Originally Filed: July 25, 2023
Redacted Version Filed: July 25, 2023

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ORACLE CORPORATION, Plaintiff, v. VILOX TECHNOLOGIES, LLC, and JOSEPH L. DE BELLIS, an individual, Defendants.	)	C.A. No. 23-126 (MN) **JURY TRIAL DEMANDED** [redacted] REDACTED - PUBLIC VERSION

AMENDED COMPLAINT FOR DECLARATORY JUDGMENT AND BREACH OF CONTRACT

Plaintiff Oracle Corporation ("Oracle"), by and through its attorneys, files this Amended Complaint against Vilox Technologies, LLC ("Vilox") and Dr. Joseph L. De Bellis ("Dr. De Bellis") and alleges as follows:

NATURE OF THE CASE

1. In 2015, Defendant Vilox sued an Oracle customer for alleged infringement of four patents, including U.S. Patent Nos. 7,188,100 ("the '100 Patent") and 6,760,720 ("the '720 Patent") (the "Oracle Customer Litigation"). [redacted] In 2022, however, Vilox sued Oracle for alleged infringement of the '100 and '720 Patents in the United States District Court for the Western District of Texas (the "Texas

Complaint"). And in the Texas Complaint, Vilox repeatedly cited to and relied on the Oracle Customer Litigation as a basis for its induced and contributory infringement claims. On February 10, 2023, Oracle filed a motion to transfer the action to the District of Delaware. The Texas Court transferred the action to the District of Delaware on March 17, 2023 (C.A. No. 23-302-MN) (the "'302 Case").

2. On May 30, 2023, Vilox purportedly assigned the '100 and '720 Patents to Dr. De Bellis, and on the same day, Dr. De Bellis filed a motion to intervene in and substitute for Vilox in this case and the '302 Case in order to assert those patents against Oracle.

3. Accordingly, Oracle brings this action for (1) declaratory judgment of non-infringement of the '100 and '720 Patents, (2) declaratory judgment of invalidity of the '100 Patent, and (3) breach of contract arising from Vilox's breach of [redacted]

THE PARTIES

4. Oracle is a corporation organized and existing under the laws of the State of Delaware. Oracle's principal place of business is at 2300 Oracle Way, Austin, Texas 78741.

5. Vilox purports to be a limited liability company organized and existing under the laws of Texas, identifying its principal place of business in Austin, Texas.

6. On information and belief, Dr. De Bellis is an individual who resides in Southampton, New York. Dr. De Bellis is purportedly the sole owner of Vilox.

JURISDICTION AND VENUE

7. This Court has subject matter jurisdiction over Oracle's Declaratory Judgment claims pursuant to Title 35 of the United States Code and 28 U.S.C. §§ 1331, 1338(a), 2201 and 2202. An actual and justiciable controversy exists under 28 U.S.C. §§ 2201 and 2202 between

Oracle, on the one hand, and Vilox and Dr. De Bellis, on the other, as to whether Oracle has infringed the '100 and '720 Patents and whether the '100 Patent is valid, at least because Vilox has repeatedly alleged that Oracle and/or its products have infringed the '100 and '720 Patents and because Dr. De Bellis now purports to be the assignee of the patents and seeks to intervene in and substitute for Vilox in both this case and the '302 Case.

8. This Court has supplemental jurisdiction over Oracle's state law claims pursuant to 28 U.S.C. § 1367(a) because they are so related to the federal claims that they form part of the same case or controversy.

9. This Court has personal jurisdiction over Vilox and venue is proper in this District pursuant to [redacted], attached as Exhibit 1, which states, in pertinent part: [redacted]

10. This Court has personal jurisdiction over Dr. De Bellis because he has consented to personal jurisdiction by moving to intervene in and to substitute for Vilox in both this case and the '302 Case. Moreover, he has consciously and purposefully directed activities in this District by moving to intervene and to substitute in both cases. Dr. De Bellis has accordingly established sufficient minimum contacts with the District of Delaware such that he is subject to personal jurisdiction in this action. The exercise of personal jurisdiction based on these pertinent contacts does not offend traditional notions of fair play and substantial justice.

