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

AURELIAN IP MANAGEMENT, LLC Plaintiff, v. FAIR ISAAC CORPORATION Defendant.	Civil Action No. 2:16-cv-1063-RWS-RSP **LEAD CASE**
AURELIAN IP MANAGEMENT, LLC Plaintiff, v. HEWLETT PACKARD ENTERPRISE COMPANY Defendant.	Civil Action No. 2:16-cv-1064-RWS-RSP **JURY TRIAL DEMANDED**

FIRST AMENDED COMPLAINT AGAINST
HEWLETT PACKARD ENTERPRISE COMPANY

For its Complaint in Case No. 2:16-cv-1064, Plaintiff Aurelian IP Management, LLC ("Aurelian"), by and through the undersigned counsel, alleges as follows:

THE PARTIES

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

2. Defendant Hewlett Packard Enterprise Company is a Delaware company with, upon information and belief, a place of business located at 5400 Legacy Drive, Plano, Texas 75024.

3. Upon information and belief, Defendant has registered with the Texas Secretary of State to conduct business in Texas.

JURISDICTION AND VENUE

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

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

6. Upon information and belief, Defendant conducts 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.

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

THE PATENT-IN-SUIT

8. On August 7, 2001, U.S. Patent No. 6,272,495 (the "'495 patent"), entitled "Method and Apparatus for Processing Free-Format Data," was duly and lawfully issued by the U.S. Patent and Trademark Office. A true and correct copy of the '495 patent is attached hereto as Exhibit A.

9. Aurelian is the assignee and owner of the right, title and interest in and to the '495 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. 6,272,495

10. Aurelian repeats and realleges the allegations of paragraphs 1 through 9 as if fully set forth herein.

11. Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendant is liable for infringement of at least claims 1, 2, 12 and 38 of the '495 patent by making, using,

importing, offering for sale, and/or selling a method and apparatus for processing free-format data, including, but not limited to, HPE IDOL.

12. More specifically and upon information and belief, HPE IDOL examines elements of data to determine attributes of the data by examining elements of the data, *see* https://my.vertica.com/docs/IDOL/Servers/IDOLServer/11.0/Guides/html/English/expert/index.html (last accessed Sept. 30, 2016);

> **IDOL Server**
>
> HPE *Intelligent Data Operating Layer* (IDOL) Server gathers and processes unstructured, semi-structured, and structured information in any format from multiple repositories using IDOL connectors and a global relational index. It can automatically form a contextual understanding of the information in real time, linking disparate data sources together based on the concepts contained within them. For example, IDOL can automatically link concepts contained in an e-mail message to a recorded phone conversation, which can be associated with a stock trade. This information is then imported into a format that is easily searchable, adding advanced retrieval, collaboration, and personalization to an application that integrates the technology.

HPE IDOL: Getting Started at p. 11 (available at https://my.vertica.com/docs/IDOL/Servers/IDOLServer/11.0/Guides/pdf/English/IDOL_11.0_GettingStarted_en.pdf (last accessed Sept. 30, 2016)), to determine attributes of the data and the contextual relationships of elements to each other, to determine semantic and syntactic information about the data.

What NLP tasks can IDOL perform?

IDOL can help you handle the following types of language-processing tasks:

- **Named entity recognition (NER)**, or entity extraction, locates and classifies elements in text into predefined categories, such as people's names and locations. IDOL Eduction uses grammar-based techniques to extract entities from any piece of unstructured information. A number of grammar-based techniques are available out of the box (such as proper names, addresses, organizations, phone numbers, or Social Security Numbers). In addition, IDOL Eduction enables custom entities to be built and deployed to meet specific objectives. Paired with IDOL capabilities to identify patterns and draw relationships between different entities, IDOL Eduction is a powerful tool for classifying and relating information.
- **Stemming** reduces inflected words to their root and allows IDOL to group together words with similar basic meanings. This enables users to retrieve relevant information even when the specific form of the word is not present in the index. For example, a query for "running" will automatically retrieve information about "running shoes" but also about "runners" or "places to run."
- **Sentence-breaking and character tokenization** are important for languages that use words that are not delimited by spaces. IDOL can be easily configured to break text into sentences and tokenize characters into n-grams of a specified size with great accuracy.
- **Stop words** are extremely common terms of little or no value. Words such as "a," "and," and "the" do not carry any conceptual significance. IDOL can automatically identify such words and exclude them from analysis to increase performance and the accuracy of results.
- **Synonyms** allow users to build conceptual relationships between words and phrases. When a user queries the engine for "college," IDOL recognizes that a college and a university represent the same concept and therefore automatically searches for "university," as well. IDOL can also be configured to treat similar terms as hyponyms or hypernyms.

