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

MARKING OBJECT VIRTUALIZATION INTELLIGENCE, LLC, *Plaintiff,* v. FUJITSU AMERICA, INC., *Defendant.*	Civil Action No. 2:16-cv-1046 **JURY TRIAL DEMANDED**

SECOND AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Marking Object Virtualization Intelligence, LLC ("MOV Intelligence" or "Plaintiff"), by and through its attorneys, brings this action and makes the following allegations of patent infringement relating to U.S. Patent Nos.: 7,200,230 ("the '230 patent"); 6,802,006 ("the '006 patent"); 7,650,504 ("the '504 patent"); and 7,124,114 ("the '114 patent") (collectively, the "patents-in-suit" or the "MOV Intelligence Patents"). Defendant Fujitsu America, Inc. ("Fujitsu" or "Defendant") infringes the '230, '006, '504, and '114 patents. Fujitsu's infringement violates the patent laws of the United States of America, 35 U.S.C. § 1 *et seq*.

INTRODUCTION

1.   MOV Intelligence and its wholly-owned subsidiary, MOV Global Licensing LLC ("MOV Global Licensing") pursues the reasonable royalties owed for Fujitsu's unauthorized use of patented groundbreaking technology both here in the United States and throughout Europe. MOV Intelligence and its subsidiaries were assigned the rights to these patented technologies by Rovi Corporation ("Rovi").[1]

2.   Rovi Corporation ("Rovi") is a pioneer and leader in protecting computer technology, including digital rights management ("DRM") and digital watermarking systems. In

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[1] On April 29, 2016, Rovi Corporation acquired TiVo, Inc. The combined company operates under the name TiVo, Inc.

1985, Rovi, then known as Macrovision Corporation ("Macrovision"), introduced the first system for protecting digital content on VHS tapes.[2] By 2001, Rovi's Macrovision technology was ubiquitous in the distribution of video content and employed in 75% of DVDs sold in the United States.[3] In the late 1990's, Rovi applied its video copy protection expertise to DRM and encryption for operating systems and executable files. Rovi developed groundbreaking products including: Macrosafe; SafeDisc; FlexLm; SafeAuthenticate; SafeCast; and InstallShield.

3.   To facilitate the licensing of Rovi's foundational technology, Rovi licensed and/or assigned 233 of its foundational patents to MOV Intelligence. Rovi assigned MOV Intelligence many of John O. Ryan's, the founder of Rovi predecessor Macrovision, groundbreaking patents.[4] MOV Intelligence owns, protects and licenses Rovi's inventions to allow companies to operate in the marketplace and ensure Rovi's labor and ingenuity is compensated.

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THE PARTIES

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MARKING OBJECT VIRTUALIZATION INTELLIGENCE, LLC

4.   Marking Object Virtualization Intelligence, LLC ("MOV Intelligence") is a Texas limited liability company with its principal place of business located at 903 East 18th Street, Suite 217, Plano, Texas 75074. MOV Intelligence is committed to advancing the current state of DRM and watermarking technologies.

5.   MOV Intelligence Global Licensing, LLC ("MOV Global Licensing") is a wholly-owned subsidiary of MOV Intelligence and assists in the licensing of MOV Intelligence's patents in territories outside the United States with a focus on the European Union (and the

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[2] Aljean Harmetz, *Cotton Club Cassettes Coded to Foil Pirates*, N.Y. TIMES (April 24, 1985) ("The device, which works by confusing a recorder's automatic gain control - the mechanism that controls the strength of the signal on the tape - was demonstrated at a news conference today by its inventor, John Ryan of Macrovision.").

[3] Eileen Fitzpatrick, *Picture This*, BILLBOARD MAGAZINE at 59 (March 24, 2001) ("[Macrovision] provides its technology to 75% of all DVDs distributed by Hollywood studios. Overall, the company has copy-protected more than 800 million DVDs, 8 billion videocassettes and 45 million digital set-top boxes.").

[4] *See* U.S. Patent Nos. 6,381,367; 7,764,790; 6,701,062; 8,014,524; German Patent Nos. DE60001837 and DE60001837D1; Chinese Patent No. CN1186941C; Canadian Patent No. CA2379992C; European Patent No. EP1198959B1; and Japanese Patent No. JP4387627B2.

United Kingdom). MOV Intelligence Global Licensing, LLC is a corporation organized under the laws of Delaware.

6.   Rovi assigned the following patents to MOV Intelligence: U.S. Patent Nos. 7,299,209; 6,510,516; 6,802,006; 7,650,504; 6,813,640; 7,650,418; 7,200,230; 7,124,114; 6,381,367; 6,374,036; 6,360,000; 6,553,127; 6,701,062; 6,594,441; 7,764,790; 8,014,524; 6,931,536; and International Patent Nos. DE60047794; DE60148635.8; DE60211372.5; DE69901231.7-08; DK1047992; EP1047992; EP1303802; EP1332618; EP1444561; ES1047992; FR1047992; FR1303802; FR1332618; FR1444561; GB1047992; GB1303802; GB1332618; GB1444561; GR3040059; IE1047992; IE1444561; IT1047992; NL1047992; NL1444561; PT1047992; and SE1047992.

7.   MOV Intelligence has the right to sublicense the following international patent assets: AT1020077; AT1198959; AT1080584; ATE232346; AT1020077; AU729762; AU741281; AU753421; AU743639; AU714103; AU729762; AU2002351508; AU765747; AU2000263715; BE1020077; BE1198959; BE1020077; BE1080584; BE900498; BRPI 9812908-2; BR9709332.7; BRPI 9812908-2; CA2305254; CA2332546; CA2379992; CA2305254; CA2332548; CA2557859; CA2252726; CA2462679; CA2315212; CA2416304; CA2425115; CH1020077; CH1080584; CH900498; CH1020077; CH1047992; CNZL98809610.2; CNZL99806376.2; CNZL00811179.0; CNZL98809610.2; CNZL99806377.0; CNZL97194746.5; CNZL02820738.6; CNZL99802008.7; CNZL00819775.X; CNZL200510089437; DE69807102.608; DE60001837.7; DE69908352.4-08; DE69718907.4-08; DE69807102.608; DK1020077; DK1080584; DK1198959; DK1020077; DK900498; EP1020077; EP1198959; EP1080584; EP900498; EP1020077; ES1020077; ES1198959; ES1080584; ESES2191844; ES1020077; FI1020077; FI1080584; FI1020077; FI900498; FR1020077; FR1198959; FR1080584; FR900498; FR1020077; GB1020077; GB1198959; GB1080584; GB900498; GB1020077; GR3041381; GR3045620; GR3043304; GR3041381; HK1028696; HKHK1035625; HK1028696; HK1035282; HK1018562;