FACTS

The '100 Patent

11. The '100 Patent is entitled "Search-on-the-Fly Report Generator" and lists an issue date of March 6, 2007. Attached as Exhibit 2 is a copy of the '100 Patent.

12. According to the abstract, the '100 Patent is directed to a "Sort-on-the-Fly/Search-on-the-Fly data retrieval or analysis" that "provides an intuitive method and apparatus for accessing databases, allowing a user to access or obtain information about data in the database without having to know anything about the database structure."

13. In the Texas Complaint, Vilox asserted that it owns the '100 Patent by assignment. The assignment records available at uspto.gov (reel/frame: 034859/0822) show that Vilox is the sole assignee of the '100 Patent.

14. On May 30, 2023, Vilox purportedly assigned "the entire right, title, and interest in and to" the '100 Patent "including the right to sue for and collect for any past, current, and future infringement thereof" to Dr. De Bellis.

15. The '100 Patent has expired.

The '720 Patent

16. The '720 Patent is entitled "Search-on-the-Fly/Sort-on-the-Fly Search Engine for Searching Databases" and lists an issue date of July 6, 2004. Attached as Exhibit 3 is a copy of the '720 Patent.

17. According to the abstract, the '720 Patent is directed to "A Sort-on-the-Fly/Search-on-the-Fly search engine" that "provides intuitive mechanisms for searching databases, allowing a user to access data in the database without having to know anything about the database structure."

18. In the Texas Complaint, Vilox asserted that it owns the '720 Patent by assignment. The assignment records available at uspto.gov (reel/frame: 034859/0822) show that Vilox is the sole assignee of the '720 Patent.

19. On May 30, 2023, Vilox purportedly assigned "the entire right, title, and interest in and to" the '720 Patent "including the right to sue for and collect for any past, current, and future infringement thereof" to Dr. De Bellis.

20. The '720 Patent has expired.

The Oracle Customer Litigation and Settlement

21. On November 30, 2015, Vilox sued Costco Wholesale Corporation, an Oracle customer, asserting infringement of four patents, including the '100 Patent and the '720 Patent. *Vilox Techs., LLC v. Costco Wholesale Corp.* (E.D. Tex. No. 2:15-cv-02019). [redacted] In 2016, [redacted]

22. [redacted]

23. [redacted]

The Texas Complaint

24. On December 5, 2022, Vilox filed a complaint in the United States District Court for the Western District of Texas, asserting that Oracle directly and indirectly infringed claims of the '100 and '720 Patents. *Vilox Techs. LLC et al. v. Oracle Corp.* (W.D. Tex. No. 6:22-cv-01254). Oracle has since moved for, and the Texas Court granted, transfer of the action to the District of Delaware (the '302 Case).

25. In the Texas Complaint, Vilox repeatedly cited the Oracle Customer Litigation as a basis for its claims. For example, Paragraph 14 states in relevant part:

> Defendant has and continues to induce infringement from at least the filing date of the lawsuit against Costco Wholesale Corporation ("Costco"). … Defendant, from at least the filing date of the lawsuit against Costco Wholesale Corporation ("Costco"), has continued to encourage and instruct others on how to use the products showing specific intent. Moreover, Defendant has known of the '720 patent and the technology underlying it from at least the filing date of the lawsuit against companies using Oracle Database products and Oracle ATG Platform products, such as Costco Wholesale Corporation ("Costco").

Paragraphs 15, 24, and 25 of the Texas Complaint made similar allegations citing the Oracle Customer Litigation as a basis for Vilox's claims of contributory infringement of the '720 Patent and induced and contributory infringement of the '100 Patent.

COUNT I
(Declaration of Noninfringement of the '100 Patent)
(Against Both Defendants)

26. Oracle restates and realleges the allegations set forth above and incorporates them by reference as if fully set forth herein.

