

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

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GREATER BOSTON		§	
AUTHENTICATION SOLUTIONS, LLC,		§	
		§	Civil Action No.
Plaintiff,		§	
		§	
v.		§	PATENT CASE
		§	
NATIONAL INSTRUMENTS CORP.,		§	
		§	
Defendant.		§	JURY TRIAL DEMANDED
<hr/>		§	

**ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff, Greater Boston Authentication Solutions, LLC (“GBAS”), as and for its complaint against defendant, National Instruments Corporation (“National Instruments”), alleges as follows:

**THE PARTIES**

1. Greater Boston Authentication Solutions, LLC (“GBAS”) is a Massachusetts corporation having a principal place of business at 195 Bridle Path, North Andover, MA 01845.

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, National Instruments is a foreign corporation organized under the law of the State of Delaware having a regular and established place of business at 800 Cummings Park Dr., Woburn, MA 01801.

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

infringement, to customers and/or potential customers located in the judicial district of Massachusetts. National Instruments may be served with process through its registered agent in Massachusetts: C.T. Corporations Systems, 155 Federal Street, Suite 700, Boston, MA 02110.

**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, National Instruments is deemed to reside in this judicial district, has a regular and established place of business in this judicial district, has committed acts of infringement in this judicial district, and has purposely transacted business involving the accused products in Massachusetts and this judicial district.

7. National Instruments is subject to this Court's jurisdiction pursuant to due process and/or the Massachusetts 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 Massachusetts and (C) engaging in persistent conduct and/or deriving substantial revenue from goods and services provided to customers in Massachusetts.

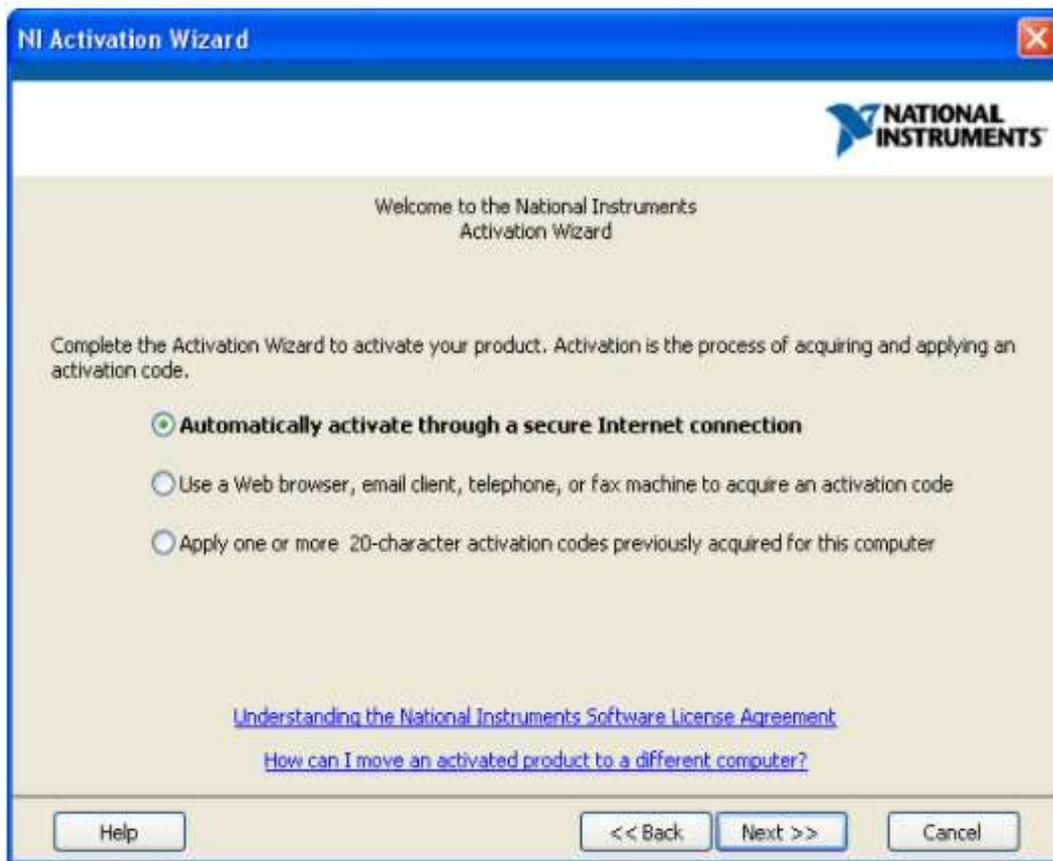
**COUNT I**  
(INFRINGEMENT OF U.S. PATENT NO. 7,346,583)

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 below image shows National Instruments' Product Activation and Licensing software:



12. Upon information and belief, the following statement from National Instruments' website describes National Instruments' Product Activation and Licensing software:

## Why Activation?

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National Instruments uses activation with many products to improve the efficiency of delivering software to customers and to provide license management to large organizations. Activation makes the process of moving a product from evaluation use to release use significantly smoother. Previously, a customer had to uninstall an evaluation version before installing the purchased software. With activation, you can download evaluation software and simply activate the fully featured version once purchased. With activation, you also can add features or migrate to higher product levels without reinstalling software. For example, a system deployed on the manufacturing floor contains an NI TestStand Deployment License. If something goes wrong with that system and it needs debugging, you do not need to install additional software. Simply apply a new activation code to enable the NI TestStand Development System to fix the problem.