HKHK1069234; HKHK1057115; HK1083653B; IE1020077; IE1198959; IE1020077; IE1080584; IE900498; IL135498; IL139543; IL148002; IL135498; IL139544; IN201442; IN220504; IN201442; IN207829; IT1020077; IT1080584; IT900498; IT1020077; JP4139560; JP4263706; JP4387627; JP4551617; JP4139560; JP4263706; JP3542557; JP4627809; JP4698925; JP4366037; JP4307069; KR374920; KR422997; KR761230; KR374920; KR362801; KR478072; KR689648; KR539987; KR752067; KR728517; KR593239; MX223464; MX231725; MX226464; MX223464; MX212991; MX214637; MX237690; MX240845; MYMY-123159-A; MYMY-123159-A; NL1020077; NL1198959; NL1080584; NL900498; NL1020077; NZ503280; NZ507789; NZ503280; NZ532122; PT1010077; PT1198959; PT1080584; PT900498; PT1010077; RU2195084; RU2216121; RU2251821; RU2195084; RU2208301; RU2258252; SE1020077; SE1198959; SE1080584; SE900498; SE1020077; SG71485; SG76965; SG86547; SG76964; SG71485; TWNI117461; TWNI-124303; TWNI-130428; TWNI1600674; TWNI-162661; TWNI-202640; TWNI117461; TWNI-130754; and TWNI-184111.

FUJITSU AMERICA, INC.

8.   On information and belief, Fujitsu America, Inc. is a California corporation with its principal place of business at 1250 East Arques Avenue, Sunnyvale, California 94085. Fujitsu America, Inc. may be served through its registered agent CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201. On information and belief, Fujitsu America, Inc. is registered to do business in the State of Texas, and has been since at least November 7, 2000.

Fujitsu America, Inc. conducts business operations throughout the State of Texas. Fujitsu America, Inc. maintains an office located at 2791 Telecom Parkway, ME2, Richardson, Texas 75082.[5]

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[5] *Fujitsu America Offices*, FUJITSU.COM WEBSITE, available at:
http://www.fujitsu.com/us/about/local/corporate/subsidiaries/fai/contact/sales-office-locations/
(listing the locations of Fujitsu America Offices).

9.   Fujitsu America, Inc. has employees located throughout the state of Texas.

"Fujitsu operates research and development facilities in California, Texas and North Carolina to

develop software products for the worldwide market."[6]

10.   Fujitsu America, Inc. maintains data centers in the state of Texas as described in

the below excerpt from a Fujitsu presentation.

> Fujitsu Cloud Infrastructure as a Service (IaaS) offerings are delivered from green
> Fujitsu data centers that provide extremely high levels of data protection,
> availability and security. The Fujitsu Private Hosted Cloud IaaS is delivered from
> our data centers in Dallas, Texas and Sunnyvale, California.

Presenting Fujitsu Americas, FUJITSU AMERICAS PRESENTATION at 11 (2014), available at:
http://www.fujitsu.com/us/Images/Fujitsu-Americas-brochure.pdf

11.   Fujitsu America, Inc. employs numerous individuals at its Richardson, Texas

location. Recent job postings for Fujitsu America, Inc. positions located in Richardson, Texas

have stated:

- "If you fit these qualifications and are looking for new challenges and a
  dynamic and rewarding career, we'd like to talk with you today. Come
  be a part of the action at Fujitsu America!"[7]
- "Come be a part of the action at Fujitsu America! The role is based
  in Richardson, Texas area."[8]
- "We are looking for a Manager, Tools Monitoring for our MIS Group in
  our Richardson, TX location."[9]

12.   Fujitsu America, Inc.'s corporate parent Fujitsu Ltd. has filed patent cases in the

Eastern District of Texas. *See Fujitsu Ltd., v. Tellabs, Inc. et al*, Case No. 08-cv-0022, Dkt. No.

91 (Filed June 12, 2009 E.D. Tex.).

13.   Fujitsu America, Inc. in tax filings has identified multiple Fujitsu America, Inc.

corporate officers as located in Richardson, Texas. *See State of Florida Corporate Tax Filing*

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[6] *Presenting Fujitsu Americas*, FUJITSU AMERICAS PRESENTATION at 11 (2014), available at:
http://www.fujitsu.com/us/Images/Fujitsu-Americas-brochure.pdf

[7] *Senior Delivery Manager*, FUJITSU CAREER WEBSITE (last visited January 2017), available at:
https://fujitsujobs.taleo.net/careersection/10120/jobdetail.ftl

[8] *Cloud Solution Architect - PAAS (Platform As A Service)*, FUJITSU CAREER WEBSITE (last
visited January 2017), available at: https://fujitsujobs.taleo.net/careersection/10120/jobdetail.ftl

[9] *Manager, Tools Monitoring*, FUJITSU CAREER WEBSITE (last visited January 2017), available at:
https://fujitsujobs.taleo.net/careersection/10120/jobdetail.ftl

For Fujitsu America, Inc. at 2 (March 25, 2015) (identifying President - Robert Pryor at 2791 Telecom Parkway, Richardson, Texas and Director – Makota Hamada at 2801 Telecom Parkway, Richardson, Texas); *State of Florida Corporate Tax Filing For Fujitsu America, Inc.* at 2 (April 25, 2016) (identifying President Duncan Tait, 2821 Telecom Parkway, Richardson Texas; Director - Hiroaki Konda at 2821 Telecom Parkway, Richardson, Texas; and Director - Gavin Bounds at 2821 Telecom Parkway, Richardson, Texas).

JURISDICTION AND VENUE

14.   This action arises under the patent laws of the United States, Title 35 of the United States Code. Accordingly, this Court has exclusive subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a).

15.   Upon information and belief, this Court has personal jurisdiction over Fujitsu in this action because Fujitsu has committed acts within the Eastern District of Texas giving rise to this action and has established minimum contacts with this forum such that the exercise of jurisdiction over Fujitsu would not offend traditional notions of fair play and substantial justice. Fujitsu, directly and/or through subsidiaries or intermediaries (including distributors, retailers, and others), has committed and continues to commit acts of infringement in this District by, among other things, offering to sell and selling products and/or services that infringe the patents-in-suit. In addition, Fujitsu America, Inc. is registered to do business in the State of Texas.

16.   Venue is proper in this district under 28 U.S.C. §§ 1391(b)-(d) and 1400(b). Fujitsu America, Inc. is registered to do business in Texas, and upon information and belief, Fujitsu has transacted business in the Eastern District of Texas and has committed acts of direct and indirect infringement in the Eastern District of Texas. Plaintiff MOV Intelligence is not owned or controlled by Rovi Corporation or any affiliate of Rovi Corporation.

