

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HCL TECHNOLOGIES LTD. and HCL AMERICA, INC.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 2:21-cv-259
)	
CXT SYSTEMS, INC.,)	DEMAND FOR JURY TRIAL
)	
Defendant.)	

COMPLAINT

Plaintiffs HCL Technologies Limited and HCL America, Inc. (collectively “HCL”) file this complaint for declaratory relief against CXT Systems, Inc. and state as follows:

THE PARTIES

1. Plaintiff HCL Technologies Limited is an Indian multinational company that provides technology services, products, and engineering, including business consulting and outsourcing services, to clients located worldwide. HCL Technologies Limited is headquartered in Noida, India with U.S. headquarters located at 330 Potrero Avenue, Sunnyvale, CA 94085. HCL Technologies Limited develops, markets, and sells WebSphere Commerce products.

2. Plaintiff HCL America, Inc. is a corporation organized and existing under the laws of the State of California, with its principal place of business located at 330 Potrero Avenue, Sunnyvale, CA 94085. It is a wholly owned subsidiary of HCL Technologies Limited. HCL America, Inc. markets, and sells WebSphere Commerce products.

3. Upon information and belief, CXT Systems, Inc. (“CXT”) is a corporation organized and existing under the laws of the State of Texas, with its principal place of business at 100 West Houston Street, Marshall, TX 75670.

THE PATENTS-IN-SUIT

4. CXT claims that it is the owner of all right, title, and interest to and in U.S. Patent No. 7,016,875 (“the ‘875 patent”), issued on March 21, 2006, and entitled “Single Sign-On for Access to a Central Data Repository.” A true and correct copy of the ‘875 patent is attached hereto as Exhibit A.

5. CXT claims that it is the owner of all right, title, and interest to and in U.S. Patent No. 7,257,581 (“the ‘581 patent”), issued on August 14, 2007, and entitled “Storage, Management and Distribution of Consumer Information.” A true and correct copy of the ‘581 patent is attached hereto as Exhibit B.

6. CXT claims that it is the owner of all right, title, and interest to and in U.S. Patent No. 8,260,806 (“the ‘806 patent”), issued on September 4, 2012, and entitled “Storage, Management and Distribution of Consumer Information.” A true and correct copy of the ‘806 patent is attached hereto as Exhibit C.

7. The ‘875 patent, ‘581 patent, and ‘806 patent are collectively referred to as “the CXT Patents.”

NATURE OF THE ACTION

8. HCL is the world’s supplier of WebSphere Commerce products.

9. CXT has filed several lawsuits in this Division against users of HCL’s WebSphere Commerce products. In the lawsuits, CXT accuses WebSphere Commerce users of infringing the CXT Patents.

10. Accordingly, HCL seeks a declaratory judgment that HCL's WebSphere Commerce products do not infringe the CXT Patents and a declaratory judgment that the CXT Patents are invalid.

JURISDICTION AND VENUE

11. This action arises under the Patent Laws of the United States, 35 U.S.C. §§ 1, et seq., and the Declaratory Judgment Act, 28 U.S.C. §§ 2201(a) and 2202.

12. Jurisdiction and venue are proper under 28 U.S.C. §§ 1331, 1338(a) and 1391(b).

13. By incorporating in Texas and by filing numerous patent infringement suits related to the CXT Patents in this District, CXT is subject to personal jurisdiction in this District.

