

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. _____

GREATER BOSTON AUTHENTICATION SOLUTIONS, LLC

Plaintiff,

v.

QUARK SOFTWARE INC.,

Defendant.

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, Greater Boston Authentication Solutions, LLC (“GBAS”), as and for its complaint against defendant, Quark Software Inc. (“Quark”), alleges as follows:

THE PARTIES

1. Greater Boston Authentication Solutions, LLC (“GBAS”) is a Massachusetts corporation having a principal place of business at 48 Ellis Farm Lane, Melrose, MA 02176.

2. GBAS owns a number of patents in the field of authorizing the unlocking of electronic data using cryptographic authentication.

3. Upon information and belief, Quark is a corporation organized under the laws of Delaware, having a regular and established place of business and headquartered at 1225 17th Street, Suite 2050, Denver, Colorado 80202.

4. Upon information and belief, Quark offers its software products with Quark Product Activation technologies, including those accused herein of infringement, to

customers and/or potential customers located in the judicial district of Colorado. Quark may be served with process through its registered agent in Colorado: The Corporation Company, 770 E. Arapahoe Rd., Suite 220, Centennial, Colorado 80112.

JURISDICTION AND VENUE

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

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

7. Quark is subject to this Court's jurisdiction pursuant to due process and/or the Colorado Long Arm Statute due at least to its substantial presence and business in this State and judicial district, including: (A) at least part of its infringing activities, (B) regularly doing and/or soliciting business in Denver, Colorado and (C) engaging in persistent conduct and/or deriving substantial revenue from goods and services provided to customers in Colorado.

COUNT I

(INFRINGEMENT OF U.S. PATENT NO. 7,346,583)

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

9. GBAS is the owner, by assignment, of U.S. Patent No. 7,346,583 ("the '583 Patent"), entitled REMOTE AUTHORIZATION FOR UNLOCKING ELECTRONIC DATA

SYSTEM AND METHOD that issued on March 18, 2008. A true and correct copy of the '583 Patent is attached as Exhibit A hereto.

10. GBAS has all substantial rights in the '583 Patent, including the right to grant licenses, to exclude others, and to enforce, sue and recover past damages for the infringement thereof.

11. Upon information and belief, the following image shows the Quark Product Activation software:

Support Product Activation Help

Software License Activation Questions

Single copies of QuarkXPress®, QuarkCopyDesk®, and Quark® Print Collection require activation to ensure that the software is not used on more computers than authorized by the license.

If your QuarkXPress or QuarkCopyDesk software is part of a multi-seat installation, Quark License Administrator (QLA) manages all your software licenses. Software activation by individual users is not necessary.

- [Online Activation Form](#)
- [Deactivation Form](#)

Activation is not the same thing as product registration. Activation does not require that you submit your name, e-mail address, or any other identifying information. During the activation process, the application gathers some information about the hardware configuration of the computer on which you have installed Quark software, converts that information into an installation code that is unique to only that computer, and then sends the installation code to Quark. This installation code is used only to ensure that your Quark software is used only on the computer where it was installed. There is no way to retrieve specific hardware information from an installation code.

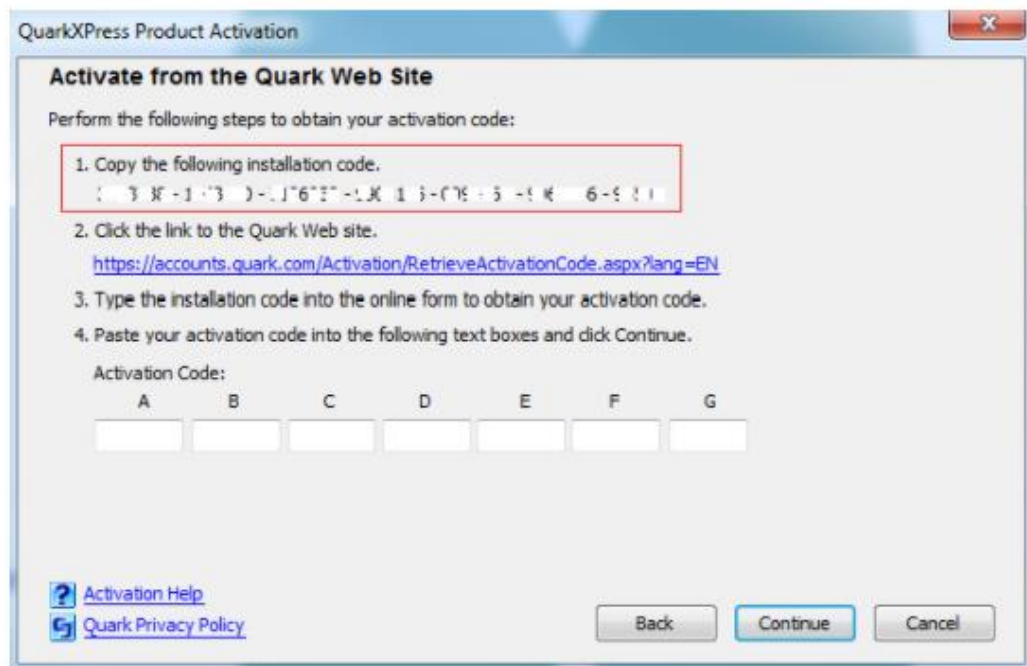
In addition to gathering your installation code, Quark gathers the current IP address of the computer in order to get a general idea of the geographic region of the computer on which Quark software is installed.

