

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

**GUIDEWIRE SOFTWARE, INC.,**

**Plaintiff,**

**v.**

**ACCENTURE PLC, ACCENTURE  
INSURANCE SERVICES LLC and  
ACCENTURE LLP,**

**Defendants.**

**Civil Action No. 1:11-cv-678-CMH-TRJ**

**JURY TRIAL DEMANDED**

**FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

1. Plaintiff Guidewire Software, Inc. (“Guidewire” or “Plaintiff”), by and through its attorneys, hereby demands a jury trial and complains of Defendants Accenture plc, Accenture Insurance Services LLC and Accenture LLP (collectively “Accenture” or “Defendants”) as follows:

**NATURE OF THE ACTION**

2. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 271, *et seq.*, to enjoin infringement and obtain damages resulting from Defendants’ unauthorized manufacture, use, sale, offer to sell and/or importation into the United States for subsequent use or sale of products, methods, processes, services and/or systems that infringe one or more claims of United States Patent No. 6,073,109 (the “109 Patent”) (attached as Exhibit 4) entitled “Computerized Method And System For Managing Business Processes Using Linked Workflows,” United States Patent No. 6,058,413 (the “413 Patent”) (attached as Exhibit 5) entitled “Method And Apparatus For Utilizing A Standard Transaction Format To Provide Application Platform And A Medium Independent Representation And Transfer Of Data

For The Management Of Business Process And Their Workflows,” United States Patent No. 5,630,069 (the “’069 Patent”) (attached as Exhibit 6) entitled “Method And Apparatus For Creating Workflow Maps Of Business Processes” and United States Patent No. 5,734,837 (the “’837 Patent”) (attached as Exhibit 7) entitled “Method And Apparatus For Building Business Process Applications In Terms Of Its Workflows.” Plaintiff seeks injunctive relief to prevent Defendants from continuing to infringe Plaintiff’s patents. In addition, Plaintiff seeks a recovery of monetary damages resulting from Defendants’ past infringement of these patents.

3. This action for patent infringement involves Defendants’ manufacture, use, sale, offer for sale, and/or importation into the United States of infringing products, methods, processes, services and systems that are primarily used or primarily adapted for use in software-based workflow management services, systems and methods for, among other things, analyzing and/or structuring business processes, including but not limited to web-enabled computer systems for managing property and insurance claims marketed by Accenture as “Claim Components Solution” applications, systems, processes, and associated services.

### **THE PARTIES**

4. Plaintiff Guidewire is a corporation organized under the laws of the State of Delaware, with its headquarters at 2211 Bridgepointe Parkway, Suite 200, San Mateo, California 94404.

5. Plaintiff Guidewire is the lawful owner by assignment of the ’109, ’413, ’069 and ’837 Patents (collectively, the “patents-in-suit”).

6. Guidewire is a leading global provider of technology solutions to property, casualty, and workers’ compensation insurers. Among other things, Guidewire delivers package software to run core operations, including billing, underwriting, policy, and claim management.

7. The Guidewire Insurance Suite™ consists of Guidewire ClaimCenter®, Guidewire PolicyCenter®, and Guidewire BillingCenter™, which together provide a modern, web-based platform for the property and casualty insurance industry.

8. Accenture and Guidewire Software have been competing directly for business in the market for property and casualty insurance claims processing and administration systems and services for approximately eight years.

9. Upon information and belief, Defendant Accenture plc is an Ireland corporation with its headquarters in Dublin.

10. Upon information and belief, Defendant Accenture Insurance Services LLC is a limited liability corporation organized under the laws of the State of Delaware, with its headquarters in Chicago, IL, and is a subsidiary of Accenture LLP. Accenture Insurance Services LLC is registered to do business in the Commonwealth of Virginia and, upon information and belief, regularly transacts business in the Commonwealth of Virginia, including within the Eastern District of Virginia, and derives substantial revenues from its business activities within the Eastern District of Virginia.

11. Upon information and belief, Defendant Accenture LLP is a limited liability partnership organized under the laws of the State of Illinois, with its headquarters in Chicago, IL, and is a subsidiary of Accenture plc.

12. Defendants have at all pertinent times maintained, and continue to maintain, a substantial facility at 11951 Freedom Drive, Reston, Virginia 20190, in this judicial district and division. Upon information and belief, Defendants' facility in Reston, Virginia includes its implementation, development and support personnel, and Defendants employ thousands of persons at this facility in this judicial district and division.