Closing the Gaps in Natural Language Processing: The HPE IDOL 11 Advantage ("Closing the Gaps") at p. 3 (available at https://www.hpe.com/h20195/V2/GetPDF.aspx/4AA6-4691ENW.pdf (last accessed Sept. 30, 2016));

HPE IDOL capabilities

Semantics and ontology: The unique and patented technologies of HPE IDOL enable you to analyze intelligently both the significance of individual syllables and words (semantics) and their high-level logical crosslinking (ontology).

Increase Your Return on Big Data at p. 7 (available at https://www.hpe.com/h20195/V2/GetPDF.aspx/4AA5-8133ENW.pdf (last accessed Sept. 30, 2016));

Categorization

IDOL Server can automatically categorize data. HPE categorization allows you to derive categories from the concepts found in unstructured text. This process ensures that IDOL Server accurately classifies all data in the correct context. HPE categorization is a scalable solution capable of handling high volumes of information accurately and consistently.

HPE categorization does not rely on rigid rule-based category definitions such as legacy keyword and Boolean operators. Instead, HPE infrastructure uses a pattern matching process based on concepts. It can then automatically tag data sets, route content, or alert users to relevant information pertinent to the user profile.

HPE hooks into various repositories and data formats respecting all security and access entitlements, delivering complete reliability.

HPE IDOL Server Software Version: 11.0: IDOL Server Administration Guide ("Administration Guide) at p. 24 (available at https://my.vertica.com/docs/IDOL/Servers/IDOLServer/11.0/Guides/pdf/English/IDOLServer_11.0_Admin_en.pdf (last accessed Dec. 27, 2016)). It produces additional data relating to this information, in the form of a text object which includes pointer means enabling access to the elements of the free-format data,

Index Your Content

The IDOL Server data index contains document content, and field information for analysis and retrieval. Generally, you add data to IDOL Server by configuring one or more connectors to extract the data from a repository and send it to IDOL Server for indexing.

In this case, you set up your indexing pipeline to automatically collect, process, and index your content. For testing and setup, you might need to index content manually, by sending index actions directly to IDOL Server.

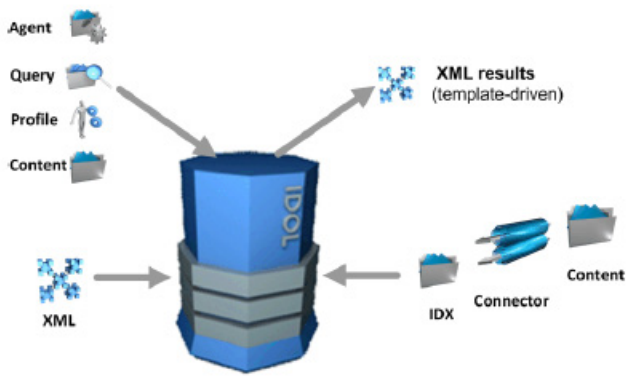
During indexing, IDOL Server analyzes the content and processes it according to your configuration.

https://my.vertica.com/docs/IDOL/Servers/IDOLServer/11.0/Guides/html/English/expert/Content/IDOLExpert/IntroductionTopics/Index_Your_Content.htm (last accessed Sept. 30, 2016);