MOV INTELLIGENCE'S LANDMARK INVENTIONS

17.   The groundbreaking inventions in DRM and digital watermarking taught in the patents-in-suit were pioneered by Rovi. Rovi, established in 1983 under the name Macrovision,

was a trailblazing technology company focused on inventing and bringing to market fundamental

technologies designed to allow producers and distributors of film and music to widely distribute

their products while simultaneously protecting their art from unauthorized

copying.[10] Macrovision's copy protection technology became so important to content creators

that Congress specifically regulated the manufacture and sale of technology that was

incompatible with Macrovision's copy protection technology. *See* 17 U.S.C. § 1201(k)(1)

("unless such recorder conforms to the automatic gain control copy control technology").[11] Rovi

broadened its focus to include copy protection and DRM for other media,[12] including computer

executables, firmware, operating system images, watermarking, and encryption.

18.   MOV Intelligence's patent portfolio, which includes more than 233 issued patents

worldwide, is a direct result of Rovi's substantial investment in research and development. The

asserted MOV Intelligence patents are reflective of this history of innovation, embodying a

number of firsts in the development of DRM and watermarking technologies.

19.   MOV Intelligence long-term financial success depends in part on its ability to

establish, maintain, and protect its proprietary technology through patents. Defendants'

infringement presents significant and ongoing damage to MOV Intelligence's business. Hitachi,

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[10] Aljean Harmetz, *Cotton Club Cassettes Coded to Foil Pirates*, N.Y. TIMES (April 24, 1985).

[11] *See also* David Nimmer, *Back from the Future: A Proleptic Review of the Digital Millennium Copyright Act*, 16 BERKELEY TECH. L.J. 855, 862 (2001) (The DMCA "contains a welter of corporation-specific features, relating to Macrovision Corp. The features in question relate to section 1201's controls on consumer analog devices.") (citations omitted).

[12] *See* Michael Arnold et al., TECHNIQUES AND APPLICATIONS OF DIGITAL WATERMARKING AND CONTENT PROTECTION 203 (2002) (Describing Rovi's Cactus Data Shield product which by 2002 had been used in over 100 million compact discs. "This scheme [Rovi Cactus Data Shield] operates by inserting illegal data values instead of error-correcting codes."); *see also Rovi SafeDisc Copy Protection Overview*, MACROVISION CORPORATION DATASHEET at 2 (1999) ("SafeDisc incorporates a unique authentication technology that prevents the re-mastering of CD-ROM titles and deters attempts to make unauthorized copies. The SafeDisc authentication process ensures that consumers will only be able to play original discs. The user is forced to purchase a legitimate copy."); Kirby Kish, MACROSAFE SYSTEM: A SOLUTION FOR SECURE DIGITAL MEDIA DISTRIBUTION at 7 (January 2002) (showing the architecture of the MacroSafe system and use of a DRM Server and Key Escrow Server).

in an effort to expand its product base and profit from the sale of patented technology, has chosen to incorporate MOV Intelligence's fundamental technology without a license or payment.

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THE ASSERTED PATENTS

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U.S. PATENT NO. 7,200,230

20.   U.S. Patent No. 7,200,230 (the "'230 patent"), entitled "System and Method for Controlling and Enforcing Access Rights to Encrypted Media," was filed January 15, 2001, and claims priority to April 6, 2000. MOV Intelligence is the owner by assignment of the '230 patent. A true and correct copy of the '230 patent is attached hereto as Exhibit A. The '230 patent claims specific methods and systems for extending the capabilities of rights controlled access media systems. Further, the system and methods provide for designation and authentication of the identity of the data processor upon/through which a data object is to be used. The system and methods also provide for encryption of a data object and its associated rules such that only a designated data processor can decrypt and use the data object. The system and methods further provide for designation and authentication of the identity of a user by whom the data object is to be used. The system and methods also provide for encryption of a data object and its associated rules such that only a designated user can decrypt and use the data object.

21.   The '230 patent family has been cited by over 180 issued United States patents and published patent applications as relevant prior art. Specifically, patents issued to the following companies have cited the '230 patent as relevant prior art:

- International Business Machines Corporation
- Qualcomm Incorporated
- Autodesk, Inc.
- NTT Docomo, Inc.
- Hitachi, Ltd.
- Koninklijke Phillips Electronics N.C.
- Hewlett-Packard Development Company L.P.
- Time Warner Cable, Inc.
- Cisco Systems, Inc.
- Blackberry Limited

- Arris Enterprises, Inc.
- Meshnetworks, Inc.
- Google, Inc. (now Alphabet, Inc.)
- Oracle Corporation
- General Instrument Corporation
- Symantec Corporation
- Siemens Aktiengesellschaft
- AT&T, Inc.
- Nokia Corporation
- Verizon Communications, Inc.
- Voltage Security, Inc.
- Scientific-Atlanta, Inc. (subsequently acquired by Cisco Systems, Inc.)
- Telefonaktiebolaget LM Ericsson

22.   The '230 patent claims a technical solution to a problem unique to the transmission of digital information over a network – providing systems and methods for extending the capabilities of rights controlled access to digital content using encryption.

U.S. PATENT NO. 6,802,006

23.   U.S. Patent No. 6,802,006 (the "'006 patent"), entitled "System and Method of Verifying the Authenticity of Dynamically Connectable Executable Images," was filed on July 22, 1999, and claims priority to January 15, 1999. MOV Intelligence is the owner of all right, title, and interest in the '006 patent. A true and correct copy of the '006 patent is attached hereto as Exhibit B. The '006 patent claims specific methods and systems for verifying the authenticity of executable images. The system includes a validator that determines a reference digital signature for an executable image using the contents of the executable image excluding those portions of the executable that are fixed-up by a program loader. The validator then, subsequent to the loading of the executable image, determines an authenticity digital signature to verify that the executable image has not been improperly modified.

24.   The '006 patent has been cited by over 88 issued United States patents and published patent applications as relevant prior art. Specifically, patents issued to the following companies have cited the '006 patent as relevant prior art:

- Intertrust Technologies Corporation
- International Business Machines Corporation

- Intel Corporation
- Microsoft Corporation
- Check Point Software Technologies, Inc.
- Nokia Corporation
- Ipass, Inc.
- Nytell Software LLC
- Amazon Technologies, Inc.
- Panasonic Corporation
- Matsushita Electric Ind. Co. Ltd.
- NXP B.V. (now Cisco Systems, Inc.)
- Intel Corporation
- Hewlett-Packard Development Company, L.P.
- Apple, Inc.
- Lockheed Martin Corporation
- Symantec Corporation
- Zone Labs, Inc.

25.   The '006 patent claims a technical solution to a problem unique to computer systems: verifying and authenticating executable images.