27. Oracle has not infringed, directly or indirectly, any valid claim of the '100 Patent.

28. In the Texas Complaint, Vilox asserted that Oracle has infringed and continues to infringe one or more of claims 1-38 of the '100 Patent because it "makes, uses, sells, and/or offers for sale" "Oracle Database." The Texas Complaint included a claim chart setting forth Vilox's theory for alleging that Oracle Database has infringed claim 1 of the '100 Patent. Vilox's infringement allegations are objectively and subjectively baseless. For example, and without limitation, during the life of the patent, Oracle Database did not use a "query tweaker" for "generating a defined query of the database from the received query, wherein generating the defined query includes the query tweaker performing transformations and corrections on the received query" as required by claim 1 of the '100 Patent. For example, and without limitation, to the extent an Oracle Database user wanted to manually query an Oracle database, he or she would have had to do so with a proper and syntactically correct query. Oracle Database would not make "corrections on" improper queries for its users. Oracle Database also did not "creat[e] a template of the search result, wherein the template comprises links to the data categories described by the one or more descriptors" as required by claim 1 of the '100 Patent. Oracle Database did not include a feature that allowed a user to create a template comprised of links of queried information. The Texas Complaint did not identify any such functionality in Oracle Database.

29. In the Texas Complaint, Vilox asserted that Oracle has infringed and continues to infringe one or more of claims 1-38 of the '100 Patent because it "makes, uses, sells, and/or

offers for sale" "Oracle ATG." The Texas Complaint included a claim chart setting forth Vilox's theory for alleging that Oracle ATG has infringed claim 1 of the '100 Patent. Vilox's infringement allegations are objectively and subjectively baseless. For example, and without limitation, during the life of the patent, Oracle ATG did not perform the steps of "accessing one or more databases, using a search engine, per the defined query" or "creating a template of the search result, wherein the template comprises links to the data categories described by the one or more descriptors." Oracle ATG searched text files of products and documents, not databases directly. And it did not include a feature that allowed users to create templates comprising links of search results returned in response to a query. The Texas Complaint did not identify any such functionality in Oracle ATG.

30. As a result of the acts described in the preceding paragraphs, there exists a controversy of sufficient immediacy and reality to warrant the issuance of a declaratory judgment of non-infringement of the claims of the '100 Patent. A judicial declaration is necessary and appropriate so that Oracle may ascertain its rights regarding its services and the '100 Patent.

31. Oracle is entitled to a declaratory judgment that Oracle has not infringed, either directly or indirectly, any valid and enforceable claims of the '100 Patent under 35 U.S.C. § 271 by making, using, selling, and/or offering for sale Oracle Database and/or Oracle ATG.

COUNT II
(Declaration of Noninfringement of the '720 Patent)
(Against Both Defendants)

32. Oracle restates and realleges the allegations set forth above and incorporates them by reference as if fully set forth herein.

33. Oracle has not infringed, directly or indirectly, any valid claim of the '720 Patent.

34. In the Texas Complaint, Vilox asserted that Oracle has infringed and continues to infringe one or more of claims 1-39 of the '720 Patent because it "makes, uses, sells, and/or offers for sale" "Oracle Database." The Texas Complaint included a claim chart setting forth Vilox's theory for alleging that Oracle Database has infringed claim 1 of the '720 Patent. Vilox's infringement allegations are objectively and subjectively baseless. For example, and without limitation, during the life of the patent, Oracle Database did not perform the step of "if the quantity exceed[s] a specified amount, truncating data, and displaying the truncated data wherein the truncating reduces characters in one or more entries in the selected database field and the truncated data represents each of the entries in the selected database field" as required by claim 1 of the '720 Patent. To the extent any searching applications were used to search an Oracle database, Oracle Database did not provide results by reducing the number of characters in the individual entries while displaying each of the (truncated) entries in response to the search. The Texas Complaint did not identify any such functionality in Oracle Database.

