

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNILOC 2017 LLC,

Plaintiff,

v.

PAYCHEX, INC.,

Defendant.

Civil Action No. 1:19-cv-11272

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff, Uniloc 2017 LLC (“Uniloc”), for its complaint against defendant, Paychex, Inc. (“Paychex”), alleges:

THE PARTIES

1. Uniloc is a Delaware limited liability company.
2. Paychex is a Delaware corporation having regular and established places of business in Boston, Quincy, and Foxboro, Massachusetts.

JURISDICTION

3. 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 under 28 U.S.C. §§ 1331 and 1338(a).

COUNT I

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

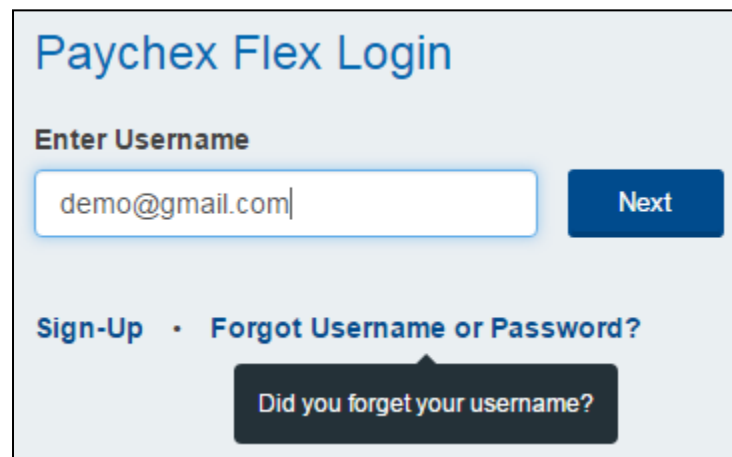
4. Uniloc incorporates by reference paragraphs 1-3 above.
5. Uniloc is the owner, by assignment, of U.S. Patent No. 6,324,578 (“the ’578 Patent”), entitled METHODS, SYSTEMS AND COMPUTER PROGRAM PRODUCTS FOR MANAGEMENT OF CONFIGURABLE APPLICATION PROGRAMS ON A NETWORK,

which issued on November 27, 2001 on an application filed on December 14, 1998. A copy of the '578 Patent is attached as Exhibit A.

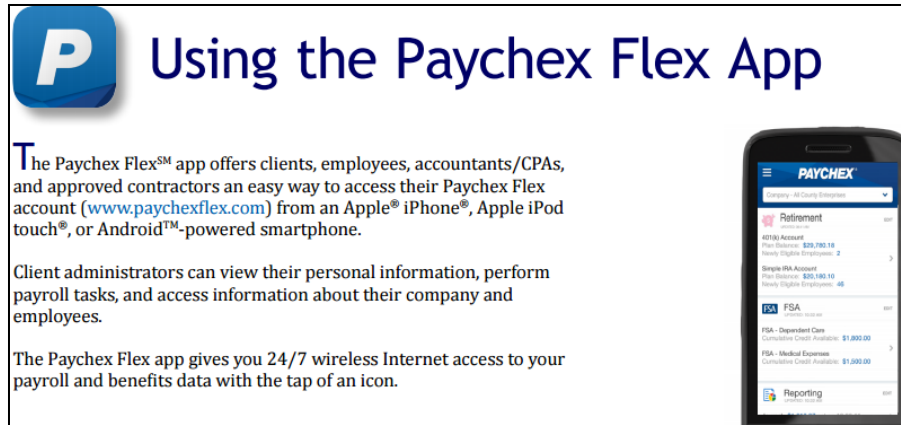
6. The following image from www.paychex.com/products/ identifies services offered online by Paychex:



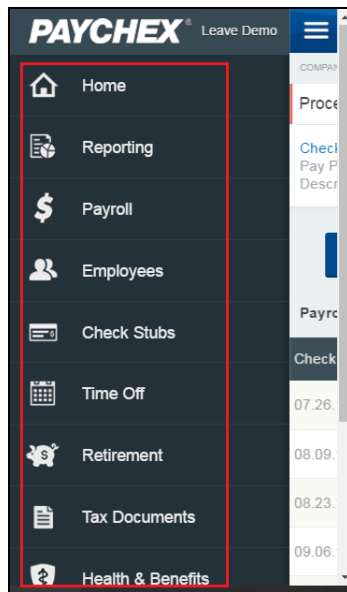
7. The following image from https://myapps.paychex.com/landing_remote/login.do? shows that Flex could be accessed through the Paychex web browser:



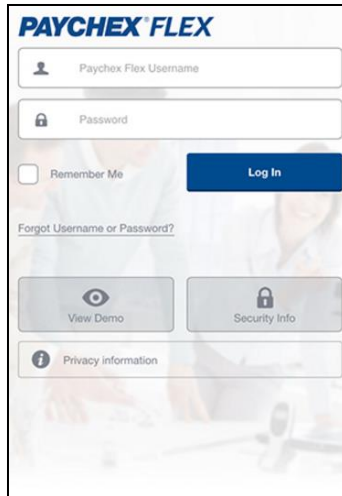
8. The following image from <http://static.paychexinc.com> shows that the Flex app could be downloaded to mobile devices from sites such as Google Play and iTunes:



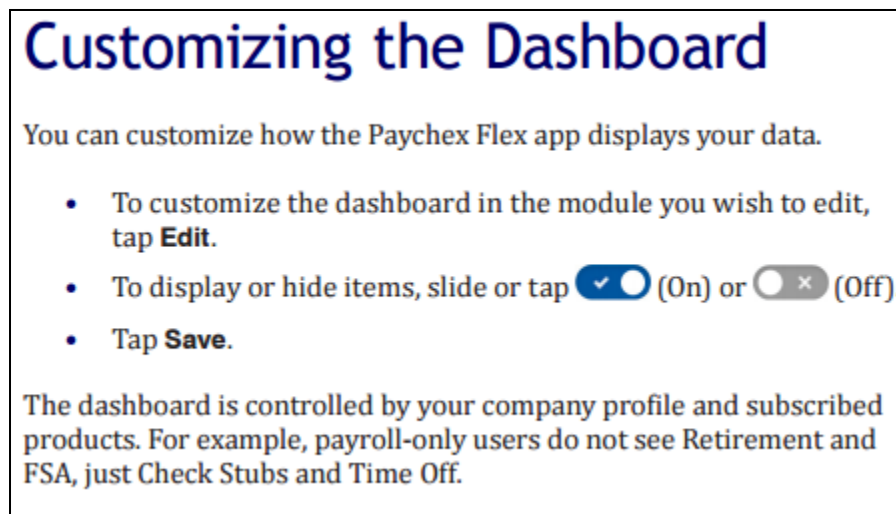
9. The following image from www.paychex.com/demos/mobile-app/ shows the mobile device interface that identified several Flex applications offered by Paychex:



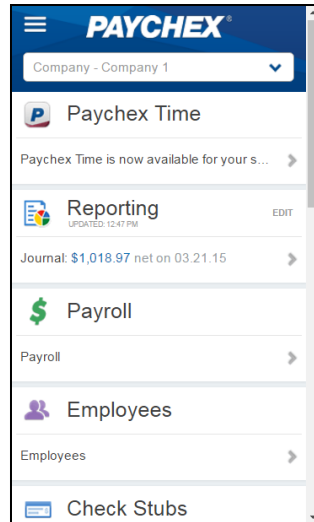
10. The following image from <https://uxmag.com> shows that the Flex software products could be accessed on mobile devices:



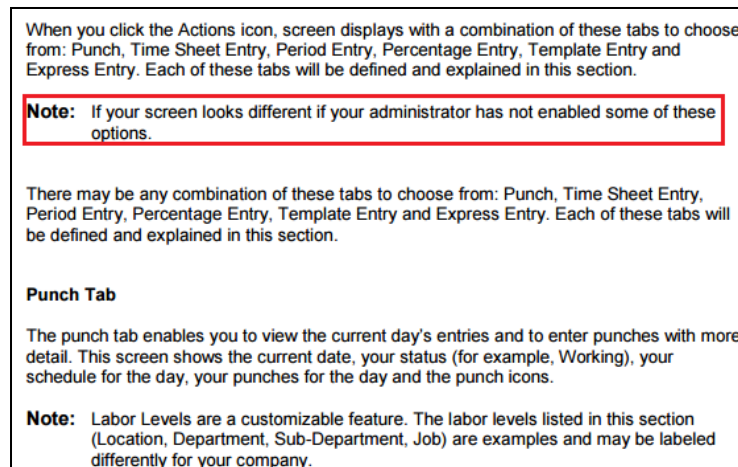
11. The following image from <http://static.paychexinc.com> shows that the user was offered numerous ways in which to configure the Paychex dashboard:



12. The following image from www.paychex.com/products/ illustrates the interface that opened when a user logged in to the Flex mobile application identifying products that the user was authorized to use:



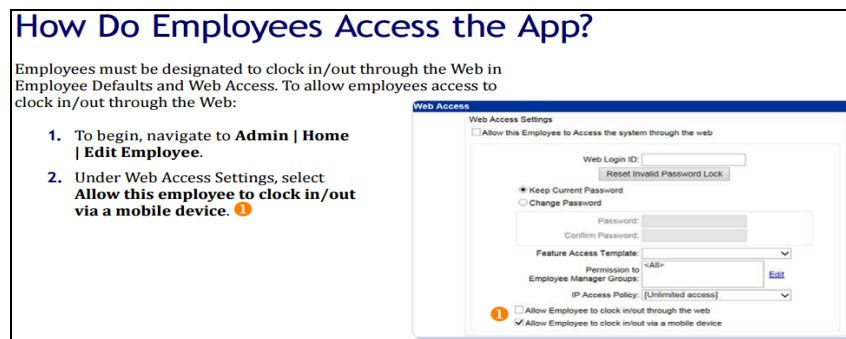
13. The following image from www.gcccd.edu/auxiliary/ shows that the users' administrator could control access to features of the Flex software:



14. The following image from www.paychex.com shows that the administrator could decide what the user sees using the Flex software:



15. The following image from www.paychex.com shows that the administrator could edit employees' input:



16. As set forth above, Paychex infringed, and continues to infringe, at least claim 1 of the '578 Patent by making, using, offering for sale, and/or selling the Paychex Flex (f/k/a Paychex Online) software distribution and management system, which software and associated backend server architecture allowed for installing application programs such as Flex and MyPaychex that included 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.

17. Paychex also infringed the '578 Patent by actively inducing the use of the Paychex software distribution and management system. Paychex's customers who used the Paychex software distribution and management system as Paychex instructed infringed the '578 Patent, as described above. Paychex intentionally instructed its customers to infringe, with knowledge they were infringing, by providing instructions for the Flex and MyPaychex software and system, such as described and exemplified in the figures above.

18. Paychex also infringed the '578 Patent by contributing to the infringement by offering to sell, selling, and/or otherwise commercializing the Paychex software distribution and management system, which was used by customers to infringe the '578 Patent, and constituted a material part of the invention. Paychex knew portions of the software in the system that provide the infringing functionality were specially written solely for use to implement what it knew was infringement of the '578 Patent, as described above. Paychex also knew those portions had no use, other than for infringement.

19. Paychex has been on notice of the '578 Patent since, at the latest, the service of the complaint upon Paychex in the previous action for infringement of the '578 Patent between Uniloc USA, Inc./Uniloc Luxembourg, S.A. and Paychex in the Eastern District of Texas. Paychex has known and intended (since receiving that prior notice) that its continued actions would actively induce, and contribute to, the infringement of the '578 Patent.

20. Paychex may have infringed the '578 Patent through other software and architecture utilizing the same or reasonably similar functionality as described above.

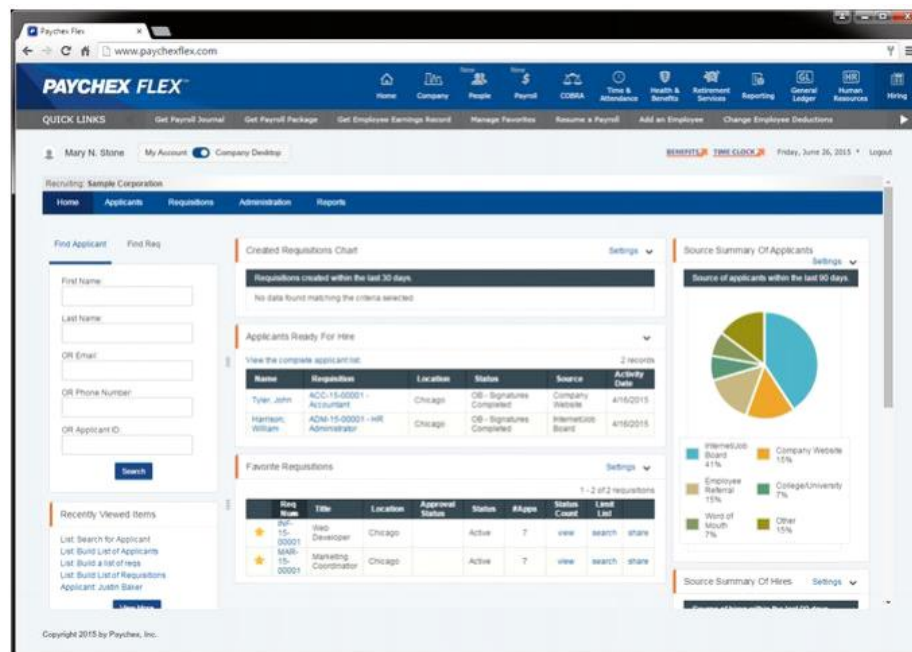
21. Uniloc has been damaged by Paychex's infringement of the '578 Patent.