U.S. PATENT NO. 7,650,504

26.   U.S. Patent No. 7,650,504 (the "'504 patent"), entitled "System and Method of Verifying the Authenticity of Dynamically Connectable Executable Images," was filed on August 23, 2004, and claims priority to July 22, 1999. MOV Intelligence is the owner of all right, title and interest in the '504 patent. A true and correct copy of the '504 patent is attached hereto as Exhibit C. The '504 patent claims specific methods and systems for verifying the authenticity of executable images. The systems and methods taught in the '504 patent incorporate a validator that determines a reference digital signature for an executable image using the contents of the executable image excluding those portions of the executable that are fixed-up by a program loader. The validator then, subsequent to the loading of the executable image, determines an authenticity digital signature to verify that the executable image has not been improperly modified. In addition, the validator ensures that each of the pointers in the executable image have not been improperly redirected.

27.   The '504 patent and its underlying application have been cited by over 30 issued
United States patents and published patent applications as relevant prior art. Specifically, patents
issued to the following companies have cited the '504 patent as relevant prior art:

- Qualcomm Incorporated
- Intel Corporation
- Micro Beef Technologies, Ltd
- Microsoft Corporation
- Apple, Inc.
- Symantec Corporation
- Samsung Electronics Co., Ltd.
- Cybersoft Technologies, Inc.
- Electronics and Telecommunications Research Institute (ETRI)

28.   The '504 patent claims a technical solution to a problem unique to the
transmission of digital information over a network: verifying the identity of a software
application in a dynamic loading environment. In particular, the system determines whether a
software application that has been dynamically connected to another data object has been
tampered with subsequent to the execution of the software application.

U.S. PATENT NO. 7,124,114

29.   U.S. Patent No. 7,124,114 (the "'114 patent"), entitled "Method and Apparatus
for Determining Digital A/V Content Distribution Terms Based on Detected Piracy Levels," was
filed on November 9, 2000. MOV Intelligence is the owner of all right, title and interest in the
'114 patent. A true and correct copy of the '114 patent is attached hereto as Exhibit D. The '114
patent claims specific methods and systems for distributing copyrighted material over a computer
network. Specifically, the '114 patent teaches the providing of protected material to a
prospective recipient according at least in part to information of unauthorized copying of other
protected material previously provided to the prospective recipient; and providing or withholding
a copy of the protected material to the prospective recipient in accordance with the terms. The
'114 patent also discloses the use of a first set of program code which serves to ascertain terms
for providing a protected material to a prospective recipient according at least in part to
information of unauthorized copying of other protected material previously provided to the

prospective recipient. The first set of program code also serves to provide or withhold a copy of

the protected material to or from the prospective recipient in accordance with the terms.

30.   The '114 patent family has been cited by over 39 issued United States patents and

published patent applications as relevant prior art. Specifically, patents issued to the following

companies have cited the '114 patent as relevant prior art:

- Google, Inc.
- NBCUniversal Media, Inc.
- Digimarc Corporation
- Hewlett-Packard Development Company, L.P.
- Aigo Research Institute of Image Computing Co., Ltd.
- AT&T Intellectual Property I, L.P.
- General Electric Company
- The Nielsen Company (US), LLC
- Sca Ipla Holdings, Inc.
- Thomson Licensing, Inc.
- Fujitsu Limited

31.   The '114 patent claims a technical solution to a problem unique to the

transmission of digital information over a network: preventing the unauthorized copying of

digital content. The patent teaches the use of a distribution server that distributes A/V content to

a recipient according to terms determined from information stored in a database of prior

unauthorized copying attributed to that recipient.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 7,200,230

32.   MOV Intelligence references and incorporates by reference the preceding

paragraphs of this Complaint as if fully set forth herein.

33.   Fujitsu designs, makes, uses, sells, and/or offers for sale in the United States

products and/or services for digital rights management.

34.   Fujitsu designs, makes, sells, offers to sell, imports, and/or uses Marlin Embedded

DRM middleware, including the Inspirium DRM library/server for Marlin and DRM middleware

conforming to Marlin IPTV-ES, and the Marlin ASP service, including the Fujitsu ASP service for DRM server conforming to Marlin IPTV-ES (the "Fujitsu '230 Product(s)").

35.   On information and belief, one or more Fujitsu subsidiaries and/or affiliates use the Fujitsu '230 Products in regular business operations.

36.   On information and belief, one or more of the Fujitsu '230 Products include digital rights management technology.

37.   On information and belief, one or more of the Fujitsu '230 Products enable associating a user program key with a user program configured to run on a user data processor.

38.   On information and belief, the Fujitsu '230 Products are available to businesses and individuals throughout the United States.

39.   On information and belief, the Fujitsu '230 Products are provided to businesses and individuals located in the Eastern District of Texas.

40.   On information and belief, the Fujitsu '230 Products enable determining whether the use of the data object is to be restricted to a particular user data processor.

41.   On information and belief, the Fujitsu '230 Products comprise a system wherein a machine key device is associated with the particular user data processor. Further, the machine key device is accessible by the user program, and the machine key device maintains a portion of a machine key.

42.   On information and belief, the Fujitsu '230 Products enable encrypting a data object so the decryption of a first secure layer and a second secure layer of the encrypted data object requires the user program key and the machine key.

43.   On information and belief, the Fujitsu '230 Products enable determining whether the use of the data object is to be restricted to a particular user.

44.   On information and belief, the Fujitsu '230 Products provide for the designation and authentication of the identity of a user by whom the data object is to be used.

45.   On information and belief, the Fujitsu '230 Products enable associating a user key device with the particular user. Further, the Fujitsu '230 Products enable the user key device to be made accessible by the user program. And, the user key device maintains a portion of a user key.

46.   On information and belief, the Fujitsu '230 Products contain functionality for encrypting a data object so the decryption of a third secure layer of the encrypted data object requires the user key.

47.   On information and belief, the Fujitsu '230 Products contain functionality wherein the third key used by the system for managing digital rights is the media access controller (MAC) address of the user data processor.

48.   On information and belief, the Fujitsu '230 Products provide for encryption of a data object so only a designated data processor can decrypt and use the data object.

49.   On information and belief, the Fujitsu '230 Products enable user specific digital rights management authorization and access.

50.   On information and belief, Fujitsu has directly infringed and continues to directly infringe the '230 patent by, among other things, making, using, offering for sale, and/or selling digital content protection technology, including but not limited to the Fujitsu '230 Products, which include infringing digital rights management technology. Such products and/or services include, by way of example and without limitation, the Marlin Embedded DRM middleware, including the Inspirium DRM library/server for Marlin and DRM middleware conforming to Marlin IPTV-ES, and the Marlin ASP service, including the Fujitsu ASP service for DRM server conforming to Marlin IPTV-ES.

51.   By making, using, testing, offering for sale, and/or selling digital rights management products and services, including but not limited to the Fujitsu '230 Products, Fujitsu has injured MOV Intelligence and is liable to MOV Intelligence for directly infringing

one or more claims of the '230 patent, including at least claim 39, pursuant to 35 U.S.C.

§ 271(a).

52.   On information and belief, Fujitsu also indirectly infringes the '230 patent by

actively inducing infringement under 35 USC § 271(b).

