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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

UNILOC 2017 LLC, Plaintiff, v. NETSUITE, INC., Defendant.	CIVIL ACTION NO. 8:19-cv-01151 **AMENDED COMPLAINT**

Plaintiff, Uniloc 2017 LLC ("Uniloc"), for its Amended Complaint against defendant, Netsuite, Inc. ("Netsuite"), alleges:

THE PARTIES

1. Uniloc is a Delaware limited liability company.

2. Netsuite is a California corporation.

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 to 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 was attached to the Complaint, Docket No. 1, as Exhibit A.

6. An application program is software written to perform a particular function for a user – as opposed to system software, which is designed to operate a network. An application program can be executed on a server within a user's browser window, as exemplified in the '578 patent at col. 8, ll. 7-20. *See* Complaint, Dkt. No. 1, Ex. A.

7. Netsuite used cloud software to distribute application programs, including ERP, CRM, and PSA, to authorized users.

8. Netsuite distributed configurable dashboards for its application programs to users. The user would then configure the dashboard by, for example, dragging and dropping portlets to a desired location.

9. An administrator could set rules for a user's degree of access to the application program's features, functionality, and information. An administrator could also, for example, set company preferences, global email preferences, and specify date formats for the application programs.

10. Netsuite also provided users with an application launcher program for the Netsuite products. An example of an application launcher program provided by Netsuite is available at: https://system.netsuite.com/pages/customerlogin.jsp?country=US.

11. Netsuite infringed at least claim 1 of the '578 Patent by making, using, offering for sale, and selling the Netsuite software distribution and management system, which software and associated backend server architecture allowed for installing an application program having 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.

12. Netsuite also infringed at least claim 1 of the '578 Patent by actively inducing the use of the Netsuite software distribution and management system. Netsuite's customers who used the Netsuite software distribution and management system in accordance with Netsuite's instructions infringed the '578 Patent, as described above. Netsuite intentionally instructed its customers to infringe, with knowledge they were infringing, by providing instructions through materials as exemplified in the figures above.

13. Netsuite infringed at least claim 1 of the '578 Patent by contributing to the infringement by others, including customers using the Netsuite software distribution and management system, by offering to sell or otherwise commercially offering use of its system, which was used to infringe the '578 Patent and constituted a material part of the invention. Netsuite knew portions of the software contained in the accused system were especially written solely for use to implement what Netsuite knew was infringement of the '578 Patent. Netsuite knew these portions had no use, other than for infringement.

14. Netsuite was on notice of the '578 Patent since, at the latest, the service of the original complaint upon Netsuite on August 22, 2016 in the previous action between Uniloc USA, Inc. et al, and Netsuite for infringement of the '578 Patent in the Eastern District of Texas. Netsuite knew and intended (since receiving that notice) that its continued actions actively induced, and contributed to, the infringement of the '578 Patent.

15. Netsuite may have infringed the '578 Patent through other software and architecture utilizing the same or reasonably similar functionality, including other versions of the Netsuite software distribution and management system.

16. Uniloc was damaged by Netsuite's infringement of the '578 Patent.

COUNT II

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

17. Uniloc incorporates by reference paragraphs 1-16 above.

18. 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 was attached to the Complaint, Docket No. 1, as Exhibit B.

19. Netsuite distributes its application programs to a centralized network management server for further distribution to edge servers.

20. Netsuite specifies to the centralized network management server both where the application programs can be found and where the application programs will be sent.

21. Netsuite prepares a file package associated with each application program that includes code to cause the edge servers to register the application program on the edge server to make it recognized by and available to users at a client, who can then request execution of the application program

22. Netsuite has infringed, and continues to infringe, at least claim 1 of the '293 Patent by making, using, offering for sale, and selling the Netsuite 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.

23. Netsuite has been on notice of the '293 Patent since, at the latest, the service of the original complaint upon Netsuite on August 22, 2016 in the previous action between Uniloc USA, Inc. et al, and Netsuite for infringement of the '293 Patent in the Eastern District of Texas. Netsuite knew and intended (since receiving that notice) that its continued actions would infringe the '293 Patent.

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

25. Uniloc has been damaged by Netsuite's infringement of the '293 Patent.

PRAYER FOR RELIEF

Uniloc requests that the Court enter judgment against Netsuite:

(A) that Netsuite has infringed the ’578 Patent and the ’293 Patent;

(B) awarding Uniloc its damages suffered as a result of Netsuite’s infringement of the ’578 Patent and the ’293 Patent, under 35 U.S.C. § 284;

(C) awarding Uniloc its costs, attorneys’ fees, expenses, and interest, and

(D) granting Uniloc such further relief as the Court may deem proper.

Dated: October 2, 2019

Respectfully submitted,

/s/ James J. Foster

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