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

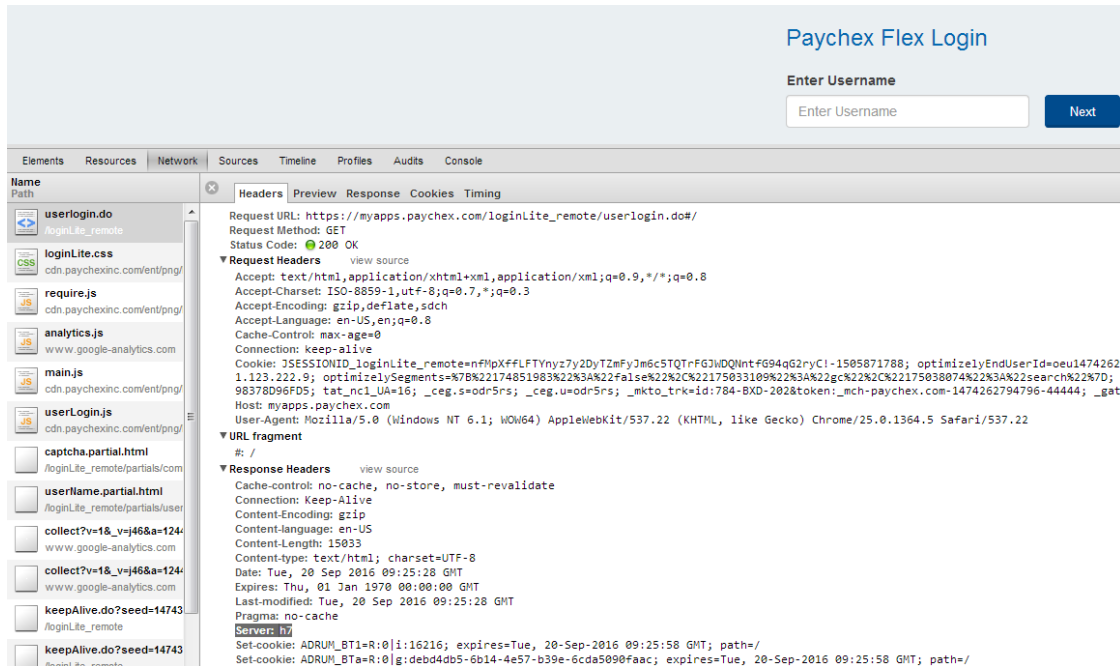
22. Uniloc incorporates by reference paragraphs 1-21 above.

23. Uniloc 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, which issued on June 27, 2006, claiming priority to an application filed on December 14, 1998. A copy of the ’293 Patent is attached as Exhibit B.

24. The following image from <http://media.paychex.com> shows that Paychex distributes applications from its servers to its customers:



25. The following image from www.my.Paychex.com shows that Paychex distributes its applications from a source directory to a target directory using on-demand servers (e.g. h7):



26. The following image from <https://myapps.paychex.com> shows that the accused Flex software includes a segment configured to allow a user to register in order to use the Flex system:

27. As set forth above, Paychex infringed, and continues to infringe, at least claim 1 of the '293 Patent by making, using, offering for sale, and/or selling the Paychex Flex software

distribution and management system, which software and associated backend server architecture 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. Paychex has been on notice of the '293 Patent since, at the latest, the service of this complaint upon Paychex in the previous action between Uniloc USA, Inc./Uniloc Luxembourg, S.A. and Paychex in the Eastern District of Texas. By the time of trial, Paychex will have known and intended (since receiving that notice) that its continued actions would infringe the '293 Patent.

29. Paychex may have infringed the '293 Patent through other software and architecture utilizing the same or reasonably similar functionality, including other versions of the Paychex software distribution and management system.

30. Uniloc has been damaged by Paychex's infringement of the '293 Patent.

PRAYER FOR RELIEF

Uniloc requests that the Court enter judgment against Paychex:

- (A) that Paychex has infringed the '578 Patent and the '293 Patent;
- (B) awarding Uniloc its damages suffered as a result of Paychex's infringement of the '578 Patent and the '293 Patent;
- (C) awarding Uniloc its costs, attorneys' fees, expenses, and interest, and
- (E) granting Uniloc such further relief as the Court may deem proper.

DEMAND FOR JURY TRIAL

Pursuant to Fed. R. Civ. P. 38 Uniloc demands trial by jury on all issues so triable

Dated: June 7, 2019

Respectfully submitted,

/s/ Paul J. Hayes

Paul J. Hayes (BBO # 227000)

James J. Foster (BBO # 553285)

Kevin Gannon (BBO # 640931)

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