53.   On information and belief, Fujitsu had knowledge of the '230 patent since at least

service of MOV Intelligence's Complaint on September 26, 2016 or shortly thereafter, and on

information and belief, Fujitsu knew of the '230 patent and knew of its infringement, including

by way of this lawsuit. *See Marking Object Virtualization Intelligence, LLC v. Fujitsu Ltd. et al,*

Case No. 16-cv-01046, Dkt. No. 10 (E.D. Tex.).

54.   On information and belief, Fujitsu intended to induce patent infringement by

third-party customers and users of the Fujitsu '230 Products and had knowledge that the inducing

acts would cause infringement or was willfully blind to the possibility that its inducing acts

would cause infringement. Fujitsu specifically intended and was aware that the normal and

customary use of the accused products would infringe the '230 patent. Fujitsu performed the

acts that constitute induced infringement, and would induce actual infringement, with knowledge

of the '230 patent and with the knowledge that the induced acts would constitute infringement.

For example, Fujitsu provides the Fujitsu '230 Products that have the capability of operating in a

manner that infringe one or more of the claims of the '230 patent, including at least claim 39, and

Fujitsu further provides documentation and training materials that cause customers and end users

of the Fujitsu '230 Products to utilize the products in a manner that directly infringe one or more

claims of the '230 patent.[13] By providing instruction and training to customers and end-users on

how to use the Fujitsu '230 Products in a manner that directly infringes one or more claims of the

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[13] FUJITSU SOFTWARE- INSPIRIUM DRM CLIENT FOR MARLIN BB V1.0, FUJITSU DATA SHEED FOR
INSPIRIUM DRM CLIENT FOR MARLIN BB (March 2014); *Marlin DRM Solutions Presentation*,
FUJITSU PRESENTATION (2012); INTRODUCTION OF FUJITSU DRM SOLUTION FOR MARLIN
DRM/MPEG-DASH SOLUTIONS (March 2013); *FUJITSU Software Inspirium DRM Client for
Marlin BB*, FUJITSU WEBSITE, available at:
http://www.fujitsu.com/global/products/devices/embedded-
software/inspirium/products/marlinbb/.

'230 patent, including at least claim 39, Fujitsu specifically intended to induce infringement of the '230 patent. On information and belief, Fujitsu engaged in such inducement to promote the sales of the Fujitsu '230 Products, e.g., through Fujitsu user manuals, product support, marketing materials, and training materials to actively induce the users of the accused products to infringe the '230 patent. Accordingly, Fujitsu has induced and continues to induce users of the accused products to use the accused products in their ordinary and customary way to infringe the '230 patent, knowing that such use constitutes infringement of the '230 patent.

55.   The '230 patent is well-known within the industry as demonstrated by the over 180 citations to the '230 patent family in published patents and published patent applications assigned to technology companies and academic institutions. Several of Fujitsu's competitors have paid considerable licensing fees for their use of the technology claimed by the '230 patent. In an effort to gain an advantage over Fujitsu's competitors by utilizing the same licensed technology without paying reasonable royalties, Fujitsu infringed the '230 patent in a manner best described as willful, wanton, malicious, in bad faith, deliberate, consciously wrongful, flagrant, or characteristic of a pirate.

56.   To the extent applicable, the requirements of 35 U.S.C. § 287(a) have been met with respect to the '230 patent.

57.   As a result of Fujitsu's infringement of the '230 patent, MOV Intelligence has suffered monetary damages, and seeks recovery in an amount adequate to compensate for Fujitsu's infringement, but in no event less than a reasonable royalty for the use made of the invention by Fujitsu together with interest and costs as fixed by the Court.

COUNT II
INFRINGEMENT OF U.S. PATENT NO. 6,802,006

58.   MOV Intelligence references and incorporates by reference the preceding paragraphs of this Complaint as if fully set forth herein.

59.   Fujitsu designs, makes, uses, sells, and/or offers for sale in the United States products and/or services for determining the authenticity of an executable image.

60.   Fujitsu designs, makes, sells, offers to sell, imports, and/or uses the ETERNUS Storage Systems Monitoring system, including the Fujitsu Eternus Storage Systems Monitoring Pack version 16.0, version PRO 16.0, and version 16.3 (the "Fujitsu '006 Product(s)").

61.   On information and belief, one or more Fujitsu subsidiaries and/or affiliates use the Fujitsu '006 Products in regular business operations.

62.   On information and belief, one or more of the Fujitsu '006 Products include authentication technology.

63.   On information and belief, one or more of the Fujitsu '006 Products enable authenticating the identity of a software application in a dynamic loading environment. In particular, the Fujitsu '006 Products determine whether an executable image has been dynamically connected to another data object that has been tampered with subsequent to the execution of the software application.

64.   On information and belief, the Fujitsu '006 Products are available to businesses and individuals throughout the United States.

65.   On information and belief, the Fujitsu '006 Products are provided to businesses and individuals located in the Eastern District of Texas.

66.   On information and belief, the Fujitsu '006 Products enable identifying one or more locations within the executable image, each of the identified locations being modified by a program loader.

67.   On information and belief, the Fujitsu '006 Products comprise a system wherein a reference digital signature is generated based on an executable image.

68.   On information and belief, the Fujitsu '006 Products generate a reference digital signature that excludes one or more locations in an executable image.

69.   On information and belief, the Fujitsu '006 Products are capable of storing the reference digital signature on a computer network.

70.   On information and belief, the Fujitsu '006 Products comprise systems and methods wherein an authenticity digital signature is generated based on an executable image.

71.   On information and belief, the Fujitsu '006 Products comprise systems and methods that generate an authenticity digital signature that excludes one or more locations in an executable image.

72.   On information and belief, the Fujitsu '006 Products comprise systems and methods that determine whether the authenticity digital signature matches the reference digital signature.

73.   On information and belief, the Fujitsu '006 Products contain functionality that generates a warning if the reference digital signature does not match the authenticity digital signature.

74.   On information and belief, the Fujitsu '006 Products contain functionality wherein the digital signature is generated based on a first and second point in time. For example, one or more of the Fujitsu '006 Products generate a reference digital signature at a first point in time. Subsequently, an authenticity digital signature is generated (at a second point in time).

75.   On information and belief, the Fujitsu '006 Products comprise a system and method that generates a digital signature based on a hash value. Specifically, the reference digital signature that is generated by the Fujitsu '006 Products at a first point in time is based on a hash value. Later the authenticity digital signature is also generated based on a hash function that is used to check data integrity.

76.   On information and belief, the Fujitsu '006 Products comprise a system and method that can verify the identity a computer application.