13. Defendants conduct regular and substantial business activities in the United States, including within the Eastern District of Virginia, and derive substantial revenues from business activities within the United States and the Eastern District of Virginia.

14. Defendants make, use, sell, offer for sale, and/or import into the United States certain software-based workflow management services, systems and methods for analyzing and/or structuring business processes including, but not limited to, web-enabled computer systems for managing property and casualty insurance claims known as “Claim Components Solution” applications, systems, processes and services. Additionally, upon information and belief, Defendants provide services associated with such systems including, but not limited to, design and configuration, installation, implementation, maintenance and support and associated consulting services.

#### **JURISDICTION AND VENUE**

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

16. Defendants are all subject to personal jurisdiction in this judicial district and division because they regularly transact business in this judicial district and division by, among other things, offering their products and services to customers, business affiliates and partners located in this judicial district and division. In addition, the Defendants have committed acts of direct infringement, contributory infringement, and/or inducement of infringement, of one or more of the claims of one or more of the patents in suit in this judicial district and division.

17. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b), 1391(c), and 1400(b) because the Defendants are subject to personal jurisdiction in this district and division, and have committed acts of infringement in this district and division.

18. By way of example, and without limitation, upon information and belief, at their facility in Reston, VA, Defendants conduct product development, marketing and support activities relating to the Claim Components Solution Software.

19. Further, by way of example, and without limitation, Accenture announced on December 6, 2010 that ACE Private Risk Services (“ACE”) selected Accenture’s Claim Components Solution software product to handle all claims submitted to ACE under its personal and specialty lines of insurance. Upon information and belief, ACE maintains its Customer Service Center at 616 Idaho Street, Salem, VA 24153 in the Commonwealth of Virginia, where it uses Accenture’s Claim Components Solution system. Upon information and belief, Defendants have provided services supporting ACE’s use of the infringing Accenture Claims Component Solution system.

20. By way of example, and without limitation, Accenture announced that it sold a Claim Components Solution system to Allstate Insurance Company (“Allstate”). Upon information and belief, although headquartered in Illinois, Allstate has significant operations in the Commonwealth of Virginia, including its claims handling operations located at 1819 Electric Rd. S.W., Roanoke, VA 24018, where it uses Accenture’s Claim Components Solution system. Upon information and belief, Defendants have provided services supporting Allstate’s use of the infringing Accenture Claims Component Solution system.

21. Upon information and belief, State Farm Insurance Company (“State Farm”) maintains a Claims Office in the Commonwealth of Virginia at 1500 State Farm Blvd., Charlottesville, VA 22909, where it uses Accenture’s Claim Components Solution system. Upon information and belief, Defendants have provided services supporting State Farm’s use of the infringing Accenture Claims Component Solution system.

22. In addition, upon information and belief, companies with significant operations within the Eastern District of Virginia have purchased, licensed or otherwise contracted to use Accenture's technology, including its Claim Components Solution software product.

## **FACTUAL BACKGROUND**

### **Overview of the Patents-in-Suit**

23. The patents-in-suit are all generally directed to software-based systems and methods for managing workflows for business processes. The business processes can be made up of a single workflow or a number of workflows linked together. The inventions further provide graphical tools that can be used by an application developer or business process analyst to map out business processes. Another aspect of the patented inventions provides a set of tools that can be used to document and specify the attributes of a workflow definition including roles, timing of events, conditions of satisfaction and the like. The inventions enable a business process to be interpreted as a sequence of basic transactions called workflows. The systems of the patented inventions may be easily integrated with an organization's existing business systems.

24. The '109 Patent was duly and legally issued on June 6, 2000.

25. The '413 Patent was duly and legally issued on May 2, 2000.

26. The '069 Patent was duly and legally issued on May 13, 1997.

27. The '837 Patent was duly and legally issued on March 31, 1998.

28. Plaintiff Guidewire is the owner by assignment of all right, title and interest in and to the aforementioned patents and has the legal right to enforce the patents-in-suit against the Defendants in this case.

29. Defendants market, make, use, import, sell and/or offer for sale products and

services that directly infringe, contributorily infringe and/or induce others to infringe, or are used to practice processes that infringe one or more claims of the patents-in-suit. The infringing products include, by way of example and without limitation, their “Claim Components Solution” products and services.