BACKGROUND FACTS

14. On March 17, 2021, CXT filed five lawsuits in the U.S. District Court for the Eastern District of Texas against users of HCL's WebSphere Commerce software (the "Customer Lawsuits"). Attached hereto as Exhibits D-H are true and correct copies of complaints filed by CXT in the Customer Lawsuits:

- a. *CXT Systems, Inc. v. The Sherwin-Williams Company*, 2:21-cv-00092 (March 17, 2021) (Ex. D)
- b. *CXT Systems, Inc. v. Advance Auto Parts, Inc.*, 2:21-cv-00094 (March 17, 2021) (Ex. E)
- c. *CXT Systems, Inc. v. Costco Wholesale Corporation*, 2:21-cv-00095 (March 17, 2021) (Ex. F)
- d. *CXT Systems, Inc. v. IKEA North America Services, LLC*, 2:21-cv-00096 (March 17, 2021) (Ex. G)
- e. *CXT Systems, Inc. v. V.F. Corporation*, 2:21-cv-00097 (March 17, 2021) (Ex. H)

15. All of the Customer Lawsuits are currently pending in the Eastern District of Texas.

16. HCL is the world's supplier of WebSphere Commerce products, and the defendants in the Customer Lawsuits use WebSphere Commerce products.

17. HCL advertises, markets, offers to sell, and sells in the United States and in this jurisdiction, the WebSphere Commerce products.

18. A review of CXT's infringement allegations in the Customer Lawsuits reveals that HCL's WebSphere Commerce software forms the basis for CXT's infringement allegations. CXT's infringement allegations frequently refer to HCL and WebSphere Commerce by name, reference WebSphere Commerce software and functionality, and provide links to WebSphere Commerce technical documentation and user guides. For example:

- a. CXT identifies "standard implementations of WebSphere Commerce" as a basis of its infringement allegations. *See* Exs. D-H at ¶ 13.
- b. CXT identifies elements including "an HCL commerce database," a "WebSphere Commerce federated system," and "HCL WebSphere Commerce Standard User Profile Repository Definition" as satisfying key limitations of the asserted patent claims. *See* Exs. D-H at ¶¶ 13-18.
- c. CXT cites HCL's WebSphere Commerce technical support documentation and user guides. *See* Exs. D-H at footnotes 1-5.

19. Based on the foregoing facts, a justiciable controversy has arisen and exists between CXT and HCL concerning infringement of the CXT Patents by HCL's WebSphere Commerce product. As a result of CXT's allegations in the Customer Lawsuits, HCL has an objectively reasonable apprehension that CXT will claim that WebSphere Commerce directly or indirectly infringes one or more claims of the CXT Patents.

20. A declaration of rights is necessary and appropriate to avoid a multiplicity of suits and to declare and state the rights of the parties in a manner that avoids irreparable injury to HCL for which there is no adequate remedy at law and which resolves the disputes in a manner consistent with equity.

**DECLARATORY JUDGMENT COUNT I:
NON-INFRINGEMENT OF U.S. PATENT NO. 7,016,875**

21. The allegations contained in the other paragraphs of this Complaint are repeated and realleged as if fully set forth herein.

22. Neither WebSphere Commerce nor the use of WebSphere Commerce infringes the CXT Patents. The CXT Patents are directed to a database repository system that operates autonomously from, and is not affiliated with, any particular e-commerce website. Rather, the repository exists as a separate system on a network that receives customer information requests from multiple e-commerce website servers. *See, e.g.*, Ex. A ('875 patent) at claim 1.

23. The claims of the '875 patent are directed to a method whereby a consumer conducts a first e-commerce purchase through a first website. During that session, the consumer provides authentication information that allows the first website to access the database repository to auto-populate fields of a checkout window. The claims then require that the authentication information is "saved" such that when the consumer conducts a second e-commerce purchase through a second website, the consumer does not need to re-enter their authorization information to gain access to the database repository.

24. The WebSphere Commerce platform relates to a single e-commerce website and checkout experience and does not have any "saved" authentication feature that would

automatically approve a second or third access to a database repository—particularly one coming from a second or third website—as the claims of the ‘875 patent require.

25. In addition to the foregoing, HCL’s WebSphere products do not, in response to receiving first, second, and subsequent requests for access to an information account, retrieve one or more consumer information elements from a database management system, and further do not conduct any such retrieval based on identification of the website being accessed by the consumer as the claims require.

26. Finally, HCL’s WebSphere products also do not auto-populate input fields of a displayed web page file of a website with any consumer information retrieved from a database management system based on identification of the website being accessed as the claims require.

