IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

Devine Licensing LLC,	Case No.
Plaintiff,	Patent Case
v.	Jury Trial Demanded
Mariadb USA, Inc.,	
Defendant.	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, Devine Licensing, LLC ("Devine"), through its attorney, Isaac Rabicoff, complains of Mariadb Usa, Inc. ("Mariadb") and alleges the following:

PARTIES

1. Plaintiff Devine Licensing LLC is a corporation organized and existing under the laws of Texas that maintains its principal place of business at 2108 Dallas Pkwy, Ste 214 – 1018, Plano, TX 75093.

2. Defendant Mariadb USA, Inc. is a corporation organized and existing under the laws of Delaware that maintains its principal place of business at 68 Willow Road, Menlo Park, CA 94025.

JURISDICTION

3. This is an action for patent infringement arises under the patent laws of the United States, Title 35 of the United States Code.

4. This Court has exclusive subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Mariadb because it has engaged in systematic and continuous business activities in the District of Delaware. Specifically, Mariadb is incorporated in the state of Delaware and provides its full range of services to residents in this District. As described below, Mariadb has committed acts of patent infringement giving rise to this action within this District.

VENUE

6. Venue is proper in this District under 28 U.S.C. § 1400(b) because Mariadb has committed acts of patent infringement in this District and is incorporated in the state of Delaware. In addition, Devine has suffered harm in this District.

PATENT-IN-SUIT

7. Devine is the assignee of all right, title and interest in United States Patent No. 6,339,769 (the "'769 Patent") including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the Patent-in-Suit. Accordingly, Devine possesses the exclusive right and standing to prosecute the present action for infringement of the Patent-in-Suit by Mariadb.

The '769 Patent

8. On January 15, 2002, the United States Patent and Trademark Office ("USPTO") duly and legally issued the '769 patent, entitled "Query optimization by transparently altering properties of relational tables using materialized views" after a full and fair examination. (Exhibit 1).

9. Devine is presently the owner of the patent, having received all right, title and interest in and to the '769 patent from the previous assignee of record. Devine possesses all rights of recovery under the '769 patent, including the exclusive right to recover for

past infringement.

10. The ‘769 patent contains six independent claims and sixty-six dependent claims. Defendant commercializes, inter alia, methods that perform all the steps recited in at least one claim of the ‘769 patent.

11. The invention claimed in the ‘769 patent comprises a method optimizing database queries using a materialized view for a table referenced in the query, wherein the materialized view has different properties than the referenced table.

12. The method allows a user to optimize a query in a computer system by transparently altering properties of relational tables using materialized views.

13. The technology embodied by the ‘769 patent improved techniques for the replication of materialized views in a massively parallel processing (MPP) environment.

COUNT I: INFRINGEMENT OF THE ‘769 PATENT

14. Devine incorporates the above paragraphs herein by reference.

15. **Direct Infringement.** Defendant has been and continues to directly infringe one or more claims of the ‘769 Patent in at least this District by making, using, offering to sell, selling and/or importing, without limitation, at least Mariadb MaxScale 1.4 (among the "Exemplary Mariadb Products") that infringe at least exemplary claims 1 and 49 of the ‘769 Patent (the "Exemplary ‘769 Patent Claims") literally or by the doctrine of equivalents. On information and belief, numerous other devices that infringe the claims of the ‘769 Patent have been made, used, sold, imported, and offered for sale by Defendant and/or its customers.

16. Defendant also has and continues to directly infringe, literally or under the doctrine of equivalents, the Exemplary ‘769 Patent Claims, by having its employees

internally test and use these Exemplary Products.

17. The filing of this Complaint constitutes notice and actual knowledge in accordance with 35 U.S.C. § 287.

18. Despite such actual knowledge, Defendant continues to make, use, test, sell, offer for sale, market, and/or import into the United States, products that infringe the '769 Patent.

19. Exhibit 3 includes charts comparing the Exemplary '769 Patent Claims to the Exemplary Mariadb Products. As set forth in these charts, the Exemplary Mariadb Products practice the technology claimed by the '769 Patent. Accordingly, the Exemplary Mariadb Products incorporated in these charts satisfy all elements of the Exemplary '769 Patent Claims.

20. Devine therefore incorporates by reference in its allegations herein the claim charts of Exhibit 3.

21. Devine is entitled to recover damages adequate to compensate for Defendant's infringement.

JURY DEMAND

22. Under Rule 38(b) of the Federal Rules of Civil Procedure, Devine respectfully requests a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Devine asks this Court to enter judgment against Mariadb Corporation, granting the following relief:

A. A declaration that Mariadb has infringed the Patent-in-Suit;

B. An award of damages to compensate Devine for Mariadb's direct infringement of the Patent-in-Suit, including an accounting of all damages not presented at trial;

C. A declaration that this case is exceptional, and an award to Devine of reasonable attorneys' fees, expenses and costs under 35 U.S.C. § 285;

D. An award of prejudgment and post-judgment interest; and

E. Such other and relief as this Court or jury may deem proper and just.

July 31, 2019

Respectfully submitted,

STAMOULIS & WEINBLATT LLC

/s/ Stamatios Stamoulis
Stamatios Stamoulis (No. 4606)
800 N. West Street, Third Floor
Wilmington, DE 19809
(302) 999-1540
stamoulis@swdelaw.com

Isaac Rabicoff
(*Pro Hac Vice Admission Pending)*
RABICOFF LAW LLC
73 W Monroe St
Chicago, IL 60603
773-669-4590
isaac@rabilaw.com

Attorneys for Plaintiff
Devine Licensing LLC