Activation Helps Thwart Software Piracy

License activation addresses the increasing problem of software piracy, specifically the unauthorized sharing of software through casual copying.

Software piracy costs developers millions of dollars every year. By stopping piracy, software companies will be able to pour more money into research, development, and support, which ultimately results in a better product for you.

Source: <http://www.quark.com/en/Support/Activation.aspx>



There are three codes associated with a single-user license of QuarkXPress® software :

Validation code

A validation code is a set of alpha-numeric code that is required during QuarkXPress® installation process. It is printed on the installation card or the invoice that comes with your QuarkXPress® software. The validation code is associated with the software's unique serial number. It works with the serial number to verify that you have purchased your software from a legitimate source. The QuarkXPress® installer will not install the software if the validation code is not correct.

Installation code

When you enter the validation code, a unique installation code is created and transmitted to Quark. The installation code represents your unique computer configuration. The installation code protects your privacy because it does not contain, collect, or transmit any personal information about you or your computer. The installation code is used to generate an activation code.

Note: Installation code is a 47-digit number. To find the Installation code, launch QuarkXPress® and navigate to the activation screen. Choose to activate over the telephone and click Activate QuarkXPress®. The installation code is displayed on the next screen.

Activation code

The activation code enables, or activates, QuarkXPress® for normal use. Internet activation transmits the installation code to Quark, and returns an activation code to your computer. The activation addresses the increasing problem of software piracy, specifically the unauthorized sharing of software through casual copying.

Source: <https://quark.parature.com/link/portal/30026/30029/Article/1242/Is-the-activation-code-the-same-thing-as-the-Installation-code-What-are-all-these-codes>

12. Quark has directly infringed, and continues to directly infringe one or more claims of the '583 Patent in the United States during the pendency of the '583 Patent, including at least claims 1-3, 5-12, 14-21, 23-30 and 32-36 literally and/or under the doctrine of equivalents, by or through making, using, importing, offering for sale and/or selling Quark Product Activation software during the pendency of the '583 Patent which software *inter alia* allows for generating, with a digital signature algorithm, a verification key; combining software and the verification key to create distributable software; inputting identifying information, with the identifying information including user-identifying information, licensing information, batch number, user token date or time, or with the identifying information including a hash of user-identifying information, licensing information, batch number, user token, date or time, to a user-key generator; converting, with the user-key generator, the identifying information to a numeric representation; generating, using the numeric representation, a user key, with the digital signature algorithm; conveying the user key to the user computer system; and verifying, with the verification key, a relationship between the user key and the identifying information to determine an access level to the software.

13. In addition, should the Quark Product Activation software be found to not literally infringe the asserted claims of the '583 Patent, the product would nevertheless infringe the asserted claims of the '583 Patent. More specifically, the accused software performs substantially the same function (controlling the unauthorized use of software), in substantially the same way (via a verification key to verify the relationship between identifying information and a user key), to yield substantially the same result (determining

an access level to the software). Quark would thus be liable for direct infringement under the doctrine of equivalents.

14. Quark may have infringed the '583 Patent through other software utilizing the same or reasonably similar functionality, including other versions of the Quark Product Activation software. GBAS reserves the right to discover and pursue all such additional infringing software.

15. GBAS has been damaged, reparably and irreparably, by Quark's infringement of the '583 Patent and such damage will continue unless and until Quark is enjoined.

COUNT II
(INFRINGEMENT OF U.S. PATENT NO. 6,567,793)

16. GBAS incorporates paragraphs 1-15 above by reference.

17. GBAS is the owner, by assignment, of U.S. Patent No. 6,567,793 ("the '793 Patent"), entitled REMOTE AUTHORIZATION FOR UNLOCKING ELECTRONIC DATA SYSTEM AND METHOD that issued on May 20, 2003. A true and correct copy of the '793 Patent is attached as Exhibit B hereto.