27. As a result, HCL’s WebSphere products do not infringe and have not infringed the ‘875 patent, either directly, by way of inducement or contributorily, or under the doctrine of equivalents.

28. By virtue of at least the foregoing, there is a justiciable controversy between HCL and CXT as to HCL’s right to make, sell, import, or use its WebSphere products.

29. HCL is entitled to a declaratory judgment that it is not infringing and has not infringed the ‘875 patent.

DECLARATORY JUDGMENT COUNT II
NON-INFRINGEMENT OF U.S. PATENT NO. 7,257,581

30. The allegations contained in the other paragraphs of this Complaint are repeated and realleged as if fully set forth herein.

31. The ‘581 patent requires that, before any request for consumer information is made to the database repository, the system must “determine” what information is sought by the blank fields

of a webpage. For example, an infringing system would first determine that a given displayed webpage field is seeking a consumer's phone number before generating a request for the phone number from the database repository and ultimately populating that information into the blank field.

32. The WebSphere Commerce platform does not perform these steps.

33. The WebSphere Commerce platform is a closed system that serves its own web content and stores its own customer information. Because it is a closed system, the WebSphere Commerce platform does not need to reach out to a third-party server (like the CXT Patents require) to obtain information that can be used to populate empty fields—and certainly not after a webpage is displayed.

34. The majority of the claims of the '581 patent additionally require that any such request (e.g. for the consumer's phone number) must include "authentication information" for the consumer that will validate the consumer with the database before the information can be accessed. *See, e.g.*, Ex. B ('581 patent) at claims 1, 2, 24, 41, 43, 45, 51; 52, 59, 79, 83, and 87.

35. The WebSphere Commerce platform does not send or receive a request for consumer information that includes with it any consumer authentication information.

36. As a result, the WebSphere Commerce platform does not infringe the '581 patent because it does not scan websites for fillable fields or send requests for consumer information, which includes consumer authentication information, to a central data repository.

37. The '581 patent further requires a "network device" that is responsible for *sending* and *receiving* requests for consumer information to and from the database repository.

38. The WebSphere Commerce platform is not a distributed system—there is no computer or "network device" that sends and receives the request set forth in the claims of the '581 patent. In

addition, no such “network device” sends and receives a request that also includes consumer authentication information. Among other things, this is because the WebSphere Commerce platform is a closed system and does not interact with a third-party database repository system.

39. As a result, HCL’s WebSphere products do not infringe and have not infringed the ‘581 patent, either directly, by way of inducement or contributorily, or under the doctrine of equivalents, because they do not have a “network device” that sends and receives requests for consumer information.

40. By virtue of the foregoing, there is a justiciable controversy between HCL and CXT as to HCL’s right to make, sell, import, or use its WebSphere products.

41. HCL is entitled to a declaratory judgment that it is not infringing and has not infringed the ‘581 patent.

DECLARATORY JUDGMENT COUNT III
NON-INFRINGEMENT OF U.S. PATENT NO. 8,260,806

42. The allegations contained in the other paragraphs of this Complaint are repeated and realleged as if fully set forth herein.

43. Like the ‘581 patent, the ‘806 patent requires that, before any request for consumer information is made to the database repository, the system must “determine” what information is sought by the blank fields of a webpage. For example, an infringing system would first determine that a given displayed webpage field is seeking a consumer’s phone number before generating a request for the phone number from the database repository and ultimately populating that information into the blank field.

44. The WebSphere Commerce platform does not perform these steps.

45. The WebSphere Commerce platform is a closed system that serves its own web content and stores its own customer information. Because it is a closed system, the WebSphere Commerce platform does not need to reach out to a third-party server (like the CXT Patents require) to obtain information that can be used to populate empty fields.