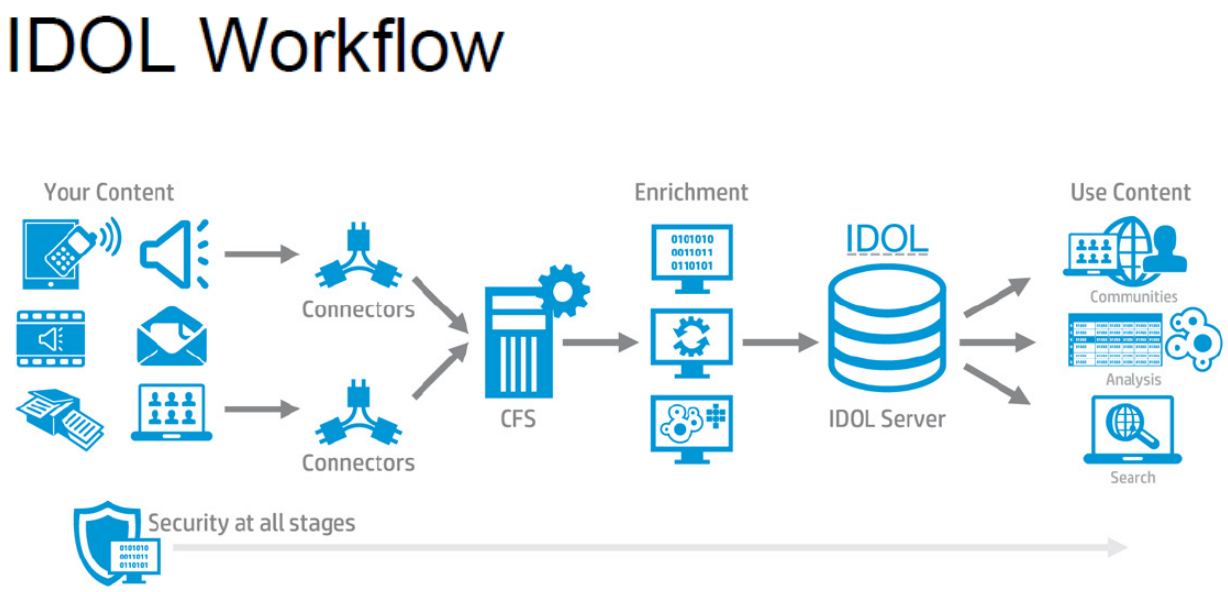
Index and Query

You index documents into IDOL in HPE IDOL IDX format or in XML format (directly or using a Connector). IDOL stores the concepts of the document. In response to queries, agents, profiles or content, it returns a link to the result document. IDOL also returns a percentage weighting, which indicates how relevant the result document is to the original query.

IDOL can return results as XML (even if the document was not in XML format when it was indexed) or other formats, such as plain text, using XSLT:



HPE IDOL: Getting Started at pp. 18-19 (available at https://my.vertica.com/docs/IDOL/Servers/IDOLServer/11.0/Guides/pdf/English/IDOL_11.0_GettingStarted_en.pdf (last accessed Sept. 30, 2016)), and the additional data being accessible by a query processing means to provide at least one of answers to queries relating to the semantic and syntactic information about the data and to access the data to manipulate the data,



https://my.vertica.com/docs/IDOL/Servers/IDOLServer/11.0/Guides/html/English/expert/index.html (last accessed Sept. 30, 2016);

Customizable search interface: HPE Find, an open source tool contributed by HPE, is an extensible enterprise search user interface, which now ships with HPE IDOL for our customer's convenience. It is designed to be a highly flexible foundation upon which custom-made applications can be based. The quick-to-start and easy-to-use interface enables almost instantaneous search productivity while accelerating the development of applications requiring intelligent search capabilities.

Data Sheet at p. 3 (available at https://www.hpe.com/h20195/V2/GetPDF.aspx/4AA6-4514ENW.pdf (last accessed Sept. 30, 2016));

Basic Queries

Basic search (also referred to as conceptual search) includes keyword and natural language searches, which allow you to specify terms that you want to find in your document set. IDOL applies some processing to the search terms so that it can find related terms (for example, plurals, and other forms of a verb). See Languages.

In a basic query, you provide keywords or sentences, and IDOL Server retrieves the documents that match it. These queries are the easiest type of search for end users, because they do not require any special syntax or training.

IDOL Server performs linguistic processing for basic queries, which allows it to match concepts as well as specific keywords.

