

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

**Realm Licensing LLC,**

Plaintiff,

v.

**HubSpot, Inc.,**

Defendant.

Case No. 1:21-cv-00110-CFC

Patent Case

Jury Trial Demanded

**AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

1. Plaintiff Realm Licensing LLC (“Plaintiff”), through its attorneys, complains of HubSpot, Inc. (“Defendant”), and alleges the following:

**PARTIES**

2. Plaintiff Realm Licensing LLC is a corporation organized and existing under the laws of Texas that maintains its principal place of business at 5570 FM 423, Suite 250-2015, Frisco, TX 75034.

3. Defendant HubSpot, Inc. is a corporation organized and existing under the laws of Delaware that maintains an established place of business at 25 First Street, 2nd Floor, Cambridge, MA 0214.

**JURISDICTION**

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

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

6. This Court has personal jurisdiction over Defendant because it has engaged in systematic and continuous business activities in this District and is incorporated in this District's state. As described below, Defendant has committed acts of patent infringement giving rise to this action within this District.

#### **VENUE**

7. Venue is proper in this District under 28 U.S.C. § 1400(b) because Defendant has an established place of business in this District. In addition, Defendant has committed acts of patent infringement in this District, and Plaintiff has suffered harm in this district.

#### **PATENTS-IN-SUIT**

8. Plaintiff is the assignee of all right, title and interest in United States Patent Nos. 6,324,551 ("the '551 Patent"); 6,330,573 ("the '573 Patent"); and 7,996,356 ("the 356 Patent") (collectively the "Patents-in-Suit"); including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the Patents-in-Suit. Accordingly, Plaintiff possesses the exclusive right and standing to prosecute the present action for infringement of the Patents-in-Suit by Defendant. The claim language of each patent provides technical and unconventional solutions to problems in the prior art, thereby embodying inventive concepts. The asserted claims of each patent also address a specific problem in the prior art with technical and unconventional solutions, thereby embodying inventive concepts.

#### **THE '551 PATENT**

9. The '551 Patent is entitled "Self-contained document management based on document properties," and issued 2001-11-27. The application leading to the '551 Patent was filed on 1998-08-31. A true and correct copy of the '551 Patent is attached hereto as Exhibit 1 and incorporated herein by reference.

10. Claim 7 is recited as follows:

Claim 7 of the '551 Patent
<p>7. A method of managing a document in a document management system which separates management of user properties and management of content during a transfer of the document to a receiving user comprising the steps of:</p> <p>forming the document to include a content and a document reference, the document reference maintaining properties attachable by a user;</p> <p>attaching properties to the document reference including at least one of static properties describing characteristics of the content and active properties controlling behaviors of the content;</p> <p>transferring selected properties of the static properties and active properties to the receiving user; and</p> <p>reconstructing the document, by the receiving user, based on the transferred static and active properties.</p>

**THE '573 PATENT**

11. The '573 Patent is entitled "Maintaining document identity across hierarchy and non-hierarchy file systems," and issued 2001-12-11. The application leading to the '573 Patent was filed on 1998-08-31. A true and correct copy of the '573 Patent is attached hereto as Exhibit 2 and incorporated herein by reference.

12. Claim 8 is recited as follows:

Claim 8 of the '573 Patent
<p>8. A method of maintaining a document identity during a translating operation from a hierarchical file system application which treats a document as a single repository of unified data, to a document management system which adds additional information to a document thereby enhancing interactions with documents being managed, the method comprising:</p> <p>receiving an instruction from an application of a hierarchical file system to rename or delete an original document;</p>

maintaining at least name information, location information and properties of the original document upon a rename or delete instruction;

retrieving the name information, location information, and properties of the original document, upon a predetermined event; and

copying new content to the original document.

### **Background and problems solved by the '551 and '573 Patents**

13. Conventional document management systems organize documents in the same manner as files in a filesystem – as a hierarchical storage system. '551 Patent, 2:9-25 (“Navigation through a file system, to a large degree, can be considered as navigation through semantic structures that have been mapped onto the file hierarchy. Such navigation is normally accomplished by the use of browsers and dialog boxes. Thus, when a user traverses through the file system to obtain a file (LEAF.FIL), this movement can be seen not only as a movement from one file or folder to another, but also as a search procedure that exploits features of the documents to progressively focus on a smaller and smaller set of potential documents. **The structure of the search is mapped onto the hierarchy provided by the file system, since the hierarchy is essentially the only existing mechanism available to organize files. However, documents and files are not the same thing. Since files are grouped by directories, associating a single document with several different content groupings is cumbersome.**”)

14. Managing access control through a hierarchical filesystem is similarly unwieldly: “The directory hierarchy is also used to control the access to documents, with access controls placed at every node of the hierarchy, which makes it difficult to grant file access to only one or a few people. In the present invention, separation of a document’s inherent identity from its

properties, including its membership in various document collections, alleviates these problems.”  
*Id.*, 2:25-31.