77.   On information and belief, the Fujitsu '006 Products enable the detection of corrupted data in a computer image.

78.   On information and belief, the Fujitsu '006 Products enable the verification of the integrity of software images.

79.   On information and belief, Fujitsu has directly infringed and continues to directly infringe the '006 patent by, among other things, making, using, offering for sale, and/or selling content protection technology, including but not limited to the Fujitsu '006 Products, which includes technology for verifying the authenticity of a software image. Such products and/or services include, by way of example and without limitation, the ETERNUS Storage Systems Monitoring system, including the Fujitsu Eternus Storage Systems Monitoring Pack version 16.0, version PRO 16.0, and version 16.3.

80.   By making, using, testing, offering for sale, and/or selling verification and authentication products and services, including but not limited to the Fujitsu '006 Products, Fujitsu has injured MOV Intelligence and is liable to MOV Intelligence for directly infringing one or more claims of the '006 patent, including at least claims 1, 3, 14, and 15, pursuant to 35 U.S.C. § 271(a).

81.   On information and belief, Fujitsu also indirectly infringes the '006 patent by actively inducing infringement under 35 USC § 271(b).

82.   On information and belief, Fujitsu had knowledge of the '006 patent since at least service of MOV Intelligence's Complaint on September 26, 2016 or shortly thereafter, and on information and belief, Fujitsu knew of the '230 patent and knew of its infringement, including by way of this lawsuit. *See Marking Object Virtualization Intelligence, LLC v. Fujitsu Ltd. et al,* Case No. 16-cv-01046, Dkt. No. 10 (E.D. Tex.).

83.   On information and belief, Fujitsu intended to induce patent infringement by third-party customers and users of the Fujitsu '006 Products and had knowledge that the inducing acts would cause infringement or was willfully blind to the possibility that its inducing acts would cause infringement. Fujitsu specifically intended and was aware that the normal and customary use of the accused products would infringe the '006 patent. Fujitsu performed the

acts that constitute induced infringement, and would induce actual infringement, with knowledge of the '006 patent and with the knowledge that the induced acts would constitute infringement. For example, Fujitsu provides the Fujitsu '006 Products that have the capability of operating in a manner that infringe one or more of the claims of the '006 patent, including at least claims 1, 3, 14, and 15, and Fujitsu further provides documentation and training materials that cause customers and end users of the Fujitsu '006 Products to utilize the products in a manner that directly infringe one or more claims of the '006 patent.[14] By providing instruction and training to customers and end-users on how to use the Fujitsu '006 Products in a manner that directly infringes one or more claims of the '006 patent, including at least claims 1, 3, 14, and 15, Fujitsu specifically intended to induce infringement of the '006 patent. On information and belief, Fujitsu engaged in such inducement to promote the sales of the Fujitsu '006 Products, *e.g.*, through Fujitsu user manuals, product support, marketing materials, and training materials to actively induce the users of the accused products to infringe the '006 patent. Accordingly, Fujitsu has induced and continues to induce users of the accused products to use the accused products in their ordinary and customary way to infringe the '006 patent, knowing that such use constitutes infringement of the '006 patent.

84.   The '006 patent is well-known within the industry as demonstrated by the over 85 citations to the '006 patent in issued patents and published patent applications assigned to technology companies and academic institutions. Several of Fujitsu's competitors have paid considerable licensing fees for their use of the technology claimed by the '006 patent. In an effort to gain an advantage over Fujitsu's competitors by utilizing the same licensed technology without paying reasonable royalties, Fujitsu infringed the '006 patent in a manner best described

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[14] *Fujitsu ETERNUS SF V16.2 Storage Management Software*, FUJITSU DATA SHEET (July 22, 2015); *Fujitsu ETERNUS Storage Systems Monitoring Pack Software Release Guide*, FUJITSU SOFTWARE RELEASE GUIDE (July 2014); *Technical White Paper Fujitsu Storage ETERNUS SF*, FUJITSU WHITE PAPER (2014); *Fujitsu ETERNUS SF V16.4 Storage Management Software*, FUJITSU DATA SHEET (January 4, 2017); *Fujitsu ETERNUS SF: Storage Administration Made Simple*, FUJITSU YOUTUBE.COM VIDEO (March 12, 2015), available at: https://www.youtube.com/watch?v=Zu4J82Ne2Fc.

as willful, wanton, malicious, in bad faith, deliberate, consciously wrongful, flagrant, or characteristic of a pirate.

85.   To the extent applicable, the requirements of 35 U.S.C. § 287(a) have been met with respect to the '006 patent.

86.   As a result of Fujitsu's infringement of the '006 patent, MOV Intelligence has suffered monetary damages, and seeks recovery in an amount adequate to compensate for Fujitsu's infringement, but in no event less than a reasonable royalty for the use made of the invention by Fujitsu together with interest and costs as fixed by the Court.

<div align="center">

COUNT III
INFRINGEMENT OF U.S. PATENT NO. 7,650,504

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87.   MOV Intelligence references and incorporates by reference the preceding paragraphs of this Complaint as if fully set forth herein.

88.   Fujitsu designs, makes, uses, sells, and/or offers for sale in the United States products and/or services for verifying the authenticity of executable images.

89.   Fujitsu designs, makes, sells, offers to sell, imports, and/or uses the ETERNUS Storage Systems Monitoring system, including the Fujitsu Eternus Storage Systems Monitoring Pack version 16.0, version PRO 16.0, and version 16.3 (the "Fujitsu '504 Product(s)").

90.   On information and belief, one or more Fujitsu subsidiaries and/or affiliates use the Fujitsu '504 Products in regular business operations.

91.   On information and belief, one or more of the Fujitsu '504 Products include authentication technology.

92.   On information and belief, one or more of the Fujitsu '504 Products comprise systems and methods for determining the authenticity of an executable image.

93.   On information and belief, one or more of the Fujitsu '504 Products enable authenticating and verifying an executable image. In particular, the Fujitsu '504 Products determine whether a software application that has been dynamically connected to another data object has been tampered with subsequent to the execution of the software application.

94.   On information and belief, the Fujitsu '504 Products are available to businesses and individuals throughout the United States.

95.   On information and belief, the Fujitsu '504 Products are provided to businesses and individuals located in the Eastern District of Texas.

96.   On information and belief, the Fujitsu '504 Products enable the use of a reference digital signature for an executable image. The reference digital signature uses the contents of the executable image excluding portions of the executable that are fixed-up by a program loader.

97.   On information and belief, the Fujitsu '504 Products comprise a system wherein a reference digital signature is generated based on an executable image.

98.   On information and belief, the Fujitsu '504 Products generate a reference digital signature that excludes one or more locations in an executable image.

99.   On information and belief, the Fujitsu '504 Products comprise systems and methods wherein subsequent to the loading of the executable image the '504 Products determine an authenticity digital signature to verify that the executable image has not been improperly modified.

100.   On information and belief, the Fujitsu '504 Products comprise systems and methods that generate an authenticity digital signature that excludes one or more locations in an executable image.

