v1/auth/wso2/callback
relyingParty: J7AXR8KC83qQADuQh1orRwYn8uga
response_type: code
scope: openid
tenantId: -1234
type: oidc
sessionDataKey: 643b314c-7554-4404-bac8-d740087af1b0
relyingParty: J7AXR8KC83qQADuQh1orRwYn8uga
type: oidc
sp: gatekeeper
isSaaSApp: false
authenticators: BasicAuthenticator:LOCAL

URL fragment
#: /login?client_id=J7AXR8KC83qQADuQh1orRwYn8uga&commonAuthCallerPath=RwYn8uga&response_type=code&scope=openid&tenantId=-1234&type=oidc&ses=
CAL

Response Headers view source
Accept-Ranges: bytes
Access-Control-Allow-Credentials:
Access-Control-Allow-Headers:
Access-Control-Allow-Methods:
Access-Control-Allow-Origin:
Cache-Control: public, max-age=86400
Connection: keep-alive
Content-Encoding: gzip
Content-Type: text/html; charset=UTF-8
Date: Tue, 23 Aug 2016 07:46:30 GMT
Etag: "7794-1471914725000"
Last-Modified: Tue, 23 Aug 2016 01:12:05 GMT
Server: Cowboy
Transfer-Encoding: chunked
Vary: Accept-Encoding
    
```

63. Upon information and belief, the following describes, at least in part, how Nutanix utilizes metadata in its Xtreme Computing Platform:

In past conversations, Nutanix has been adamant that the distributed file system at the heart of the Xtreme Computing Platform has no upper limit, but we know that this cannot, in fact be true. But the scale can be very, very large – many thousands of nodes, apparently.

The secret to this scale is to distribute the control of that file system as well as the data across the cluster in an even fashion. To be specific, the Nutanix Distributed File System takes the Cassandra NoSQL datastore that Facebook created to span some of its largest workloads and uses it to spread file system metadata across the nodes in the Nutanix cluster. The Paxos algorithm that was adopted and to a certain extent made viable by Google for its own distributed storage and compute platforms was parallelized by Nutanix and run atop Cassandra to provide the foundational layer of all of the storage services. Nutanix then grabbed Zookeeper from the Hadoop stack to keep track of the state of the cluster, with a few megabytes of overhead per node (and importantly constant per node to keep that overhead balanced across the cluster). The MapReduce framework is used to spray data across the cluster and is also used to handle data deduplication and compression tasks in a parallel fashion across that cluster as well.

Suda Srinivasan, director of product marketing at Nutanix, tells *The Next Platform* that the file system is capable of holding billions of files, and that you can partition Nutanix Distributed File System to create multiple file stores on a single cluster.

64. Nutanix has directly infringed, and continues to directly infringe one or more claims of the '578 Patent in this judicial district and elsewhere in Texas, including at least claims 1-8, 10-13, 15-39 and 41-46 literally and/or under the doctrine of equivalents, by or through making, using, importing, offering for sale and/or selling the Nutanix Acropolis/Prism software distribution and management system during the pendency of the '578 Patent which software and associated backend server architecture *inter alia* allows for installing an application program having a plurality of configurable preferences and authorized users on a server coupled to a network, distributing an application launcher program to a client, obtaining a user set of the configurable preferences, obtaining an administrator set of configurable preferences and executing the application program using the user and administrator sets of configurable preferences responsive to a request from a user.

65. In addition, should the Nutanix software distribution and management system be found to not literally infringe the asserted claims of the '578 Patent, the product would nevertheless infringe the asserted claims of the '578 Patent. More specifically, the accused software/system performs substantially the same function (obtaining user and administrator sets of configurable preferences), in substantially the same way (via a user and administrator), to

yield substantially the same result (executing an application program using the configurable preferences in response to a request from a user on a network). Nutanix would thus be liable for direct infringement under the doctrine of equivalents.