In the past, companies under the Volume License Program (VLP) requested some method of tracking and managing their licenses. Asset management is extremely important in these large organizations, and without the proper tool, the organization could spend more time on tedious tracking tasks and more money on additional licenses they might already own but did not track. With activation, National Instruments provides NI Volume License Manager (VLM) to these companies so they can better manage and track their NI software installation and use.

13. Upon information and belief, the below statement from National Instruments' website describes how Activation Codes are generated by National Instruments' Product Activation and Licensing software, specifically by inputting identifying information:

### How does it work?

National Instruments provides an Activation Wizard that walks you through the activation process.

- During activation, enter your National Instruments serial number and a National Instruments generated Computer ID. National Instruments validates the serial number and uses the Computer ID to generate an activation code. The activation code unlocks your product to work in a release mode.
- If you choose not to activate your product, it will operate in evaluation mode which usually lasts for 30 days.
- An Activation Code is valid only for the Computer ID provided. If you move your product to a different computer, you will need to reactivate the product.

14. Upon information and belief, the below statement from National Instruments' website details the contents of the Activation Codes generated by National Instruments' Product Activation and Licensing software, including the use of a digital signature to protect National Instruments' software products from unauthorized use and causal copying:

**Q: What is an Activation Code?**

**A:** The activation code is a 20-character alphanumeric string that encodes:

- A digital signature
- The product name
- The product version
- The computer ID

An activation code works only on the computer for which you provided an ID in the activation process.  
An example of an activation code is:

YKV5-ZD7J-883X-9D2J-CZLW

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Source: [http://www.ni.com/license/activation\\_faq.htm](http://www.ni.com/license/activation_faq.htm)

15. National Instruments has directly infringed 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 National Instruments Product Activation and Licensing 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.

16. In addition, should the National Instruments Product Activation and Licensing 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, generated with a digital signature algorithm, to verify a relationship between identifying information and a user key), to yield substantially the same result (determining an access level to the software). National Instruments would thus be liable for direct infringement under the doctrine of equivalents.

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

18. GBAS has been damaged by National Instruments' infringement of the '583 Patent.

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

19. GBAS incorporates paragraphs 1-18 above by reference.

20. 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.

21. 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.

22. National Instruments has directly infringed 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, 5-13, 15-21, 23-31 and 33-36 literally and/or under the doctrine of equivalents, by or through making, using, importing, offering for sale and/or selling the National Instruments Product Activation and Licensing 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.

23. In addition, should the National Instruments Product Activation and Licensing 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, generated with a digital signature algorithm, to verify a relationship between group-identifying information and a user key), to yield substantially the same result (determining an access level to the protected software).

24. National Instruments may have infringed the '793 Patent through other software utilizing the same or reasonably similar functionality, including other versions of the National

Instruments Product Activation and Licensing software. National Instruments reserves the right to discover and pursue all such additional infringing software.

25. GBAS has been damaged by National Instruments' infringement of the '793 Patent.

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

26. GBAS incorporates paragraphs 1-27 above by reference.

27. 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.

28. 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.

29. National Instruments has directly infringed one or more claims of the '892 Patent in the United States during the pendency of the '892, including at least claims 1-3, 5-13, and 15-18 literally and/or under the doctrine of equivalents, by or through making, using, importing, offering for sale and/or selling its National Instruments Product Activation and Licensing 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..

30. In addition, should the National Instruments Product Activation and Licensing 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, generated with a digital signature algorithm, to verify a relationship between identifying information and a user key), to yield substantially the same result (determining an access level to the software). National Instruments would thus be liable for direct infringement under the doctrine of equivalents.

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

32. GBAS has been damaged by National Instruments' infringement of the '892 Patent.

**PRAYER FOR RELIEF**

GBAS requests that the Court enter judgment against National Instruments as follows:

(A) National Instruments has infringed the '583 Patent, the '793 Patent, and the '892 Patent;

(B) awarding GBAS its damages suffered as a result of National Instruments' infringement of the '583 Patent, the '793 Patent, and the '892 Patent;

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

(D) 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: February 2, 2018

Respectfully submitted,

/s/ Paul J. Hayes

Paul J. Hayes

James J. Foster

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**ATTORNEYS FOR THE PLAINTIFF**