101.   On information and belief, the Fujitsu '504 Products are systems and methods that generate an authenticity digital signature after the executable image is loaded into memory. The authenticity digital signature which is generated by the Fujitsu '504 Products excludes one or more pointers in need of fixing up;

102.   On information and belief, the Fujitsu '504 Products comprise systems and methods that determine whether the authenticity digital signature matches the reference digital signature.

103.   On information and belief, the Fujitsu '504 Products enable the generating of a reference digital signature prior to loading the executable image into memory. Specifically, the Fujitsu '504 Products generate a reference digital signature that excludes one or more pointers from the reference digital signature.

104.   On information and belief, the Fujitsu '504 Products contain functionality wherein the digital signature is generated based on a first and second point in time.

105.   On information and belief, the Fujitsu '504 Products have the ability to compare the reference digital signature and the authenticity digital signature to perform an authenticity check.

106.   On information and belief, the Fujitsu '504 Products enable the detection of corrupted data in a computer image.

107.   On information and belief, the Fujitsu '504 Products enable the verification of the integrity of software images.

108.   On information and belief, Fujitsu has directly infringed and continues to directly infringe the '504 patent by, among other things, making, using, offering for sale, and/or selling content protection technology, including but not limited to the Fujitsu '504 Products, which includes technology for verifying the authenticity of a software image. Such products and/or services include, by way of example and without limitation, the ETERNUS Storage Systems Monitoring system, including the Fujitsu Eternus Storage Systems Monitoring Pack version 16.0, version PRO 16.0, and version 16.3.

109.   By making, using, testing, offering for sale, and/or selling authentication and verification technologies and services, including but not limited to the Fujitsu '504 Products, Fujitsu has injured MOV Intelligence and is liable to MOV Intelligence for directly infringing one or more claims of the '504 patent, including at least claims 1 and 10, pursuant to 35 U.S.C. § 271(a).

110.   On information and belief, Fujitsu also indirectly infringes the '504 patent by actively inducing infringement under 35 USC § 271(b).

111.   On information and belief, Fujitsu had knowledge of the '504 patent since at least service of MOV Intelligence's Complaint on September 26, 2016 or shortly thereafter, and on information and belief, Fujitsu knew of the '230 patent and knew of its infringement, including by way of this lawsuit. *See Marking Object Virtualization Intelligence, LLC v. Fujitsu Ltd. et al,* Case No. 16-cv-01046, Dkt. No. 10 (E.D. Tex.).

112.   On information and belief, Fujitsu intended to induce patent infringement by third-party customers and users of the Fujitsu '504 Products and had knowledge that the inducing acts would cause infringement or was willfully blind to the possibility that its inducing acts would cause infringement. Fujitsu specifically intended and was aware that the normal and customary use of the accused products would infringe the '504 patent. Fujitsu performed the acts that constitute induced infringement, and would induce actual infringement, with knowledge of the '504 patent and with the knowledge that the induced acts would constitute infringement. For example, Fujitsu provides the Fujitsu '504 Products that have the capability of operating in a manner that infringe one or more of the claims of the '504 patent, including at least claims 1 and 10, and Fujitsu further provides documentation and training materials that cause customers and end users of the Fujitsu '504 Products to utilize the products in a manner that directly infringe one or more claims of the '504 patent.[15] By providing instruction and training to customers and end-users on how to use the Fujitsu '504 Products in a manner that directly infringes one or more claims of the '504 patent, including at least claims 1 and 10, Fujitsu specifically intended to induce infringement of the '504 patent. On information and belief, Fujitsu engaged in such

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[15] *Fujitsu ETERNUS SF V16.2 Storage Management Software*, FUJITSU DATA SHEET (July 22, 2015); *Fujitsu ETERNUS Storage Systems Monitoring Pack Software Release Guide*, FUJITSU SOFTWARE RELEASE GUIDE (July 2014); *Technical White Paper Fujitsu Storage ETERNUS SF*, FUJITSU WHITE PAPER (2014); *Fujitsu ETERNUS SF V16.4 Storage Management Software*, FUJITSU DATA SHEET (January 4, 2017); *Fujitsu ETERNUS SF: Storage Administration Made Simple*, FUJITSU YOUTUBE.COM VIDEO (March 12, 2015), available at: https://www.youtube.com/watch?v=Zu4J82Ne2Fc.

inducement to promote the sales of the Fujitsu '504 Products, e.g., through Fujitsu user manuals, product support, marketing materials, and training materials to actively induce the users of the accused products to infringe the '504 patent. Accordingly, Fujitsu has induced and continues to induce users of the accused products to use the accused products in their ordinary and customary way to infringe the '504 patent, knowing that such use constitutes infringement of the '504 patent.

113.   The '504 patent is well-known within the industry as demonstrated by the over 30 citations to the '504 patent family in issued patents and published patent applications assigned to technology companies and academic institutions (*e.g.*, Apple, Inc. and Electronics and Telecommunications Research Institute (ETRI)). Several of Fujitsu's competitors have paid considerable licensing fees for their use of the technology claimed by the '504 patent. In an effort to gain an advantage over Fujitsu's competitors by utilizing the same licensed technology without paying reasonable royalties, Fujitsu infringed the '504 patent in a manner best described as willful, wanton, malicious, in bad faith, deliberate, consciously wrongful, flagrant, or characteristic of a pirate.

114.   To the extent applicable, the requirements of 35 U.S.C. § 287(a) have been met with respect to the '504 patent.

115.   As a result of Fujitsu's infringement of the '504 patent, MOV Intelligence has suffered monetary damages, and seeks recovery in an amount adequate to compensate for Fujitsu's infringement, but in no event less than a reasonable royalty for the use made of the invention by Fujitsu together with interest and costs as fixed by the Court.

COUNT IV
INFRINGEMENT OF U.S. PATENT NO. 7,124,114

116.   MOV Intelligence references and incorporates by reference the preceding paragraphs of this Complaint as if fully set forth herein.

117.   Fujitsu designs, makes, uses, sells, and/or offers for sale in the United States products and/or services for managing the distribution of digital content and preventing unauthorized access to protected digital content.

118.   Fujitsu designs, makes, sells, offers to sell, imports, and/or uses the Fujitsu SuperView Resource Orchestrator v3.1 DR Option, v3.1 Cloud Edition, and v3.1 Virtual Edition (the "Fujitsu '114 Product(s)").

119.   On information and belief, one or more Fujitsu subsidiaries and/or affiliates use the Fujitsu '114 Products in regular business operations.

120.   On information and belief, one or more of the Fujitsu '114 Products include content protection and content access technology.

121.   On information and belief, one or more of the Fujitsu '114 Products enable providing or withholding access to digital content is accordance with digital rights management protection terms.

122.   On information and belief, the Fujitsu '114 Products are available to businesses and individuals throughout the United States.