66. Nutanix has indirectly infringed and continues to indirectly infringe at least claims 1-8, 10-13, 15-39 and 41-46 of the '578 Patent in this judicial district and elsewhere in the United States by, among other things, actively inducing the using, offering for sale, selling, or importing the Nutanix software distribution and management system. Nutanix's customers who use the Nutanix software distribution and management system in accordance with Nutanix's instructions directly infringe one or more of the foregoing claims of the '578 Patent in violation of 35 U.S.C. § 271. As set forth *inter alia* above, Nutanix directly and/or indirectly intentionally instructs its customers to infringe through training videos, demonstrations, brochures, installation and/or user guides for the Acropolis/Prism software and system, such as those located at the following:

- [www.nutanix.com](http://www.nutanix.com)
- [www.nutanixbible.com](http://www.nutanixbible.com)
- <https://twitter.com/nutanix>
- <http://go.nutanix.com>
- [www.youtube.com](http://www.youtube.com)

Nutanix is thereby liable for infringement of the '578 Patent under 35 U.S.C. § 271(b).

67. Nutanix has indirectly infringed and continues to indirectly infringe at least claims 1-8, 10-13, 15-39 and 41-46 of the '578 Patent in this judicial district and elsewhere in the United States by, among other things, contributing to the direct infringement by others including, without limitation customers using the Nutanix software distribution and management system, by

making, offering to sell, selling and/or importing into the United States, a component of a patented machine, manufacture or combination, or an apparatus for use in practicing a patented process, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in infringing the '578 Patent and not a staple article or commodity of commerce suitable for substantial non-infringing use.

68. For example, the Nutanix software is a component of a patented machine, manufacture, or combination, or an apparatus for use in practicing a patent process. Furthermore, the Nutanix software distribution and management system is a material part of the claimed inventions and upon information and belief is not a staple article or commodity of commerce suitable for substantial non-infringing use. Nutanix is, therefore, liable for infringement under 35 U.S.C. § 271(c).

69. Nutanix will have been on notice of the '578 Patent since, at the latest, the service of this complaint upon Nutanix. By the time of trial, Nutanix will have known and intended (since receiving such notice) that its continued actions would actively induce, and contribute to, the infringement of one or more of claims 1-8, 10-13, 15-39 and 41-46 of the '578 Patent.

70. Nutanix may have infringed the '578 Patent through other software utilizing the same or reasonably similar functionality, including other versions of the Nutanix software distribution and management system. Uniloc reserves the right to discover and pursue all such additional infringing software.

71. Uniloc has been damaged, reparably and irreparably, by Nutanix's infringement of the '578 Patent and such damage will continue unless and until Nutanix is enjoined.

**COUNT II**  
(INFRINGEMENT OF U.S. PATENT NO. 7,069,293)

72. Uniloc incorporates paragraphs 1-71 above by reference.

73. Uniloc Luxembourg is the owner, by assignment, of U.S. Patent No. 7,069,293 (“the ’293 Patent”), entitled METHODS, SYSTEMS AND COMPUTER PROGRAM PRODUCTS FOR DISTRIBUTION OF APPLICATION PROGRAMS TO A TARGET STATION ON A NETWORK that issued on June 27, 2006. A true and correct copy of the ’293 Patent is attached as Exhibit B hereto.

74. Uniloc USA is the exclusive licensee of the ’293 Patent with ownership of all substantial rights therein, including the right to grant sublicenses, to exclude others, and to enforce, sue and recover past damages for the infringement thereof.

75. Nutanix has directly infringed, and continues to directly infringe one or more claims of the ’293 Patent in this judicial district and elsewhere in Texas, including at least claims 1, 12 and 17 literally and/or under the doctrine of equivalents, by or through making, using, importing, offering for sale and/or selling the Nutanix Acropolis/Prism software distribution and management system during the pendency of the ’293 Patent which software and associated backend server architecture *inter alia* allow for providing an application program for distribution to a network server, specifying source and target directories for the program to be distributed, preparing a file packet associated with the program including a segment configured to initiate registration operations for the application program at a target on-demand server and distributing the file packet to the target on-demand server to make the program available for use by a client user.

76. In addition, should the Nutanix software distribution and management system be found to not literally infringe the asserted claims of the ’293 Patent, the product would nevertheless infringe the asserted claims of the ’293 Patent. More specifically, the accused Nutanix software distribution and management system performs substantially the same function

(distributing an application program to a target on-demand server on a network), in substantially the same way (via initiation of registration operations for the application program at the target on-demand server), to yield substantially the same result (making the application program available for use by a user at a client). Nutanix would thus be liable for direct infringement under the doctrine of equivalents.