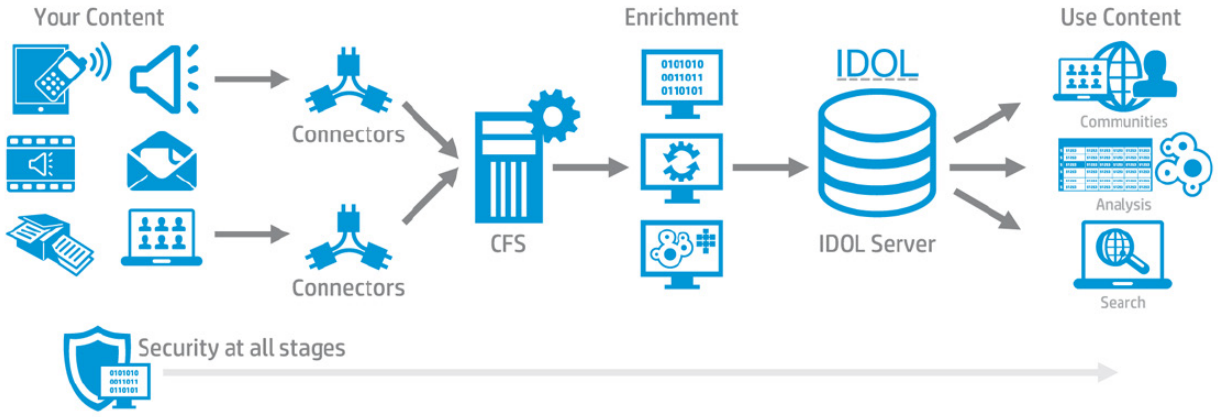
Basic Query Process

You send basic queries to IDOL Server in the Text parameter of the `Query` action. IDOL Server then:

- removes the stop words from the query text.
- stems each word to a linguistic root.
- matches the text against the index fields of the documents it contains.
- returns documents that contain any or all of your search terms, in any matching form.

ttps://my.vertica.com/docs/IDOL/Servers/IDOLServer/11.0/Guides/html/English/expert/index.html#IDOLExpert/IntroductionTopics/Use_Your_Content.htm (last accessed Sept. 30, 2016), and arranging the text object to act as a layer, between the free-format data and the query processing means, for at least one of interpretation and manipulation of the data.

IDOL Workflow



https://my.vertica.com/docs/IDOL/Servers/IDOLServer/11.0/Guides/html/English/expert/index.html (last accessed Sept. 30, 2016);

Use Your Content

This section describes some of the ways that you can use your content after you have indexed it into IDOL Server.

- Inquire . Send different types of queries to retrieve the content in your documents.
- Investigate. Analyze your data to find out how information is distributed among different documents, using parametric searching, highlighting, and term analysis.
- Improve. Use classification processes to group your content, and create clusters to analyze your content.
- Interact. Create agents and profiles for your users to find out their interests, and create communities of users to allow greater collaboration and expertise sharing.
- View Documents. Convert search results into HTML to preview in a browser, and return the original documents in your search user interface.

https://my.vertica.com/docs/IDOL/Servers/IDOLServer/11.0/Guides/html/English/expert/index.html#IDOLExpert/IntroductionTopics/Use_Your_Content.htm (last accessed Sept. 30, 2016). Defendant's HPE IDOL processes a plurality of free-format data records and produces a text object associated with each free-format data record.

The HPE IDOL data platform converts your source content to an index of useful data that you can search and analyze. IDOL Expert describes the capabilities of IDOL, and aims to get you started with using IDOL in your system.

https://my.vertica.com/docs/IDOL/Servers/IDOLServer/11.0/Guides/html/English/expert/index.html#IDOLExpert/IntroductionTopics/Welcome.htm%3FTocPath%3DGetting%2520Started%7C_____0 (last accessed Sept. 30, 2016);

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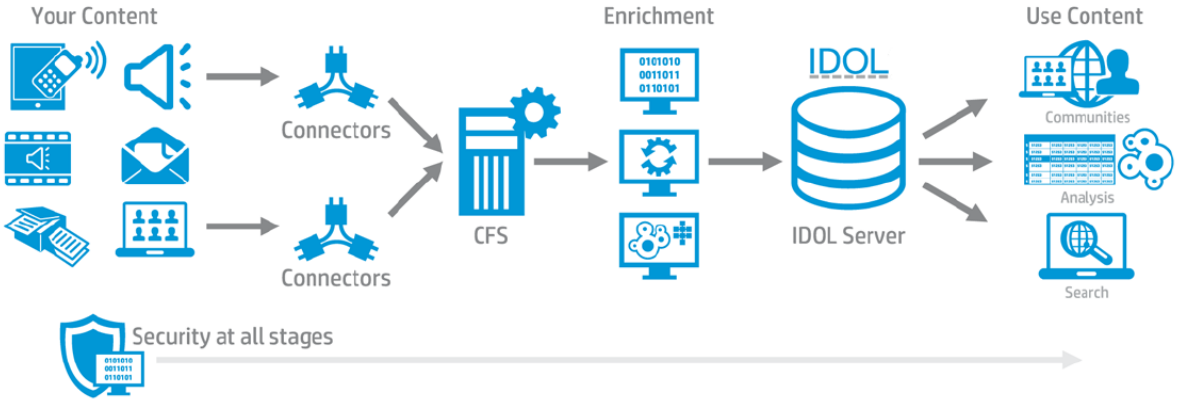