35. In the Texas Complaint, Vilox asserted that Oracle has infringed and continues to infringe one or more of claims 1-39 of the '720 Patent because it "makes, uses, sells, and/or offers for sale" "Oracle ATG." The Texas Complaint included a claim chart setting forth Vilox's theory for alleging that Oracle ATG has infringed claim 1 of the '720 Patent. Vilox's infringement allegations are objectively and subjectively baseless. For example, and without limitation, during the life of the patent, Oracle ATG did not perform the steps of determining a database schema for a database," "receiving a search selection for a database field," or "if the quantity exceed[s] a specified amount, truncating data, and displaying the truncated data wherein the truncating reduces characters in one or more entries in the selected database field and the truncated data represents each of the entries in the selected database field" as required by claim 1

of the ’720 Patent. Oracle ATG searched text files of products and documents, not databases directly. And to the extent results for a search performed by Oracle ATG were larger than could be displayed on a single screen, Oracle ATG did not reduce the number of characters in individual entries while displaying each of the (truncated) entries in response to the search. The Texas Complaint did not identify any such functionality in Oracle ATG.

36. As a result of the acts described in the preceding paragraphs, there exists a controversy of sufficient immediacy and reality to warrant the issuance of a declaratory judgment of non-infringement of the claims of the ’720 Patent. A judicial declaration is necessary and appropriate so that Oracle may ascertain its rights regarding its services and the ’720 Patent.

37. Oracle is entitled to a declaratory judgment that Oracle has not infringed, either directly or indirectly, any valid and enforceable claims of the ’720 Patent under 35 U.S.C. § 271.

COUNT III
(Declaration of Invalidity of the ’100 Patent)
(Against Both Defendants)

38. Oracle restates and realleges the allegations set forth above and incorporates them by reference as if fully set forth herein.

39. The claims of the ’100 Patent are invalid for failure to comply with one or more of the requirements of the United States Code, Title 35, including without limitation, 35 U.S.C. §§ 101, 102, 103, and 112, and the rules, regulations, and laws pertaining thereto.

40. For example, one or more claims of the ’100 Patent are invalid under 35 U.S.C. § 101 because they are directed to an abstract idea and do not claim any inventive concept sufficient to confer patent eligibility on the claimed abstract idea.

41. As another example, the purported invention claimed in the ’100 Patent was in public use and on sale in the United States for more than a year prior to the earliest priority date

of the '100 Patent. The purported invention claimed in the '100 Patent was also described in patent applications that were filed before the '100 Patent's purported invention date and that issued as granted patents.

42. As a result of the acts described in the preceding paragraphs, there exists a controversy of sufficient immediacy and reality to warrant the issuance of a declaratory judgment of invalidity of the claims of the '100 Patent. A judicial declaration is necessary and appropriate so that Oracle may ascertain its rights regarding the validity of the claims of the '100 Patent.

43. Oracle is entitled to a declaratory judgment that the claims of the '100 Patent are invalid under one or more provisions of 35 U.S.C. §§ 101, 102, 103, and/or 112, and the rules, regulations, and laws pertaining thereto.

COUNT IV
(Breach of Contract)
(Against Vilox)

44. Oracle restates and realleges the allegations set forth above and incorporates them by reference as if fully set forth herein.

45. As set forth above, [redacted]

46. Vilox breached its contractual obligations [redacted]

47. In addition, as set forth above, [redacted]

48. Vilox breached its contractual obligations [redacted]

49. As a result of Vilox's breaches, Oracle has been injured [redacted]

50. As a result of Oracle's injuries, Oracle seeks damages in an amount to be proven at trial.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Oracle hereby demands a jury trial on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Oracle prays for the following relief:

A. Entry of judgment in favor of Oracle and against Vilox on each of the Counts herein;

B. Entry of judgment in favor of Oracle and against Dr. De Bellis on Counts I, II, and III;

C. A declaration that Oracle and its customers have not infringed, directly, indirectly, or otherwise, any claim of the patents-in-suit;

D. A declaration that each claim of the '100 Patent is invalid;

E. A judgment that Vilox has breached [redacted];

F. An order determining that this case is exceptional under 35 U.S.C. § 285 and awarding Oracle its attorneys' fees incurred in connection with this case;

G. Damages in an amount to be determined at trial;

H. All costs associated with this case;

I. Such other and further relief as the Court deems just and proper.

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July 25, 2023