77. Nutanix has indirectly infringed and continues to indirectly infringe at least claims 1, 12 and 17 of the '293 Patent in this judicial district and elsewhere in the United States by, among other things, actively inducing the using, offering for sale, selling, or importing the Nutanix software distribution and management system. Nutanix's customers who use the Nutanix software distribution and management system in accordance with Nutanix's instructions directly infringe one or more of the foregoing claims of the '293 Patent in violation of 35 U.S.C. § 271. As set forth *inter alia* above, Nutanix directly and/or indirectly intentionally instructs its customers to infringe through training videos, demonstrations, brochures, installation and/or user guides for the Acropolis/Prism software and system, such as those located at the following:

- [www.nutanix.com](http://www.nutanix.com)
- [www.nutanixbible.com](http://www.nutanixbible.com)
- <https://twitter.com/nutanix>
- <http://go.nutanix.com>
- [www.youtube.com](http://www.youtube.com)

Nutanix is thereby liable for infringement of the '293 Patent under 35 U.S.C. § 271(b).

78. Nutanix has indirectly infringed and continues to indirectly infringe at least claims 1, 12 and 17 of the '293 Patent in this judicial district and elsewhere in the United States



by, among other things, contributing to the direct infringement by others including, without limitation customers using the Nutanix software distribution and management system, by making, offering to sell, selling and/or importing into the United States, a component of a patented machine, manufacture or combination, or an apparatus for use in practicing a patented process, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in infringing the '293 Patent and not a staple article or commodity of commerce suitable for substantial non-infringing use.

79. For example, the Nutanix software is a component of a patented machine, manufacture, or combination, or an apparatus for use in practicing a patent process. Furthermore, the Nutanix software distribution and management system is a material part of the claimed inventions and upon information and belief is not a staple article or commodity of commerce suitable for substantial non-infringing use. Nutanix is, therefore, liable for infringement under 35 U.S.C. § 271(c).

80. Nutanix will have been on notice of the '293 Patent since, at the latest, the service of this complaint upon Nutanix. By the time of trial, Nutanix will have known and intended (since receiving such notice) that its continued actions would actively induce, and contribute to, the infringement of one or more of claims 1, 12 and 17 of the '293 Patent.

81. Nutanix may have infringed the '293 Patent through other software utilizing the same or reasonably similar functionality, including other versions of the Nutanix software distribution and management system. Uniloc reserves the right to discover and pursue all such additional infringing software.

82. Uniloc has been damaged, reparably and irreparably, by Nutanix's infringement of the '293 Patent and such damage will continue unless and until Nutanix is enjoined.

**COUNT III**  
(INFRINGEMENT OF U.S. PATENT NO. 6,510,466)

83. Uniloc incorporates paragraphs 1-82 above by reference.

84. Uniloc Luxembourg is the owner, by assignment, of U.S. Patent No. 6,510,466 (“the ’466 Patent”), entitled METHODS, SYSTEMS AND COMPUTER PROGRAM PRODUCTS FOR CENTRALIZED MANAGEMENT OF APPLICATION PROGRAMS ON A NETWORK that issued on January 21, 2003. A true and correct copy of the ’466 Patent is attached as Exhibit C hereto.

85. Uniloc USA is the exclusive licensee of the ’466 Patent with ownership of all substantial rights therein, including the right to grant sublicenses, to exclude others, and to enforce, sue and recover past damages for the infringement thereof.

86. Nutanix has directly infringed, and continues to directly infringe one or more claims of the ’466 Patent in this judicial district and elsewhere in Texas, including at least claims 1-5, 7-8, 15-20, 22-23, 30-33 and 35-36, literally and/or under the doctrine of equivalents, by or through making, using, importing, offering for sale and/or selling its Nutanix Acropolis/Prism software distribution and management system during the pendency of the ’466 Patent which software and associated backend server architecture *inter alia* allows for installing application programs on a server, receiving a login request, establishing a user desktop interface, receiving a selection of one of the programs displayed in the user desktop interface and providing an instance of the selected program for execution.

87. In addition, should the Nutanix software distribution and management system be found to not literally infringe the asserted claims of the ’466 Patent, the product would nevertheless infringe the asserted claims of the ’466 Patent. More specifically, the accused Nutanix software distribution and management system performs substantially the same function

(selection of an application program), in substantially the same way (via an established user desktop interface), to yield substantially the same result (providing the program for execution). Nutanix would thus be liable for direct infringement under the doctrine of equivalents.