Here are the main steps that you need to consider:

1. Look at Your Content: what data do you have, and how do you want to use it?
2. Retrieve Content with connectors to extract your data from your existing repositories.
3. Enrich Your Content to improve how IDOL interacts with your data.
4. Configure IDOL to manage your requirements.
5. Consider your Security requirements.
6. Index Your Content into IDOL Server.
7. When you have your complete data index, you can Use Your Content.

Id. It produces a text object index including attribute type identifiers for elements of each data record and pointers to each data record and the index may be queried by queries relating to semantic and syntactic-information about the data and the data may be accessed via the index.

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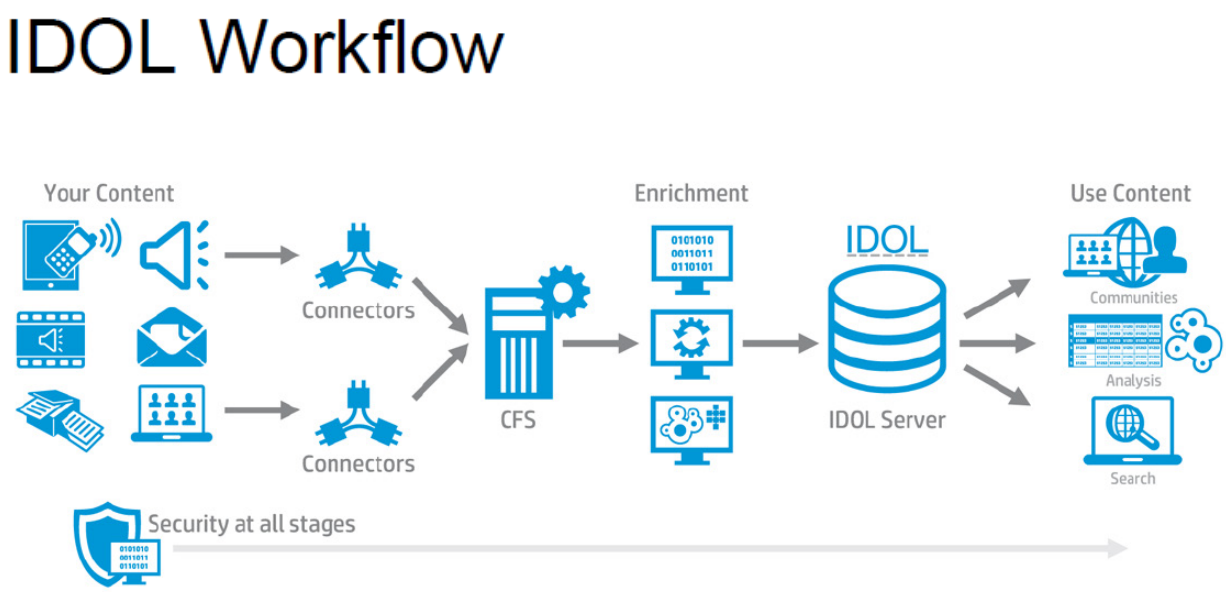
https://my.vertica.com/docs/IDOL/Servers/IDOLServer/11.0/Guides/html/English/expert/Content/IDOLExpert/Inquire/Basic_Queries.htm (last accessed Sept. 30, 2016);



https://my.vertica.com/docs/IDOL/Servers/IDOLServer/11.0/Guides/html/English/expert/index.html (last accessed Sept. 30, 2016).

13. Aurelian's initial complaint was filed on September 30, 2016.

14. Defendant was served the initial complaint on October 7, 2016.

15. Thus, Defendant has been on notice of the '495 patent since, at the latest, the date it was served the initial complaint.

16. Upon information and belief, Defendant has not altered its infringing conduct after receiving the initial complaint.

17. Upon information and belief, Defendant's continued infringement despite its knowledge of the '495 patent and the accusations of infringement has been objectively reckless and willful.

18. In particular, Defendant's customers' and end-users' use of Defendant's products and services which process free-format data, such as HPE IDOL, is facilitated by the use of the systems and methods patented under the '495 patent.