30. Plaintiff Guidewire is being irreparably harmed by each of the Defendants’ infringements of its valuable patent rights. Moreover, Defendants’ unauthorized, infringing use of Plaintiff’s patented systems and methods is threatening the value of this intellectual property because Defendants’ conduct results in Plaintiff’s loss of its lawful patent rights to exclude others from making, using, selling, offering to sell and/or importing the patented inventions.

31. Defendants’ disregard for Plaintiff’s property rights similarly threatens Plaintiff’s relationships with potential licensees of this intellectual property. Each of the Defendants will derive a competitive advantage over any of Plaintiff’s future licensees from using Plaintiff’s patented technology without paying compensation for such use. Accordingly, unless and until Defendants’ continued acts of infringement are enjoined, Plaintiff will suffer further irreparable harm for which there is no adequate remedy at law.

## COUNT I

### **Infringement of United States Patent No. 6,073,109**

32. Paragraphs 1 through 31 are incorporated by reference as if fully restated herein.

33. On June 6, 2000, the United States Patent and Trademark Office (“USPTO”) duly and legally issued the ’109 Patent entitled “Computerized Method And System For Managing Business Processes Using Linked Workflows.”

34. Plaintiff Guidewire is the assignee and lawful owner of all right, title and interest in and to the ’109 Patent.

35. The '109 Patent is valid and enforceable.

36. Defendants make, use, sell, offer to sell and/or import into the United States for subsequent sale or use certain software-based workflow management products, services, systems, methods and processes for analyzing and/or structuring business processes including, but not limited to, web-enabled computer systems for managing property and casualty insurance claims known as "Claim Components Solution" that infringe, directly and/or indirectly, or which employ systems, components and/or steps that make use of systems or processes that infringe, directly and/or indirectly, one or more of the claims of the '109 Patent.

37. Defendants have been and continue infringing one or more of the claims of the '109 Patent, including but not limited to claims 1, 2, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 17 and 18, through the aforesaid acts, and will continue to do so unless enjoined by this Court.

38. Exhibit 1 contains a true and accurate copy of a description of the Claim Components Solution.

39. Exhibit 2 contains a true and accurate copy of United States Patent No. 7,013,284 (the "'284 Patent") assigned to Accenture LLP.

40. Accenture's Claim Components Solution practices the claimed invention of the '284 Patent and thus the '284 Patent contains an accurate description of the components and functionality of the Claim Components Solution.

41. A review of publicly available information confirms that Accenture's Claim Components software, which forms part of a Web-enabled system (computer system) for managing a plurality of insurance claims, directly infringes one or more claims of the '109 Patent. Appendix A, which is incorporated herein by reference, describes how Defendants' accused products infringe the '109 patent based at this time on publicly available information

regarding Accenture's Claim Components Solution.

42. Defendants' wrongful conduct is causing Plaintiff to suffer irreparable harm resulting from the loss of its lawful patent rights to exclude others from making, using, selling, offering to sell and importing the patented inventions.

43. Defendants have been inducing and continue to induce others to directly infringe one or more claims of the '109 Patent, including but not limited to claims 1, 2, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 17 and 18, in violation of 35 U.S.C. § 271(b). For example, Defendants induce their customers to directly infringe the '109 Patent by deploying their consultants to customer sites, in this judicial district and others, to assist, support and direct customers on the installation, implementation and/or use of their infringing products, including Claim Components Solution.

44. Defendants knew of the '109 Patent since at least June 10, 2009 when that patent was disclosed as part of the discovery proceedings in Civil Action No. 07-826 (SLR) pending in the District of Delaware.

45. The '109 Patent was also cited by Defendant Accenture LLP during the prosecution of United States Patent No. 7,979,382, assigned to Accenture LLP.

46. Since the issuance of the '109 Patent, all the assignees have continuously and consistently marked all products that practice the claimed invention in compliance with 35 U.S.C. § 287.

47. Despite their knowledge of the '109 Patent, Defendants intentionally encouraged, and continue to intentionally encourage, their customers to commit infringing acts with knowledge, or willful blindness, that such acts would infringe the '109 Patent.