15. The single inheritance structure of hierarchical file systems poses further problems: “Other drawbacks include that existing hierarchical file systems provide a ‘single inheritance’ structure. Specifically, files can only be in one place at a time, and so can occupy only one spot in the semantic structure. The use of links and aliases are attempts to improve upon such a limitation. Thus, while a user's conception of a structure by which files should be organized may change over time, the hierarchy described above is fixed and rigid.” *Id.*, 2:33-40.

16. Existing file systems were limited to a single means of storage and retrieval: “Existing file systems also support only a single model for storage and retrieval of documents. This means a document is retrieved in accordance with a structure or concepts given to it by its author. On the other hand, a user—who is not the author—may wish to retrieve a document in accordance with a concept or grouping different from how the document was stored.” *Id.*, 2:54-60.

17. The patentee draws specific contrasts between conventional file systems and the claimed non-hierarchical document management system: “Among the differences between Documentum DocPage and the present invention are: First, in the present system properties are exposed as a fundamental concept in the infrastructure. Further, the present system provides for a radically extensible document property infrastructure capable of supporting an aftermarket in document attributes. Documentum seems to be rather closed in comparison; the possible attributes a document can acquire are defined a priori by the system and cannot be easily extended. Additionally, Documentum does not have the vision of universal access to the degree of the present invention which supports near-universal access to document meta-data, if not

document content. In comparison, the scope of Documentum narrows to document access within a closed setting (a corporate intranet).” *Id.* 7:8-22.

18. The ‘551 Patent provides specific advantages that are inventive and non-conventional.

19. “[An] advantage of the present invention is that documents are structured to include content and properties which are associated to each other. A document management system is thus provided which organizes documents in accordance with their properties which are defined by a user.” *Id.* 8:4-9.

20. “Another advantage of the present invention is that active properties are attached to a document which interpret and control the behavior of a document's content.” *Id.* 8:9-11.

21. “Another advantage of the present invention is that arbitrary active properties alone or in combination with static properties can encapsulate multiple independent behaviors that can be triggered by distinct independent events.” *Id.* 8:12-16.

22. “Another advantage of the present invention is that the document management behavior, not only the access to its content, can be encapsulated with the document and transferred to the receiving user in the same manner. *Id.* 8:24-27.

23. The ‘573 Patent also provides specific advantages that are inventive and non-conventional.

24. “With attention to another advantage of the present invention, the properties which are attached to an original document are maintained when the content of that document is altered.” ‘573 Patent, 8:1-5.

**Implementing the claimed invention of the ‘551 Patent**

25. The claimed invention solves endemic problems in document management systems by providing a self-contained system based on document properties. *See, e.g.*, ‘551 Patent, Abstract.

26. And the specification elaborates on a useful implementation of the claimed invention that tackles the above problems in the art: “a document management system and method is provided for transferring a document stored at a first location by a first user to a second location. The document is formed to include content and a document reference which are distinguishable from each other. Document properties can be attached either to base documents or to a principal's document reference. Properties attached to a document may include either static properties describing information about the document or active properties controlling behaviors of the document. An active property which is associated to the document includes executable code for interpreting and manipulating the content of the document. When the document is transferred to a second location, the transferring automatically includes the association between the content and the properties of the document such that, upon directly opening the document without use of an application, the active property associated to the document executes the executable code which interprets and manipulates the content of the document into a useful format.” *Id.*, 7:41-60.

**Implementing the claimed invention of the ‘573 Patent**

27. The claimed invention provides a technique for translating between two incompatible document management systems while maintaining the identity of a document. ‘573 Patent, Abstract.

28. In particular, the claimed invention provides a mechanism to “maintain document identity during the translation of an operation from a hierarchical file system—which treats a document as a single repository of unified data—to a document—management system which adds additional information to a document thereby enhancing interactions with documents being managed. According to a more limited aspect of the present invention, the mechanism receives an instruction from an application of the hierarchical file system to rename or delete an original document. Upon receipt of this information, the mechanism maintains at least name information, location information and characteristic information of the original document. The name information, location information and characteristic information being retrieved to reconfigure the original document upon a predetermined event. The retrieved document receiving new content generated by the user.” *Id.*, 7:35-53.