19. On information and belief, in order to generate profits and revenues, Defendant markets and promotes, e.g., through its website and sales personnel, the use of its products and services that infringe the '495 patent when used as intended by Defendant's customers and end-users. Defendant's customers and end-users use such products and services. Defendant further instructs its customers and end-users how to use such products and services in a manner that infringes the '495 patent (e.g., through on-line technical documentation, instructions, and technical support).

20. In particular, Defendant instructs its customers and end-users through at least on-line support instructions and documentation over the Internet how to process free-format data. Defendant provides manuals, user guides and other documentation which instruct its customers and end-users how to set up, configure and use the accused systems and methods to process free-format data.

21. Defendant still further makes such products and services accessible to its customers and end-users, thus enabling and encouraging its customers and end-users to use such products and services, to infringe the '495 patent.

22. On information and belief, even though Defendant has been aware of the '495 patent and that its customers and end-users infringe the '495 patent since at the latest, the date it was served the initial complaint, Defendant has neither made any changes to the functionality, operations, marketing, sales, technical support, etc. of such products and services to avoid infringing the '495 patent nor informed its customers or end-users how to

avoid infringing the '495 patent. To date, Defendant has not identified a single action that it has taken to avoid infringement (e.g., by designing around or notifying its customers or end-users how to avoid infringement) by itself or its customers or end-users since it became aware of the '495 patent.

23. On information and belief, Defendant itself is unaware of any legal or factual basis that its actions solely, or in combination with the actions of its customers and end-users, do not constitute direct or indirect infringement of the '495 patent. To date, Defendant has not produced any opinion of counsel, request for opinion of counsel, evaluation, analysis, or investigation relating to the validity, scope, interpretation, construction, enforceability, unenforceability, or the infringement or potential infringement of any claim of the '495 patent.

24. As such, on information and belief, despite the information Defendant obtained from the original complaint in this action, Defendant continues to specifically intend for and encourage its customers and end-users to use its products and/or services in a manner that infringe the claims of the '495 patent. In addition, since at least the filing of the original complaint in this action, Defendant has deliberately avoided taking any actions (e.g., designing around, or providing notice to its customers) to avoid confirming that its actions continue to specifically encourage its customers and end-users to use its products and/or services in a manner that infringe the claims of the '495 patent.

25. Defendant's actions of, *inter alia*, making, importing, using, offering for sale, and/or selling such products and/or services constitute an objectively high likelihood of infringement of the '495 patent, which was duly issued by the United States Patent and Trademark Office and is presumed valid. Since at least the filing of the original complaint,

Defendant is aware that there is an objectively high likelihood that its actions constituted, and continue to constitute, infringement of the '495 patent and that the '495 patent is valid. Despite Defendant's knowledge of that risk, on information and belief, Defendant has not made any changes to the relevant operation of its products and/or services and has not provided its users and/or customers with instructions on how to avoid infringement of the '495 patent. Instead, Defendant has continued to, and still is continuing to, among other things, make, use, offer for sale, and/or sell products and/or services patented under the '495 patent. As such, Defendant willfully, wantonly and deliberately infringed and is infringing the '495 patent in disregard of Aurelian's rights under the '495 patent.

26. Aurelian is entitled to recover from Defendant the damages sustained by Aurelian as a result of Defendant's infringement of the '495 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

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

PRAYER FOR RELIEF

WHEREFORE, Aurelian requests that this Court enter judgment against Defendant as follows:

A. An adjudication that Defendant has infringed the '495 patent;

B. A judgment that Defendant has induced infringement of the '495 patent;

C. An award of damages to be paid by Defendant adequate to compensate Aurelian for Defendant's past infringement of the '495 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;

D. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of Aurelian's reasonable attorneys' fees;

E. An award of enhanced damages pursuant to 35 U.S.C. § 284 for Defendant's willful infringement of the '495 patent subsequent to the date of its notice of the '495 patent; and

F. An award to Aurelian of such further relief at law or in equity as the Court deems just and proper.

Dated: December 27, 2016

/s/ Richard C. Weinblatt

Stamatios Stamoulis DE SB #4606
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weinblatt@swdelaw.com

Attorneys for Plaintiff
Aurelian IP Management, LLC

CERTIFICATE OF SERVICE

I hereby certify that on December 27, 2016, I electronically filed the above document(s) with the Clerk of Court using CM/ECF which will send electronic notification of such filing(s) to all registered counsel.

/s/ Richard C. Weinblatt
Richard C. Weinblatt