48. Defendants have been contributing and/or continue to contribute to the infringement of one or more claims of the '109 Patent, including but not limited to claims 1, 2, 5, 6, 7, 8, 9, 10,

11, 13, 14, 15, 17 and 18, and will continue to contribute to the infringement of the '109 Patent, in violation of 35 U.S.C. §§ 271(b)(c), unless enjoined by this Court. For example, Defendants contribute to their customers' infringement of the '109 Patent by offering for sale, selling, and/or supporting Claim Components Solution, which is especially designed for, incorporated into, and used in infringing systems at customer sites. On information and belief, Claim Components Solution has no substantial noninfringing uses.

49. As detailed in paragraphs 44 through 48 above and incorporated by reference herein, Defendants knew of the '109 Patent and had knowledge, or were willfully blind, that the incorporation and/or use of the Claim Components Solution in customer claims processing systems would infringe the '109 Patent and that the Claim Components Solution has no substantial noninfringing uses.

50. Plaintiff is entitled to recover damages adequate to compensate for the direct and indirect infringement by Defendants pursuant to 35 U.S.C. § 284 and is entitled to injunctive relief pursuant to 35 U.S.C. § 283.

## COUNT II

### **Infringement of United States Patent No. 6,058,413**

51. Paragraphs 1 through 50 are incorporated by reference as if fully restated herein.

52. On May 2, 2000, the USPTO duly and legally issued the '413 Patent entitled "Method And Apparatus For Utilizing A Standard Transaction Format To Provide Application Platform And A Medium Independent Representation And Transfer Of Data For The Management Of Business Process And Their Workflows."

53. Plaintiff Guidewire is the assignee and lawful owner of all right, title and interest in and to the '413 Patent.

54. The '413 patent is valid and enforceable.

55. Defendants make, use, sell, offer to sell and/or import into the United States for subsequent sale or use certain software-based workflow management services, systems and methods for analyzing and/or structuring business processes including, but not limited to, web-enabled computer systems for managing property and casualty insurance claims known as "Claim Components Solution" that infringe, directly and/or indirectly, or which employ systems, components and/or steps that make use of systems or processes that infringe, directly and/or indirectly, one or more of the claims of the '413 Patent.

56. Defendants have been and continue infringing one or more of the claims of the '413 Patent, including but not limited to claims 1 and 2, through the aforesaid acts, and will continue to do so unless enjoined by this Court.

57. Exhibit 1 contains a true and accurate copy of a description of the Claim Components Solution.

58. Exhibit 2 contains a true and accurate copy of the '284 Patent assigned to Accenture LLP.

59. Accenture's Claim Components Solution practices the claimed inventions of the '284 Patent and thus the '284 Patent contains an accurate description of the components and functionality of the Claim Components Solution.

60. A review of publicly available information confirms that Accenture's Claim Components software, which forms part of a Web-enabled system (computer system) for managing a plurality of insurance claims, directly infringes one or more claims of the '413 Patent. Appendix B, which is incorporated herein by reference, describes how Defendants' accused products infringe the '413 Patent based at this time on publicly available information

regarding Accenture's Claim Components Solution.

61. Defendants' wrongful conduct is causing Plaintiff to suffer irreparable harm resulting from the loss of its lawful patent rights to exclude others from making, using, selling, offering to sell and importing the patented inventions.

62. Defendants have been and continue to induce others to directly infringe one or more claims of the '413 Patent, including but not limited to claims 1 and 2, in violation of 35 U.S.C. § 271(b). For example, Defendants induce their customers to directly infringe the '413 Patent by deploying their consultants to customer sites, in this judicial district and others, to assist, support and direct customers on the installation, implementation and/or use of their infringing products, including Claim Components Solution.

63. On information and belief, Defendants knew of the '413 Patent since approximately June 2009 when the related '109 Patent was disclosed as part of the discovery proceedings in Civil Action No. 07-826 (SLR) pending in the District of Delaware.

64. The '413 Patent was also cited by Defendant Accenture LLP during the prosecution of United States Patent No. 7,979,382, assigned to Accenture LLP.

65. Since the issuance of the '413 Patent, all the assignees have continuously and consistently marked all products that practice the claimed invention in compliance with 35 U.S.C. § 287.

66. Despite their knowledge of the '413 Patent, Defendants intentionally encouraged, and continue to intentionally encourage, their customers to commit infringing acts with knowledge, or willful blindness, that such acts would infringe the '413 Patent.