#### THE '356 PATENT

29. The '356 Patent is entitled “Text searching and categorization tools,” and issued 2011-08-09. The application leading to the '356 Patent was filed on 2005-03-24. A true and correct copy of the '356 Patent is attached hereto as Exhibit 3 and incorporated herein by reference.

30. Claim 7 is recited as follows:

Claim 7 of the '356 Patent
7. A method comprising: accessing text data to be mined, the text data including text snippets; encoding rules in a rule base, the encoding of a given one of the rules including a user entering, via a computer screen displayed subject matter expert interface, freely typed text representing a given label and the encoding of the given one further including the user entering, via the computer screen displayed subject matter expert interface, freely typed text



representing given synonyms, the given label and the given synonyms defining the given one of the rules at least in part;

submitting a search request to a search request handler;

the search request handler applying the rules from the rule base to the text data and associating different labels to respective text snippets in the text data in accordance with the rule base;

displaying the text snippets and associated labels resulting from the application of the rules from the rule base on the subject matter expert interface; and

after the search request handler has at least once applied the rules, presenting to the human user, on the computer screen displayed subject matter expert interface, a revise option that can be selected by the human user through the subject matter expert interface to indicate a need to further encode the rules in the rule base, and the human user choosing the revise option and entering, via the computer screen displayed subject matter expert interface, freely typed text to thereby revise both the given label and the given synonyms;

wherein the rule input by the human user includes information encoding a rule from among the rules in the rule base to include a label and synonyms including a corresponding set of match terms, where a mined text snippet containing a match term in the corresponding set of match terms is associated with the label.

### **Background and problems solved by the '356 Patent**

31. The claimed invention is directed to computer assisted tools for searching, analyzing, or categorizing text data. This invention well exceeds conventional methods of manually categorizing and analyzing text data by subject matter experts. For example, the claimed invention provides a means of mining text data based on encoded rules, where a search handler applies those rules and thereby associates different categories of text snippets: "Text data to be mined is accessed. The text data includes text snippets. Rules are encoded in a rule base. A search request is submitted to a search request handler. The search request handler applies the rules from the rule base to the text, and associates different labels to respective text snippets in the text data in accordance with the rule base." '356 Patent, 1:33-40.

32. The specification implements core aspects of the claims with limiting detail, including a detailed description of Figure 1: “Search engine 12, in the illustrated embodiment, includes a rule base 18 and a search request handler 20. Search request handler 20 accesses text data to be mined which is stored in a database 22. In the illustrated embodiment, the text data to be mined, in database 22, includes a plural set of text snippets. The text snippets may be in a form of a table or list. Examples of text snippets that may be in the database include requirements documents, field service logs, or customer verbatims. Database 22 may optionally also include associated data, associated with each of the text snippets. That associated data may include one or more records, fields, text, code, and one or more images.” *Id.*, 2:10-21; *see also* Fig 1.

#### **COUNT 1: INFRINGEMENT OF THE '551 PATENT**

33. Plaintiff incorporates the above paragraphs herein by reference.

34. **Direct Infringement.** Defendant has directly infringed one or more claims of the '551 Patent in at least this District by making, using, offering to sell, selling and/or importing, without limitation, at least the Defendant products identified in the charts incorporated into this Count below (among the “Exemplary Defendant Products”) that infringe at least the exemplary claims of the '551 Patent also identified in the charts incorporated into this Count below (the “Exemplary '551 Patent Claims”) literally or by the doctrine of equivalents. On information and belief, numerous other devices that infringe the claims of the '551 Patent have been made, used, sold, imported, and offered for sale by Defendant and/or its customers.

35. Defendant also has directly infringed, literally or under the doctrine of equivalents, the Exemplary '551 Patent Claims, by having its employees internally test and use these Exemplary Products.

36. Exhibit 4 includes charts comparing the Exemplary '551 Patent Claims to the Exemplary Defendant Products. As set forth in these charts, the Exemplary Defendant Products practice the technology claimed by the '551 Patent. Accordingly, the Exemplary Defendant Products incorporated in these charts satisfy all elements of the Exemplary '551 Patent Claims.

