UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

INVINCIBLE IP LLC, Plaintiff v. **MULESOFT, LLC,** Defendant	**Case No.**

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Invincible IP, LLC ("Invincible" or "Plaintiff") files this Complaint for patent infringement against MuleSoft, LLC ("Defendant"), and alleges as follows:

NATURE OF THE ACTION

1.   This is an action for patent infringement arising under 35 U.S.C. § 1 *et seq*.

PARTIES

2.   Invincible is a limited liability company organized and existing under the laws of the State of Texas with its principal place of business in Plano, Texas.

3.   Upon information and belief, Defendant is a corporation organized and existing under the laws of Delaware

JURISDICTION AND VENUE

4.   This Court has original jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5.   Defendant is subject to personal jurisdiction of this Court based upon it being a Delaware corporation, such that Defendant is essentially at home in the State of Delaware.

6.   Venue is proper in this District under 28 U.S.C. § 1400(b) because Defendant resides in this judicial district.

IDENTIFICATION OF THE ACCUSED SYSTEM

7.   Defendant provides for its customers use MuleSoft Anypoint MQ ("the Accused System").

COUNT I (Infringement of U.S. Patent No. 8,954,993)

8.   Invincible incorporates the above paragraphs as though fully set forth herein.

9.   Plaintiff is the owner, by assignment, of U.S. Patent No. 8,954,993 ("the '993 Patent"), entitled LOCAL MESSAGE QUEUE PROCESSING FOR CO-LOCATED WORKERS, which issued on February 10, 2015. A copy of the '993 Patent is attached as Exhibit PX-993.

10.   The '993 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

11.   Defendant has been and is now infringing one or more claims of the '993

Patent under 35 U.S.C. § 271 by making, using, selling, and offering to sell the

Accused System in the United States without authority.

12.   Claim 1 of the '993 Patent recites:

> 1. A method to locally process queue requests from co-located workers in a datacenter, the method comprising:
>
> detecting a producer worker at a first server sending a first message to a datacenter queue at least partially stored at a second server;
>
> storing the first message in a queue cache at the first server, wherein the queue cache includes one of a copy and a partial copy of the datacenter queue;
>
> detecting a consumer worker at the first server sending a message request to the datacenter queue;
>
> providing the stored first message to the consumer worker in response to the message request;
>
> receiving a signal from a command channel associated with the datacenter queue; and
>
> modifying the stored first message in response to receiving the signal.

13.   More particularly, Defendant infringes at least claim 1 of the '993

Patent.

14.   On information and belief, Defendant makes, uses, sells, and offers to

sell the Accused System, which practices a method to locally process queue requests

from co-located workers (e.g., Sending Applications and Receiving Applications) in a

datacenter.

15.   On information and belief, the Accused System practices detecting a

producer worker (e.g., a producer) at a first server sending a first message to a

datacenter queue (e.g., a message queue) at least partially stored at a second server (e.g., Anypoint MQ server).

16.   On information and belief, the Accused System practices storing the first message in a queue cache at the first server wherein the queue cache includes one of a copy and a partial copy of the datacenter queue. Further, on information and belief, the first server of the method practiced by the Accused System with the sender application (producer worker) stores the message in a queue cache at the first server.

17.   On information and belief, the Accused System practices detecting a consumer worker (e.g., a consumer or receiving application) at the first server sending a message request (e.g., requesting to read and retrieve messages from the queue) to the datacenter queue (e.g., a message queue).

18.   On information and belief, the Accused System practices providing the stored first message to the consumer worker (e.g., the consumer or receiving application) in response to the message request (e.g., requesting to read and retrieve messages from the queue).

19.   On information and belief, the Accused System practices receiving a signal (e.g., Purge singal) from a command channel associated with the datacenter queue (e.g., a message queue).

20.   On information and belief, the Accused System practices modifying the stored first message in response to receiving the signal (e.g., Purge signal).

21.   Plaintiff has been damaged by Defendant's infringing activities.

COUNT II (Infringement of U.S. Patent No. 9,479,472)

22.   Invincible incorporates the above paragraphs as though fully set forth herein.

23.   Plaintiff is the owner, by assignment, of U.S. Patent No. 9,479,472 ("the '472 Patent"), entitled LOCAL MESSAGE QUEUE PROCESSING FOR CO-LOCATED WORKERS, which issued on October 25, 2016. A copy of the '472 Patent is attached as Exhibit PX-472.

24.   The '472 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

25.   Defendant has been and is now infringing one or more claims of the '472 Patent under 35 U.S.C. § 271 by making, using, selling, and offering to sell the Accused System in the United States without authority.

26.   Claim 1 of the '472 Patent recites:

> 1. A method to locally process queue requests from co-located workers in a datacenter, the method comprising:
>
> detecting a producer worker at a first server, wherein the producer worker sends a message to a datacenter queue at least partially stored at a second server;
>
> storing the message in a queue cache at the first server;
>
> detecting a consumer worker at the first server, wherein the consumer worker sends a message request to the datacenter queue; and
>
> providing the message to the consumer worker in response to the message request.

27.   More particularly, Defendant infringes at least claim 1 of the '472 Patent.

28.   On information and belief, Defendant makes, uses, sells, and offers to sell the Accused System, which practices a method to locally process queue requests from co-located workers (e.g., Sending Applications and Receiving Applications) in a datacenter.

29.   On information and belief, the Accused System practices detecting a producer worker (e.g., a producer) at a first server (e.g., the producer server), wherein the producer worker sends a message to a datacenter queue (e.g., a message queue) at least partially stored at a second server (e.g., Anypoint MQ server).

30.   On information and belief, the Accused System practices storing the message in a queue cache at the first server.

31.   On information and belief, the Accused System practices detecting a consumer worker (e.g., a receiving application) at the first server, wherein the consumer worker (e.g., a receiving application) sends a message request (e.g., requesting to read and retrieve messages from the queue) to the datacenter queue (e.g., a message queue).

32.   On information and belief, the Accused System practices providing the message to the consumer worker in response to the message request (e.g., requesting to read and retrieve messages from the queue).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests the Court enter judgment against Defendant:

1.   declaring that Defendant has infringed the '993 Patent;

4.   awarding Plaintiff its damages suffered as a result of Defendant's infringement of the '993 Patent;

5.   declaring that Defendant has infringed the '472 Patent;

6.   awarding Plaintiff its damages suffered as a result of Defendant's infringement of the '472 Patent;

11.   awarding Plaintiff its costs, attorneys' fees, expenses, and interest; and

12.   granting Plaintiff such further relief as the Court finds appropriate.

JURY DEMAND

Plaintiff demands trial by jury, Under Fed. R. Civ. P. 38.

Dated: August 26, 2021   Respectfully submitted,

                                            /s/ David W. deBruin
                                            David W. deBruin, Esq. (#4846)
                                            GAWTHROP GREENWOOD, PC
                                            3711 Kennett Pike, Suite 100
                                            Wilmington, DE 19807
                                            302-777-5353
                                            ddebruin@gawthrop.com

                                            Raymond W. Mort, III (*pro hac* to be filed)
                                            Texas State Bar No. 00791308
                                            raymort@austinlaw.com

                                            THE MORT LAW FIRM, PLLC
                                            100 Congress Ave, Suite 2000
                                            Austin, Texas 78701
                                            Tel/Fax: (512) 865-7950

                                            ATTORNEYS FOR PLAINTIFF