67. Defendants have been contributing and/or continue to contribute to the infringement of one or more claims of the '413 Patent, including but not limited to claims 1 and 2, and will

continue to contribute to the infringement of the '413 Patent, in violation of 35 U.S.C. §§ 271(c), unless enjoined by this Court. For example, Defendants contribute to their customers' infringement of the '413 Patent by offering for sale, selling, and/or supporting Claim Components Solution, which is especially designed for, incorporated into, and used in infringing systems at customer sites. On information and belief, Claim Components Solution has no substantial noninfringing uses.

68. As detailed in paragraphs 63 through 67 above and incorporated by reference herein, Defendants knew of the '413 Patent and had knowledge, or were willfully blind, that the incorporation and/or use of the Claim Components Solution in customer claims processing systems would infringe the '413 patent and that the Claim Components Solution has no substantial noninfringing uses.

69. Plaintiff is entitled to recover damages adequate to compensate for the direct and indirect infringement by Defendants pursuant to 35 U.S.C. § 284 and is entitled to injunctive relief pursuant to 35 U.S.C. § 283.

### **COUNT III**

#### **Infringement of United States Patent No. 5,630,069**

70. Paragraphs 1 through 69 are incorporated by reference as if fully restated herein.

71. On May 13, 1997, the USPTO duly and legally issued the '069 Patent entitled "Method And Apparatus For Creating Workflow Maps Of Business Processes."

72. Plaintiff Guidewire is the assignee and lawful owner of all right, title and interest in and to the '069 Patent.

73. The '069 Patent is valid and enforceable.

74. Defendants make, use, sell, offer to sell and/or import into the United States for

subsequent sale or use certain software-based workflow management services, systems and methods for analyzing and/or structuring business processes including, but not limited to, web-enabled computer systems for managing property and casualty insurance claims known as “Claim Components Solution” that infringe, directly and/or indirectly, or which employ systems, components and/or steps that make use of systems or processes that infringe, directly and/or indirectly, one or more of the claims of the ’069 Patent.

75. Defendants have been and continue infringing one or more of the claims of the ’069 Patent, including but not limited to claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 26, through the aforesaid acts, and will continue to do so unless enjoined by this Court.

76. Exhibit 1 contains a true and accurate copy of a description of the Claim Components Solution.

77. Exhibit 2 contains a true and accurate copy of the ’284 Patent assigned to Accenture LLP.

78. Accenture’s Claim Components Solution practices the claimed inventions of the ’284 Patent and thus the ’284 Patent contains an accurate description of the components and functionality of the Claim Components Solution.

79. Exhibit 3 is a true and accurate copy of an industry research report entitled “MarketScope for North American Property and Casualty Insurance Claims Management Modules,” which contains an accurate description of Claim Components Solution.

80. A review of publicly available information confirms that Accenture’s Claim Components software, which forms part of a Web-enabled system (computer system) for managing a plurality of insurance claims, directly infringes one or more claims of the ’069

Patent. Appendix C, which is incorporated herein by reference, describes how Defendants' accused products infringe the '069 patent based at this time on publicly available information regarding Accenture's Claim Components Solution.

81. Defendants' wrongful conduct is causing Plaintiff to suffer irreparable harm resulting from the loss of its lawful patent rights to exclude others from making, using, selling, offering to sell and importing the patented inventions.

82. Defendants have been inducing and continue to induce others to directly infringe one or more claims of the '069 Patent, including but not limited to claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 26, in violation of 35 U.S.C. § 271(b). For example, Defendants induce their customers to directly infringe the '069 Patent by deploying their consultants to customer sites, in this judicial district and others, to assist, support and direct customers on the installation, implementation and/or use of their infringing products, including Claim Components Solution.

83. On information and belief, Defendants knew of the '069 Patent since approximately June 2009 when the related '109 Patent was disclosed as part of the discovery proceedings in Civil Action No. 07-826 (SLR) pending in the District of Delaware.

84. The '069 Patent was also cited by Defendant Accenture LLP during the prosecution of United States Patent No. 7,979,382, assigned to Accenture LLP.

85. Since the issuance of the '069 Patent, all the assignees have continuously and consistently marked all products that practice the claimed invention in compliance with 35 U.S.C. § 287.

86. Despite their knowledge of the '069 patent, Defendants intentionally encouraged, and continue to intentionally encourage, their customers to commit infringing acts with

knowledge, or willful blindness, that such acts would infringe the '069 Patent.

