

in Delaware: The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

JURISDICTION

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.

COUNT I

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

6. Uniloc incorporates paragraphs 1-5 above by reference.

7. 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.

8. 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.

9. Cornerstone operates, maintains and uses a computer network including a platform known as Cornerstone Edge that comprises at least one server on which a plurality of Cornerstone applications are installed.

10. The Edge platform comprises “Key Features” such as Cornerstone Developer, Cornerstone API, Cornerstone App Builder and Cornerstone Marketplace.

11. Users of the Edge platform can request Cornerstone to deliver instances of applications to the user’s computer.

12. For example, users of Cornerstone App Builder on the Edge platform have access to Cornerstone applications such as Paid Time Off, Competitive Learning, Carpool and Health and Wellness.

13. After log in to the Edge platform, users are presented with a user interface from which users can select one or more of the plurality of Cornerstone applications displayed on the user's computer device such as those listed above and others ("Cornerstone Apps").

14. Upon receipt of such a user request by Cornerstone, the Edge platform will provide an authorized user with an instance of the requested application that can be executed by the user.

15. Administrators of the Edge platform are granted rights including enabling and disabling third-party apps and integrations.

16. Cornerstone uses devices such as AkamaiGHost servers to distribute its software.

17. An example of how Cornerstone uses the Edge platform works to provide instances of requested Cornerstone Apps to authorized users is found at www.youtube.com/watch?v=weQe4t08NN0.

18. Cornerstone has directly infringed, and continues to directly infringe one or more claims of the '578 Patent, including at least claims 1, 7, 10, 16-21, 23-24, 31-36, 39, 41 and 44 literally and/or under the doctrine of equivalents, by or through making, using, importing, offering for sale and/or selling its Edge platform in the United States during the pendency of the '578 Patent which software and associated 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.

19. In addition, should the Edge platform be found to not literally infringe the asserted claims of the '578 Patent, the system would nevertheless infringe the asserted claims of the '578 Patent. More specifically, the 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). Cornerstone would thus be liable for direct infringement under the doctrine of equivalents.

20. Cornerstone has indirectly infringed and continues to indirectly infringe at least claims 1, 7, 10, 16-21, 23-24, 31-36, 39, 41 and 44 of the '578 Patent by, among other things, actively inducing the using, offering for sale, selling, or importing the Edge platform. Cornerstone's customers who use the system in accordance with Cornerstone'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, Cornerstone directly and/or indirectly intentionally instructs its customers to infringe through training videos, demonstrations, brochures, installation and/or user guides for the accused platform, such as those located at the following:

- www.cornerstoneondemand.com
- <https://edge.csod.com>
- <https://growth.csod.com>
- <https://help.csod.com>
- <https://csod.com>
- www.youtube.com, including:

- www.youtube.com/watch?v=cBKffus3ESE
- www.youtube.com/watch?v=LoBvueOf7es
- www.youtube.com/watch?v=weQe4t08NN0
- www.youtube.com/watch?v=eJGGTP7NcTk

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

21. Cornerstone will have been on notice of the '578 Patent since, at the latest, the service of this complaint. By the time of trial, Cornerstone will have known and intended (since receiving such notice) that its continued actions would actively induce the infringement of one or more of claims 1, 7, 10, 16-21, 23-24, 31-36, 39, 41 and 44 of the '578 Patent.

22. Cornerstone may have infringed the '578 Patent through other software utilizing the same or reasonably similar functionality, including other distribution platforms and applications. Uniloc reserves the right to discover and pursue all such additional infringing software.

23. Uniloc has been damaged by Cornerstone's infringement of the '578 Patent.

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

24. Uniloc incorporates paragraphs 1-23 above by reference.

25. 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.

26. 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.

27. Cornerstone has directly infringed, and continues to directly infringe one or more claims of the '293 Patent, 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 Edge platform in the United States during the pendency of the '293 Patent which software and associated 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.

28. In addition, should the Edge platform be found to not literally infringe the asserted claims of the '293 Patent, the system would nevertheless infringe the asserted claims of the '293 Patent. More specifically, the accused platform 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). Cornerstone would thus be liable for direct infringement under the doctrine of equivalents.

29. Cornerstone has indirectly infringed and continues to indirectly infringe at least claims 1, 12 and 17 of the '293 Patent by, among other things, actively inducing the using,

offering for sale, selling, or importing the Edge platform. Cornerstone's customers who use the system in accordance with Cornerstone'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, Cornerstone directly and/or indirectly intentionally instructs its customers to infringe through training videos, demonstrations, brochures, installation and/or user guides for the accused platform, such as those located at the following:

- www.cornerstoneondemand.com
- <https://edge.csod.com>
- <https://growth.csod.com>
- <https://help.csod.com>
- <https://csod.com>
- www.youtube.com, including:
- www.youtube.com/watch?v=cBKFfus3ESE
- www.youtube.com/watch?v=LoBvueOf7es
- www.youtube.com/watch?v=weQe4t08NN0
- www.youtube.com/watch?v=eJGGTP7NcTk

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

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

31. Cornerstone may have infringed the '293 Patent through other software utilizing the same or reasonably similar functionality, including other distribution platforms and

applications. Uniloc reserves the right to discover and pursue all such additional infringing software.