46. The claims of the '806 patent additionally require that any such request (*e.g.*, for the consumer's phone number) must include "authentication information" for the consumer that will validate the consumer with the database before the information can be accessed. *See, e.g.*, Ex. C ('806 patent) at claims 1, 11, 19, and 27.

47. The WebSphere Commerce platform does not send a request for information to populate fields on a webpage that includes consumer authentication information.

48. As a result, the WebSphere Commerce platform does not infringe the '806 patent because it does not scan websites for fillable fields or send requests for information that include consumer authentication information.

49. Like the '581 patent, the '806 patent further requires a "network device" that is responsible for *sending* and *receiving* requests for consumer information to and from the database repository.

50. The WebSphere Commerce platform is not a distributed system—there is no computer or "network device" that sends and receives the request set forth in the claims of the '806 patent. In addition, no such "network device" sends and receives a request that also includes consumer authentication information. This is because the WebSphere Commerce platform is a closed system and does not interact with a third-party database repository system.

51. As a result, HCL's WebSphere products do not infringe and have not infringed the '806 patent, either directly, by way of inducement or contributorily, or under the doctrine of

equivalents, because they do not have a “network device” that sends and receives requests for consumer information.

52. By virtue of the foregoing, there is a justiciable controversy between HCL and CXT as to HCL’s right to make, sell, import, or use its WebSphere products.

53. HCL is entitled to a declaratory judgment that it is not infringing and has not infringed the ‘806 patent.

DECLARATORY JUDGMENT COUNT IV
INVALIDITY OF U.S. PATENT NO. 7,016,875

54. The allegations contained in the other paragraphs are repeated and realleged as if fully set forth herein.

55. One or more claims of the ‘875 patent are invalid for failure to comply with one or more of the requirements of Title 35, United States Code, including but not limited to, 35 U.S.C. § 101 et seq.

56. By virtue of the foregoing, there is a justiciable controversy between HCL and CXT as to the validity of the ‘875 patent, and as to HCL’s right to make, sell, import, or use its WebSphere products.

57. HCL is entitled to a declaratory judgment that the ‘875 patent is invalid.

DECLARATORY JUDGMENT COUNT V
INVALIDITY OF U.S. PATENT NO. 7,257,581

58. The allegations contained in the other paragraphs of this Complaint are repeated and realleged as if fully set forth herein.

59. One or more claims of the ‘581 patent are invalid for failure to comply with one or more of the requirements of Title 35, United States Code, including but not limited to, 35 U.S.C. § 101 et seq.

60. By virtue of the foregoing, there is a justiciable controversy between HCL and CXT as to the validity of the '581 patent, and as to HCL's right to make, sell, import, or use its WebSphere products.

61. HCL is entitled to a declaratory judgment that the '581 patent is invalid.

DECLARATORY JUDGMENT COUNT VI
INVALIDITY OF U.S. PATENT NO. 8,260,806

62. The allegations contained in the other paragraphs of this Complaint are repeated and realleged as if fully set forth herein.

63. One or more claims of the '806 patent are invalid for failure to comply with one or more of the requirements of Title 35, United States Code, including but not limited to, 35 U.S.C. § 101 et seq.

64. By virtue of the foregoing, there is a justiciable controversy between HCL and CXT as to the validity of the '806 patent, and as to HCL's right to make, sell, import, or use its WebSphere products.

65. HCL is entitled to a declaratory judgment that the '806 patent is invalid.

PRAYER FOR RELIEF

WHEREFORE, HCL requests judgment as follows:

- (a) declaring that HCL and its customers are not infringing and have not infringed the CXT Patents;
- (b) declaring the CXT Patents invalid;
- (c) declaring that this is an exceptional case;
- (d) awarding to HCL its costs and attorneys' fees for this action;

- (e) enjoining CTX from asserting or threatening to assert the CXT Patents against HCL, its customers, or any users of WebSphere products; and
- (f) awarding to HCL such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

HCL hereby requests a trial by jury as to all issues in this lawsuit so triable.

Dated: July 13, 2021

Respectfully submitted,

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