87. Defendants have been contributing and/or continue to contribute to the infringement of one or more claims of the '069 Patent, including but not limited to claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 26, and will continue to contribute to the infringement of the '069 Patent, in violation of 35 U.S.C. §§ 271(c), unless enjoined by this Court. For example, Defendants contribute to their customers' infringement of the '069 Patent by offering for sale, selling, and/or supporting Claim Components Solution, which is especially designed for, incorporated into, and used in infringing systems at customer sites. On information and belief, Claim Components Solution has no substantial noninfringing uses.

88. As detailed in paragraphs 83 through 87 above and incorporated by reference herein, Defendants knew of the '069 Patent and had knowledge, or were willfully blind, that the incorporation and/or use of the Claim Components Solution in customer claims processing systems would infringe the '069 Patent and that the Claim Components Solution has no substantial noninfringing uses.

89. Plaintiff is entitled to recover damages adequate to compensate for the direct and indirect infringement by Defendants pursuant to 35 U.S.C. § 284 and is entitled to injunctive relief pursuant to 35 U.S.C. § 283.

#### **COUNT IV**

##### **Infringement of United States Patent No. 5,734,837**

90. Paragraphs 1 through 89 are incorporated by reference as if fully restated herein.

91. On March 13, 1998, the USPTO duly and legally issued the '837 Patent entitled "Method And Apparatus For Building Business Process Applications In Terms Of Its Workflows."

92. Plaintiff Guidewire is the assignee and lawful owner of all right, title and interest in and to the '837 Patent.

93. The '837 Patent is valid and enforceable.

94. Defendants make, use, sell, offer to sell and/or import into the United States for subsequent sale or use certain software-based workflow management services, systems and methods for analyzing and/or structuring business processes including, but not limited to, web-enabled computer systems for managing property and casualty insurance claims known as "Claim Components Solution" that infringe, directly and/or indirectly, or which employ systems, components and/or steps that make use of systems or processes that infringe, directly and/or indirectly, one or more of the claims of the '837 Patent.

95. Defendants have been and continue infringing one or more of the claims of the '837 Patent, including but not limited to claims 1, 4, 5, 6, 7, 8 and 32, through the aforesaid acts, and will continue to do so unless enjoined by this Court.

96. Exhibit 1 contains a true and accurate copy of a description of the Claim Components Solution.

97. Exhibit 2 contains a true and accurate copy of the '284 Patent assigned to Accenture LLP.

98. Accenture's Claim Components Solution practices the claimed inventions of the '284 Patent and thus the '284 Patent contains an accurate description of the components and functionality of the Claim Components Solution.

99. Exhibit 3 is a true and accurate copy of an industry research report entitled "MarketScope for North American Property and Casualty Insurance Claims Management Modules," which contains an accurate description of Claim Components Solution.

100. A review of publicly available information confirms that Accenture's Claim Components software, which forms part of a Web-enabled system (computer system) for managing a plurality of insurance claims, directly infringes one or more claims of the '837 Patent. Appendix D, which is incorporated herein by reference, describes how Defendants' accused products infringe the '837 patent based at this time on publicly available information regarding Accenture's Claim Components Solution.

101. Defendants' wrongful conduct is causing Plaintiff to suffer irreparable harm resulting from the loss of its lawful patent rights to exclude others from making, using, selling, offering to sell and importing the patented inventions.

102. Defendants have been inducing and continue to induce others to directly infringe one or more claims of the '837 Patent, including but not limited to claims 1, 4, 5, 6, 7, 8 and 32, in violation of 35 U.S.C. § 271(b). For example, Defendants induce their customers to directly infringe the '837 Patent by deploying their consultants to customer sites, in this judicial district and others, to support and direct customers on the installation, implementation and/or use of their infringing products, including Claim Components Solution.

103. On information and belief, Defendants knew of the '837 Patent since approximately June 2009 when the related '109 Patent was disclosed as part of the discovery proceedings in Civil Action No. 07-826 (SLR) pending in the District of Delaware.

104. The '837 Patent was also cited during the prosecution of United States Patent No. 7,979,382, assigned to Accenture LLP.

105. Since the issuance of the '837 Patent, all the assignees have continuously and consistently marked all products that practice the claimed invention in compliance with 35 U.S.C. § 287.