32. Uniloc has been damaged by Cornerstone's infringement of the '293 Patent.

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

33. Uniloc incorporates paragraphs 1-32 above by reference.

34. 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.

35. 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.

36. Cornerstone operates, maintains and uses a computer network including a platform known as Cornerstone Edge that comprises at least one server on which a plurality of Cornerstone applications are installed.

37. Cornerstone has directly infringed, and continues to directly infringe one or more claims of the '466 Patent, including at least claims 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 the Edge platform to distribute Cornerstone Apps in the United States during the pendency of the '466 Patent which software and associated 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.

38. In addition, should the Cornerstone platform 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 platform 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). Cornerstone would thus be liable for direct infringement under the doctrine of equivalents.

39. Cornerstone has indirectly infringed and continues to indirectly infringe at least claims 15-20, 22-23, 30-33 and 35-36 of the '466 Patent by, among other things, actively inducing the using, offering for sale, selling, or importing the Cornerstone platform to distribute Cornerstone Apps. Cornerstone's customers who use the accused platform in accordance with Cornerstone'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, Cornerstone directly and/or indirectly intentionally instructs its customers to infringe through training videos, demonstrations, brochures, installation and/or user guides for the accused platform, such as those located at one or more of the following:

- www.cornerstoneondemand.com
- <https://edge.csod.com>
- <https://growth.csod.com>
- <https://help.csod.com>
- <https://csod.com>

- www.youtube.com, including:
- www.youtube.com/watch?v=cBKFfus3ESE
- www.youtube.com/watch?v=LoBvueOf7es
- www.youtube.com/watch?v=weQe4t08NN0
- www.youtube.com/watch?v=eJGGTP7NcTk

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

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

41. Cornerstone may have infringed the '466 Patent through other software utilizing the same or reasonably similar functionality, including other distribution platforms and applications. Uniloc reserves the right to discover and pursue all such additional infringing software.

42. Uniloc has been damaged by Cornerstone's infringement of the '466 Patent.

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

43. Uniloc incorporates paragraphs 1-42 above by reference.

44. 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.

45. 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.

46. Cornerstone has directly infringed, and continues to directly infringe one or more claims of the '766 Patent, including at least claims 7-8, 13-14 and 17 literally and/or under the doctrine of equivalents, by or through making, using, importing, offering for sale and/or selling the Edge platform in the United States during the pendency of the '766 Patent which software and associated 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.

47. In addition, should the Edge platform be found to not literally infringe the asserted claims of the '766 Patent, the system would nevertheless infringe the asserted claims of the '766 Patent. More specifically, the 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 software to a client). Cornerstone would thus be liable for direct infringement under the doctrine of equivalents.

48. Cornerstone has indirectly infringed and continues to indirectly infringe at least claims 7-8, 11, 13-14 and 17 of the '766 Patent by, among other things, actively inducing the using, offering for sale, selling, or importing the Edge platform. Cornerstone's customers who use the system in accordance with Cornerstone'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,

Cornerstone directly and/or indirectly intentionally instructs its customers to infringe through training videos, demonstrations, brochures, installation and/or user guides for the accused platform, such as those located at the following:

- www.cornerstoneondemand.com
- <https://edge.csod.com>
- <https://growth.csod.com>
- <https://help.csod.com>
- <https://csod.com>
- www.youtube.com, including:
- www.youtube.com/watch?v=cBKFfus3ESE
- www.youtube.com/watch?v=LoBvueOf7es
- www.youtube.com/watch?v=weQe4t08NN0
- www.youtube.com/watch?v=eJGGTP7NcTk

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

49. Cornerstone will have been on notice of the '766 Patent since, at the latest, the service of this complaint upon Cornerstone. By the time of trial, Cornerstone will have known and intended (since receiving such notice) that its continued actions would actively induce the infringement of one or more of claims 7-8, 13-14 and 17 of the '766 Patent.

50. Cornerstone may have infringed the '466 Patent through other software utilizing the same or reasonably similar functionality, including other distribution platforms and applications. Uniloc reserves the right to discover and pursue all such additional infringing software.

51. Uniloc has been damaged by Cornerstone's infringement of the '766 Patent.

PRAYER FOR RELIEF

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

- (A) Cornerstone 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 Cornerstone's infringement of the '578 Patent, the '293 Patent, the '466 Patent and the '766 Patent;
- (C) awarding Uniloc its costs, attorneys' fees, expenses and interest, and
- (D) 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.

Respectfully submitted,

O'KELLY ERNST & JOYCE, LLC

Dated: June 26, 2017

/s/ Sean T. O'Kelly

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ATTORNEYS FOR THE PLAINTIFFS