88. Nutanix has indirectly infringed and continues to indirectly infringe at least claims 1-5, 7-8, 15-20, 22-23, 30-33 and 35-36 of the '466 Patent in this judicial district and elsewhere in the United States by, among other things, actively inducing the using, offering for sale, selling, or importing the Nutanix software distribution and management system. Nutanix's customers who use the Nutanix software distribution and management system in accordance with Nutanix's instructions directly infringe one or more of the foregoing claims of the '466 Patent in violation of 35 U.S.C. § 271. As set forth *inter alia* above, Nutanix directly and/or indirectly intentionally instructs its customers to infringe through training videos, demonstrations, brochures, installation and/or user guides for the Acropolis/Prism software and system, such as those located at the following:

- [www.nutanix.com](http://www.nutanix.com)
- [www.nutanixbible.com](http://www.nutanixbible.com)
- <https://twitter.com/nutanix>
- <http://go.nutanix.com>
- [www.youtube.com](http://www.youtube.com)

Nutanix is thereby liable for infringement of the '466 Patent under 35 U.S.C. § 271(b).

89. Nutanix has indirectly infringed and continues to indirectly infringe at least claims 1-5, 7-8, 15-20, 22-23, 30-33 and 35-36 of the '466 Patent in this judicial district and elsewhere in the United States by, among other things, contributing to the direct infringement by others including, without limitation customers using the Nutanix software distribution and

management system, by making, offering to sell, selling and/or importing into the United States, a component of a patented machine, manufacture or combination, or an apparatus for use in practicing a patented process, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in infringing the '466 Patent and not a staple article or commodity of commerce suitable for substantial non-infringing use.

90. For example, the Nutanix software is a component of a patented machine, manufacture, or combination, or an apparatus for use in practicing a patent process. Furthermore, the Nutanix software distribution and management system is a material part of the claimed inventions and upon information and belief is not a staple article or commodity of commerce suitable for substantial non-infringing use. Nutanix is, therefore, liable for infringement under 35 U.S.C. § 271(c).

91. Nutanix will have been on notice of the '466 Patent since, at the latest, the service of this complaint upon Nutanix. By the time of trial, Nutanix will have known and intended (since receiving such notice) that its continued actions would actively induce, and contribute to, the infringement of one or more of claims 1-5, 7-8, 15-20, 22-23, 30-33 and 35-36 of the '466 Patent.

92. Nutanix may have infringed the '466 Patent through other software utilizing the same or reasonably similar functionality, including other versions of the Nutanix software distribution and management system. Uniloc reserves the right to discover and pursue all such additional infringing software.

93. Uniloc has been damaged, reparably and irreparably, by Nutanix's infringement of the '466 Patent and such damage will continue unless and until Nutanix is enjoined.

**COUNT IV**  
(INFRINGEMENT OF U.S. PATENT NO. 6,728,766)

94. Uniloc incorporates paragraphs 1-93 above by reference.

95. Uniloc Luxembourg is the owner, by assignment, of U.S. Patent No. 6,728,766 (“the ’766 Patent”), entitled METHODS, SYSTEMS AND COMPUTER PROGRAM PRODUCTS FOR LICENSE USE MANAGEMENT ON A NETWORK that issued on April 27, 2004. A true and correct copy of the ’766 Patent is attached as Exhibit D hereto.

96. Uniloc USA is the exclusive licensee of the ’766 Patent with ownership of all substantial rights therein, including the right to grant sublicenses, to exclude others, and to enforce, sue and recover past damages for the infringement thereof.

97. Nutanix has directly infringed, and continues to directly infringe one or more claims of the ’766 Patent in this judicial district and elsewhere in Texas, including at least claims 1-3, 5-6, 14, and 16-17 literally and/or under the doctrine of equivalents, by or through making, using, importing, offering for sale and/or selling its Nutanix Acropolis/Prism software distribution and management system during the pendency of the ’766 Patent which software and associated backend server architecture *inter alia* allow for maintaining user policy based license management information for application programs at a server, receiving a request for a license at the server, determining license availability based on the policy information, and providing an indication of availability or unavailability.

98. In addition, should the Nutanix software distribution and management system be found to not literally infringe the asserted claims of the ’766 Patent, the product would nevertheless infringe the asserted claims of the ’766 Patent. More specifically, the accused Nutanix software distribution and management system performs substantially the same function (managing licenses for authorized computer games/software based on user policy information),

in substantially the same way (via a client/server environment), to yield substantially the same result (providing authorized games/software to a client). Nutanix would thus be liable for direct infringement under the doctrine of equivalents.