106. Despite their knowledge of the '837 Patent, Defendants intentionally encouraged, and continue to intentionally encourage, their customers to commit infringing acts with knowledge, or willful blindness, that such acts would infringe the '837 Patent.

107. Defendants have been contributing and/or continue to contribute to the infringement of one or more claims of the '837 Patent, including but not limited to claims 1, 4, 5, 6, 7, 8 and 32, and will continue to contribute to the infringement of the '837 Patent, in violation of 35 U.S.C. §§ 271(c), unless enjoined by this Court. For example, Defendants contribute to their customers' infringement of the '837 Patent by offering for sale, selling, and/or supporting Claim Components Solution, which is especially designed for, incorporated into, and used in infringing processing systems at customer sites. On information and belief, Claim Components Solution has no substantial noninfringing uses.

108. As detailed in paragraphs 103 through 107 above and incorporated by reference herein, Defendants knew of the '837 Patent and had knowledge, or were willfully blind, that the incorporation and/or use of the Claim Components Solution in customer claims processing systems would infringe the '837 Patent and that the Claim Components Solution has no substantial noninfringing uses.

109. Plaintiff is entitled to recover damages adequate to compensate for the direct and indirect infringement by Defendants pursuant to 35 U.S.C. § 284 and is entitled to injunctive relief pursuant to 35 U.S.C. § 283.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for judgment against Defendants, granting Plaintiff the following relief:

A. That this Court adjudge and decree that the '109 Patent is valid and enforceable against Defendants; that the '413 Patent is valid and enforceable against Defendants; that the '069 Patent is valid and enforceable against Defendants; and that the '837 Patent is valid and enforceable against Defendants;

B. That this Court adjudge and decree that Defendants have infringed, directly and indirectly, the '109 Patent, the '413 Patent, the '069 Patent, and the '837 Patent;

C. That this Court permanently enjoin Defendants, and their parents, subsidiaries, affiliates, successors and assigns, and each of their officers, directors, employees, representatives, agents, and attorneys, and all persons acting in concert or active participation with them, or on their behalf, or within their control, from making, using, selling, offering to sell, importing, or advertising products and/or services and/or employing systems, hardware, software and/or components and/or making use of systems or processes that infringe any of the claims of the patents-in-suit, or otherwise engaging in acts of infringement of the patents-in-suit, all as alleged herein;

D. That this Court order an accounting, including a post-verdict accounting, to determine the damages to be awarded to Plaintiff as a result of Defendants' infringement;

E. That this Court, pursuant to 35 U.S.C. § 284, enter an award to Plaintiff of such damages as it shall prove at trial against Defendants that are adequate to compensate Plaintiff for said infringement, said damages to be no less than a reasonable royalty together with interest and costs;

F. That this Court assess pre-judgment and post-judgment interest and costs against Defendants, together with an award of such interest and costs, in accordance with 35 U.S.C. § 284;

G. That this Court declare this case to be exceptional and direct Defendants to pay Plaintiff Guidewire's attorneys' fees incurred in connection with this lawsuit pursuant to 35 U.S.C. § 285; and

H. Grant to Plaintiff such other, further, and different relief as may be just and proper.

**JURY DEMAND**

Plaintiff demands a trial by jury of all matters to which it is entitled to trial by jury pursuant to Fed. R. Civ. P. 38.

Dated: August 4, 2011

Respectfully submitted,

/s/ David M. Young

David M. Young  
VSB#35997  
Jennifer A. Albert (admitted *pro hac vice*)  
*Counsel for Plaintiff Guidewire Software, Inc.*  
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Lana S. Shiferman (admitted *pro hac vice*)  
*Counsel for Plaintiff Guidewire Software, Inc.*  
**GOODWIN PROCTER LLP**  
53 State Street  
Boston, MA 02109  
Tel.: (617) 570-1000  
Fax: (617) 523-1231  
email: LShiferman@goodwinprocter.com

**CERTIFICATE OF SERVICE**

I hereby certify that on the 4th day of August, 2011, I will electronically file the foregoing First Amended Complaint for Patent Infringement with the Clerk of Court using CM/ECF system which will send a notification of such filing (NEF) to the following counsel. In addition, I certify counsel for Plaintiff will serve the following counsel a copy of this filing via hand-delivery:

Stephen C. Shannon, Esq.  
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