123.   On information and belief, the Fujitsu '114 Products are provided to businesses and individuals located in the Eastern District of Texas.

124.   On information and belief, the Fujitsu '114 Products enable the distribution of protected digital data.

125.   On information and belief, the Fujitsu '114 Products comprise systems and methods wherein the Fujitsu '114 Products ascertain terms for providing protected data to a prospective requestor according at least in part to information of unauthorized copying of other protected material previously provided to said prospective requestor.

126.   On information and belief, the Fujitsu '114 Products comprise systems and methods that provide authorization to allow access or deny access to protected digital data based on ascertained terms.

127.   On information and belief, Fujitsu has directly infringed and continues to directly infringe the '114 patent by, among other things, making, using, offering for sale, and/or selling digital content protection technology, including but not limited to the Fujitsu '114 Products, which include infringing digital rights management technologies. Such products and/or services include, by way of example and without limitation, the Fujitsu SuperView Resource Orchestrator v3.1 DR Option, v3.1 Cloud Edition, and v3.1 Virtual Edition.

128.   By making, using, testing, offering for sale, and/or selling digital rights management and access control products and services, including but not limited to the Fujitsu '114 Products, Fujitsu has injured MOV Intelligence and is liable to MOV Intelligence for directly infringing one or more claims of the '114 patent, including at least claims 1, 21, 41, and 52, pursuant to 35 U.S.C. § 271(a).

129.   On information and belief, Fujitsu also indirectly infringes the '114 patent by actively inducing infringement under 35 USC § 271(b).

130.   On information and belief, Fujitsu had knowledge of the '114 patent since at least service of MOV Intelligence's Complaint on September 26, 2016 or shortly thereafter, and on information and belief, Fujitsu knew of the '230 patent and knew of its infringement, including by way of this lawsuit. *See Marking Object Virtualization Intelligence, LLC v. Fujitsu Ltd. et al,* Case No. 16-cv-01046, Dkt. No. 10 (E.D. Tex.).

131.   On information and belief, Fujitsu intended to induce patent infringement by third-party customers and users of the Fujitsu '114 Products and had knowledge that the inducing acts would cause infringement or was willfully blind to the possibility that its inducing acts would cause infringement. Fujitsu specifically intended and was aware that the normal and customary use of the accused products would infringe the '114 patent. Fujitsu performed the acts that constitute induced infringement, and would induce actual infringement, with knowledge of the '114 patent and with the knowledge that the induced acts would constitute infringement. For example, Fujitsu provides the Fujitsu '114 Products that have the capability of operating in a

manner that infringe one or more of the claims of the '114 patent, including at least claims 1, 21, 41, and 52, and Fujitsu further provides documentation and training materials that cause customers and end users of the Fujitsu '114 Products to utilize the products in a manner that directly infringe one or more claims of the '114 patent.[16] By providing instruction and training to customers and end-users on how to use the Fujitsu '114 Products in a manner that directly infringes one or more claims of the '114 patent, including at least claims 1, 21, 41, and 52, Fujitsu specifically intended to induce infringement of the '114 patent. On information and belief, Fujitsu engaged in such inducement to promote the sales of the Fujitsu '114 Products, e.g., through Fujitsu user manuals, product support, marketing materials, and training materials to actively induce the users of the accused products to infringe the '114 patent. Accordingly, Fujitsu has induced and continues to induce users of the accused products to use the accused products in their ordinary and customary way to infringe the '114 patent, knowing that such use constitutes infringement of the '114 patent.

132.   The '114 patent is well-known within the industry as demonstrated by the over 39 citations to the '114 patent family in issued patents and published patent applications assigned to technology companies and academic institutions (*e.g.*, Aigo Research Institute of Image Computing Co., Ltd. and General Electric Company). Several of Fujitsu's competitors have paid considerable licensing fees for their use of the technology claimed by the '114 patent. In an effort to gain an advantage over Fujitsu's competitors by utilizing the same licensed technology without paying reasonable royalties, Fujitsu infringed the '114 patent in a manner best described

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[16] *Fujitsu Software: ServerView Resource Orchestrator V3.1.2*, FUJITSU MANUAL (June 2014); *Fujitsu Software ServerView Resource Orchestrator Virtual Edition V3.1.2 – Setup Guide*, FUJITSU MANUAL (June 2014); *Fujitsu Software ServerView Resource Orchestrator Cloud Edition V3.1.2 – Setup Guide*, FUJITSU MANUAL (June 2014); *Virtualization at Fujitsu*, FUJITSU WHITE PAPER (March 31, 2011); *Executive Briefing: Fujitsu Software ServerView Resource Orchestrator*, FUJITSU DOCUMENTATION (2013); *Fujitsu Software ServerView Resource Orchestrator Cloud Edition*, FUJITSU DATASHEET (2014); *Fujitsu Simplified Server Management with ServerView*, FUJITSU SERVERVIEW SUITE OVERVIEW VIDEO (2016), available at: https://www.youtube.com/watch?v=_PCImfjtiOw.

as willful, wanton, malicious, in bad faith, deliberate, consciously wrongful, flagrant, or characteristic of a pirate.

133.   To the extent applicable, the requirements of 35 U.S.C. § 287(a) have been met with respect to the '114 patent.

134.   As a result of Fujitsu's infringement of the '114 patent, MOV Intelligence has suffered monetary damages, and seeks recovery in an amount adequate to compensate for Fujitsu's infringement, but in no event less than a reasonable royalty for the use made of the invention by Fujitsu together with interest and costs as fixed by the Court.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff MOV Intelligence respectfully requests that this Court enter:

A.   A judgment in favor of Plaintiff MOV Intelligence that Fujitsu has infringed, either literally and/or under the doctrine of equivalents, the '230 patent; the '006 patent; the '504 patent; and the '114 patent;

B.   An award of damages resulting from Defendant's acts of infringement in accordance with 35 U.S.C. § 284;

C.   A judgment and order finding that Defendant's infringement was willful, wanton, malicious, bad-faith, deliberate, consciously wrongful, flagrant, or characteristic of a pirate within the meaning of 35 U.S.C. § 284 and awarding to Plaintiff enhanced damages.

D.   A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Plaintiff its reasonable attorneys' fees against Defendant.

E.   Any and all other relief to which MOV Intelligence may show itself to be entitled.

JURY TRIAL DEMANDED

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, MOV Intelligence requests a trial by jury of any issues so triable by right.

Dated: January 09, 2017

Respectfully submitted,

/s/   Dorian S. Berger _____ _
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Attorneys for Marking Object Virtualization Intelligence, LLC

CERTIFICATE OF SERVICE

I hereby certify that counsel of record who are deemed to have consented to electronic service are being served this January 9, 2017 with a copy of this document via the Court's CM/ECF System per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ Dorian S. Berger___ _____
Dorian S. Berger