37. Plaintiff therefore incorporates by reference in its allegations herein the claim charts of Exhibit 8.

38. Plaintiff is entitled to recover damages adequate to compensate for Defendants infringement.

#### **COUNT 2: INFRINGEMENT OF THE '573 PATENT**

39. Plaintiff incorporates the above paragraphs herein by reference.

40. **Direct Infringement.** Defendant has directly infringed one or more claims of the '573 Patent in at least this District by making, using, offering to sell, selling and/or importing, without limitation, at least the Defendant products identified in the charts incorporated into this Count below (among the "Exemplary Defendant Products") that infringe at least the exemplary claims of the '573 Patent also identified in the charts incorporated into this Count below (the "Exemplary '573 Patent Claims") literally or by the doctrine of equivalents. On information and belief, numerous other devices that infringe the claims of the '573 Patent have been made, used, sold, imported, and offered for sale by Defendant and/or its customers.

41. Defendant also has directly infringed, literally or under the doctrine of equivalents, the Exemplary '573 Patent Claims, by having its employees internally test and use these Exemplary Products.

42. Exhibit 5 includes charts comparing the Exemplary '573 Patent Claims to the Exemplary Defendant Products. As set forth in these charts, the Exemplary Defendant Products

practice the technology claimed by the '573 Patent. Accordingly, the Exemplary Defendant Products incorporated in these charts satisfy all elements of the Exemplary '573 Patent Claims.

43. Plaintiff therefore incorporates by reference in its allegations herein the claim charts of Exhibit 10.

44. Plaintiff is entitled to recover damages adequate to compensate for Defendants infringement.

### **COUNT 3: INFRINGEMENT OF THE '356 PATENT**

45. Plaintiff incorporates the above paragraphs herein by reference.

46. **Direct Infringement.** Defendant has directly infringed one or more claims of the '356 Patent in at least this District by making, using, offering to sell, selling and/or importing, without limitation, at least the Defendant products identified in the charts incorporated into this Count below (among the "Exemplary Defendant Products") that infringe at least the exemplary claims of the '356 Patent also identified in the charts incorporated into this Count below (the "Exemplary '356 Patent Claims") literally or by the doctrine of equivalents. On information and belief, numerous other devices that infringe the claims of the '356 Patent have been made, used, sold, imported, and offered for sale by Defendant and/or its customers.

47. Defendant also has directly infringed, literally or under the doctrine of equivalents, the Exemplary '356 Patent Claims, by having its employees internally test and use these Exemplary Products.

48. Exhibit 6 includes charts comparing the Exemplary '356 Patent Claims to the Exemplary Defendant Products. As set forth in these charts, the Exemplary Defendant Products practice the technology claimed by the '356 Patent. Accordingly, the Exemplary Defendant Products incorporated in these charts satisfy all elements of the Exemplary '356 Patent Claims.

49. Plaintiff therefore incorporates by reference in its allegations herein the claim charts of Exhibit 12.

50. Plaintiff is entitled to recover damages adequate to compensate for Defendants infringement.

**JURY DEMAND**

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

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests the following relief:

- A. A judgment that the '551 Patent is valid and enforceable
- B. A judgment that Defendant has infringed directly one or more claims of the '551 Patent;
- C. A judgment that the '573 Patent is valid and enforceable
- D. A judgment that Defendant has infringed directly one or more claims of the '573 Patent;
- E. A judgment that the '356 Patent is valid and enforceable
- F. A judgment that Defendant has infringed directly one or more claims of the '356 Patent;
- G. An accounting of all damages not presented at trial;
- H. A judgment that awards Plaintiff all appropriate damages under 35 U.S.C. § 284 for Defendants past infringement of the Patents-in-Suit.
- I. And, if necessary, to adequately compensate Plaintiff for Defendant's infringement, an accounting:

- i. that this case be declared exceptional within the meaning of 35 U.S.C. § 285 and that Plaintiff be awarded its reasonable attorneys fees against Defendant that it incurs in prosecuting this action;
- ii. that Plaintiff be awarded costs, and expenses that it incurs in prosecuting this action; and
- iii. that Plaintiff be awarded such further relief at law or in equity as the Court deems just and proper.

Dated: April 21, 2021

Respectfully submitted,

**GAWTHROP GREENWOOD, PC**

/s/ David W. deBruin

David W. deBruin (#4846)

Gawthrop Greenwood, PC

3711 Kennett Pike, Suite 100

Wilmington, DE 19807

(302) 777-5353

ddebruin@gawthrop.com

Isaac Rabicoff

Rabicoff Law LLC

*(Pro hac vice application forthcoming)*

5680 King Centre Dr, Suite 645

Alexandria

7736694590

isaac@rabilaw.com

**Counsel for Plaintiff  
Realm Licensing LLC**