18. GBAS has all substantial rights in the '793 Patent, including the right to grant licenses, to exclude others, and to enforce, sue and recover past damages for the infringement thereof.

19. Quark has directly infringed, and continues to directly infringe one or more claims of the '793 Patent in the United States during the pendency of the '793 Patent, including at least claims 1-3, 5-11, 15-21, 23-30 and 32-34 literally and/or under the doctrine of equivalents, by or through making, using, importing, offering for sale and/or

selling the Quark Product Activation software during the pendency of the '793 Patent which software *inter alia* allows for generating, with a digital signature algorithm, a verification key with a product key generator; combining software and the verification key to create distributable software; distributing the distributable software to a user within a group of users; inputting group identifying information to a user-key generator; converting, by the user-key generator, the group-identifying information to a numeric representation; generating, using the numeric representation, a user key with the digital signature algorithm; conveying the user key to the user computer system; and verifying, with the verification key, a relationship between the user key and the group-identifying information to determine an access level to the protected software.

20. In addition, should the Quark Product Activation software be found to not literally infringe the asserted claims of the '793 Patent, the product would nevertheless infringe the asserted claims of the '793 Patent. More specifically, the accused software performs substantially the same function (controlling the unauthorized use of software distributed to a group of users), in substantially the same way (via a verification key to verify the relationship between group-identifying information and a user key), to yield substantially the same result (determining an access level to the protected software).

21. Quark may have infringed the '793 Patent through other software utilizing the same or reasonably similar functionality, including other versions of the Quark Product Activation software. GBAS reserves the right to discover and pursue all such additional infringing software.

22. GBAS has been damaged, reparably and irreparably, by Quark's infringement of the '793 Patent and such damage will continue unless and until Quark is enjoined.

COUNT III
(INFRINGEMENT OF U.S. PATENT NO. 5,982,892)

23. GBAS incorporates paragraphs 1-22 above by reference.

24. GBAS is the owner, by assignment, of U.S. Patent No. 5,982,892 ("the '892 Patent"), entitled SYSTEM AND METHOD FOR REMOTE AUTHORIZATION FOR UNLOCKING ELECTRONIC DATA that issued on November 9, 1999. A true and correct copy of the '892 Patent is attached as Exhibit C hereto.

25. GBAS has all substantial rights in the '892 Patent, including the right to grant licenses, to exclude others, and to enforce, sue and recover past damages for the infringement thereof.

26. Quark has directly infringed, and continues to directly infringe one or more claims of the '892 Patent in the United States during the pendency of the '892, including at least claims 1-3 and 6-7, literally and/or under the doctrine of equivalents, by or through making, using, importing, offering for sale and/or selling its Quark Product Activation software during the pendency of the '892 Patent, which software *inter alia* allows for generating, with a digital signature algorithm, a verification key with a product key generator; combining software and the verification key to create distributable software; distributing the distributable software to a user; installing the distributable software on a user computer system as protected software; inputting user-identifying information to a user-key generator; converting, by the user key generator, the user-identifying information to a numeric representation; generating, using the numeric representation, a user key

with the digital signature algorithm; conveying the user key to the user computer system; and verifying, with the verification key, a relationship between the user key and the user identifying information to determine an access level to the software..

27. In addition, should the Quark Product Activation software be found to not literally infringe the asserted claims of the '892 Patent, the product would nevertheless infringe the asserted claims of the '892 Patent. More specifically, the accused software performs substantially the same function (controlling the unauthorized use of software), in substantially the same way (via a verification key to verify the relationship between identifying information and a user key), to yield substantially the same result (determining an access level to the software). Quark would thus be liable for direct infringement under the doctrine of equivalents.

28. Quark may have infringed the '892 Patent through other software utilizing the same or reasonably similar functionality, including other versions of the Quark Product Activation software. GBAS reserves the right to discover and pursue all such additional infringing software.

29. GBAS has been damaged, reparably and irreparably, by Quark's infringement of the '892 Patent and such damage will continue unless and until Quark is enjoined.

PRAYER FOR RELIEF

GBAS requests that the Court enter judgment against Quark as follows:

- (A) Quark has infringed the '583 Patent, the '793 Patent, and the '892 Patent;
- (B) awarding GBAS its damages suffered as a result of Quark's infringement of the '583 Patent, the '793 Patent, and the '892 Patent;

(C) enjoining Quark, its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries and parents, and all others acting in concert or privity with it from infringing the '583 Patent, the '793 Patent, and the '892 Patent;

(D) awarding GBAS its costs, attorneys' fees, expenses and interest, and

(E) granting GBAS such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

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

Date: August 8, 2017

Respectfully submitted,

/s/ James J. Foster

James J. Foster

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