99. Nutanix has indirectly infringed and continues to indirectly infringe at least claims 1-3, 5-6, 14, and 16-17 of the '766 Patent in this judicial district and elsewhere in the United States by, among other things, actively inducing the using, offering for sale, selling, or importing the Nutanix software distribution and management system. Nutanix's customers who use the Nutanix software distribution and management system in accordance with Nutanix's instructions directly infringe one or more of the foregoing claims of the '766 Patent in violation of 35 U.S.C. § 271. As set forth *inter alia* above, Nutanix directly and/or indirectly intentionally instructs its customers to infringe through training videos, demonstrations, brochures, installation and/or user guides for the Acropolis/Prism software and system, such as those located at the following:

- [www.nutanix.com](http://www.nutanix.com)
- [www.nutanixbible.com](http://www.nutanixbible.com)
- <https://twitter.com/nutanix>
- <http://go.nutanix.com>
- [www.youtube.com](http://www.youtube.com)

Nutanix is thereby liable for infringement of the '766 Patent under 35 U.S.C. § 271(b).

100. Nutanix has indirectly infringed and continues to indirectly infringe at least claims 1-3, 5-6, 14, and 16-17 of the '766 Patent in this judicial district and elsewhere in the United States by, among other things, contributing to the direct infringement by others including, without limitation customers using the Nutanix software distribution and management system, by

making, offering to sell, selling and/or importing into the United States, a component of a patented machine, manufacture or combination, or an apparatus for use in practicing a patented process, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in infringing the '766 Patent and not a staple article or commodity of commerce suitable for substantial non-infringing use.

101. For example, the Nutanix software is a component of a patented machine, manufacture, or combination, or an apparatus for use in practicing a patent process. Furthermore, the Nutanix software distribution and management system is a material part of the claimed inventions and upon information and belief is not a staple article or commodity of commerce suitable for substantial non-infringing use. Nutanix is, therefore, liable for infringement under 35 U.S.C. § 271(c).

102. Nutanix will have been on notice of the '766 Patent since, at the latest, the service of this complaint upon Nutanix. By the time of trial, Nutanix will have known and intended (since receiving such notice) that its continued actions would actively induce, and contribute to, the infringement of one or more of claims 1-3, 5-6, 14, and 16-17 of the '766 Patent.

103. Nutanix may have infringed the '766 Patent through other software utilizing the same or reasonably similar functionality, including other versions of the Nutanix software distribution and management system. Uniloc reserves the right to discover and pursue all such additional infringing software.

104. Uniloc has been damaged, reparably and irreparably, by Nutanix's infringement of the '766 Patent and such damage will continue unless and until Nutanix is enjoined.

**PRAYER FOR RELIEF**

Uniloc requests that the Court enter judgment against Nutanix as follows:

- (A) that Nutanix has infringed the '578 Patent, the '293 Patent, the '466 Patent, and the '766 Patent;
- (B) awarding Uniloc its damages suffered as a result of Nutanix's infringement of the '578 Patent, the '293 Patent, the '466 Patent, and the '766 Patent;
- (C) enjoining Nutanix, its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries and parents, and all others acting in concert or privity with it from infringing the '578 Patent, the '293 Patent, the '466 Patent, and the '766 Patent;
- (D) awarding Uniloc its costs, attorneys' fees, expenses and interest, and
- (E) granting Uniloc such other and further relief as the Court may deem just and proper.

**DEMAND FOR JURY TRIAL**

Uniloc hereby demands trial by jury on all issues so triable pursuant to Fed. R. Civ. P. 38.

Dated: October 24, 2016

Respectfully submitted,

/s/ Craig Tadlock

Craig Tadlock

Texas State Bar No. 00791766

**TADLOCK LAW FIRM PLLC**

2701 Dallas Parkway, Suite 360

Plano, TX 75093

Tel: (903) 730-6789

Email: craig@tadlocklawfirm.com



Paul J. Hayes  
Kevin Gannon  
**CESARI AND MCKENNA, LLP**  
88 Black Falcon Ave  
Suite 271  
Boston, MA 02110  
Telephone: (617) 951-2500  
Email: pjh@c-m.com  
Email: kgannon@c-m.com

**ATTORNEYS FOR THE PLAINTIFFS**