

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

**BETANET, LLC,**

Plaintiff,

v.

- (1) XEROX CORP.;**
- (2) ACTIVISION BLIZZARD, INC.;**
- (3) ADEMERO, INC.;**
- (4) CAKEWALK, INC.;**
- (5) CHECK POINT SOFTWARE TECH.,  
INC.;**
- (6) COFFEECUP SOFTWARE, INC.;**
- (7) CVISION TECH., INC.;**
- (8) DOCUMENT IMAGING SOLUTIONS,  
INC.;**
- (9) GEO-PLUS.COM;**
- (10) LENOVO, INC.;**
- (11) MANEDGE SOFTWARE;**
- (12) MOTOROLA, INC.;**
- (13) NVIDIA CORP.;**
- (14) OFFICE GEMINI, LLC;**
- (15) POLYCOM INC.;**
- (16) PORTABLE TECH. SOLUTIONS, LLC;**
- (17) SILICON GRAPHICS INT'L CORP.;**
- (18) SYNCHRONICA, PLC; AND**
- (19) TREENO SOFTWARE INC.;**

Defendants.

**CIVIL ACTION NO.**

**JURY TRIAL DEMANDED**

**ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

1. This is an action for patent infringement in which BetaNet, LLC, makes the following allegations against: Xerox Corp.; Activision Blizzard, Inc.; Ademero, Inc.; Cakewalk, Inc.; Check Point Software Tech., Inc.; CoffeeCup Software, Inc.; CVISION Tech., Inc.; Document Imaging Solutions, Inc.; Geo-Plus.com; Lenovo, Inc.; Manedge Software; Motorola,

Inc.; Nvidia Corp.; Office Gemini, LLC; Polycom Inc.; Portable Technology Solutions, LLC; Silicon Graphics Int'l Corp.; Synchronica, PLC; and Treeno Software Inc. (collectively the "Defendants").

### **PARTIES**

2. Plaintiff BetaNet, LLC ("Plaintiff" or "BetaNet") is a Texas limited liability company with its principal place of business at 1333 W. McDermott Drive, Suite #241, Allen, Texas 75013. BetaNet's president is Daniel F. Perez.

3. On information and belief, Xerox Corp. ("Xerox"), is a New York corporation with its principal place of business at 45 Glover Avenue, Norwalk, Connecticut 06856-4505. Defendant Xerox's registered agent in Texas is the Prentice-Hall Corp. System, 211 E. 7th Street, Suite 620, Austin, Texas 78701.

4. On information and belief, Activision Blizzard, Inc. ("Activision"), is a California corporation with its principal place of business at 3100 Ocean Park Boulevard, Santa Monica, California 90405.

5. On information and belief, Ademero, Inc. ("Ademero"), is a Florida corporation with its principal place of business at 4644 W. Gandy Blvd., Suite 4450, Tampa, Florida 33611-3300.

6. On information and belief, Cakewalk, Inc. ("Cakewalk"), is a Delaware corporation with its principal place of business at 268 Summer Street, Boston, Massachusetts 02210.

7. On information and belief, Check Point Software Tech., Inc. ("Checkpoint"), is a Delaware corporation with its principal place of business at 800 Bridge Pkwy., Redwood City, California 94065-1156. Defendant Checkpoint's registered agent in Texas is CT Corporation System, 350 N. St. Paul Street, Suite 2900, Dallas, Texas 75201.

8. On information and belief, CoffeeCup Software, Inc. ("CoffeeCup"), is a Delaware corporation with its principal place of business at 165 Courtland Street, Suite A – Box 312, Atlanta, Georgia 30303. Defendant CoffeeCup's registered agent in Texas is Robert R. Fox, 501 S. Tanchua, Corpus Christi, Texas 78403.

9. On information and belief, CVISION Tech., Inc. (“CVISION”), is a New York corporation with its principal place of business at 118-35 Queens Blvd., 14th Floor, Forest Hills, New York 11375.

10. On information and belief, Document Imaging Solutions, Inc. (“DIS”), is a Michigan corporation with its principal place of business at 18286 W. Spring Lake Road, Spring Lake, Michigan 49456.

11. On information and belief, Geo-Plus.com (“Geo”), is a Delaware corporation with its principal place of business at 220, Delaware Ave. East, Newark, Delaware 19711.

12. On information and belief, Lenovo, Inc. (“Lenovo”), is a Delaware corporation with its principal place of business at 1009 Think Pl., Morrisville, North Carolina 27560-9002. Defendant Lenovo’s registered agent in Texas is CT Corporation System, 350 N. St. Paul Street, Dallas, Texas 75201.

13. On information and belief, Manedge Software (“Manedge”), is a Texas company with its principal place of business at 6811 Bayridge Ter., Austin, Texas 78759.

14. On information and belief, Motorola, Inc. (“Motorola”), is a Delaware corporation with its principal place of business at 1303 E. Algonquin Rd., Schaumburg, Illinois 60196-0001. Defendant Motorola’s registered agent in Texas is CT Corporation System, 350 N. St. Paul Street, Suite 2900, Dallas, Texas 75201.

15. On information and belief, Nvidia Corp. (“Nvidia”), is a Delaware corporation with its principal place of business at 2701 San Tomas Expressway, Santa Clara, California 95050-2519. Defendant Nvidia’s registered agent in Texas is the Prentice-Hall Corp. System, 211 E. 7th Street, Suite 620, Austin, Texas 78701.

16. On information and belief, Office Gemini, LLC (“Office”), is a Texas company with its principal place of business at 6100 Corporate Dr., Suite 330b, Houston, Texas 77036-3436. Defendant Office’s registered agent in Texas is Boris A. Roy, 5909 West Loop South, Suite 500, Bellaire, Texas 77401.

17. On information and belief, Polycom Inc. (“Polycom”), is a Delaware corporation with its principal place of business at 4750 Willow Rd., Pleasanton, California 94588-2762. Defendant Polycom’s registered agent in Texas appears to be CT Corporation System, 350 N. St. Paul Street, Suite 2900, Dallas, Texas 75201.

18. On information and belief, Portable Technology Solutions, LLC (“PTS”), is a New York company with its principal place of business at 221 David Court, Calverton, New York 11933.

19. On information and belief, Silicon Graphics Int’l Corp. (“SGI”), is a Delaware corporation with its principal place of business at 46600 Landing Parkway, Fremont, California 94538. Defendant SGI’s registered agent in Texas appears to be the Prentice-Hall Corp. System, 211 E. 7th Street, Suite 620, Austin, Texas 78701.

20. On information and belief, Synchronica, PLC (“Synchronica”), is a British company with its principal place of business in the United States at 140 Justo Court, Campbell, California 95008.

21. On information and belief, Treeno Software Inc. (“Treeno”), is a New Hampshire corporation with its principal place of business at 951 Islington Street, Portsmouth, New Hampshire 03801.

#### **JURISDICTION AND VENUE**

22. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

23. Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b). On information and belief, each Defendant has transacted business in this district, and has committed and/or induced acts of patent infringement in this district.

24. On information and belief, Defendant Xerox is subject to this Court’s specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

25. On information and belief, Defendant Activision is subject to this Court’s specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other

persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

26. On information and belief, Defendant Ademero is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

27. On information and belief, Defendant Cakewalk is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

28. On information and belief, Defendant Checkpoint is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

29. On information and belief, Defendant CoffeeCup is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

30. On information and belief, Defendant CVISION is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other

persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

31. On information and belief, Defendant DIS is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

32. On information and belief, Defendant Geo is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

33. On information and belief, Defendant Lenovo is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

34. On information and belief, Defendant Manedge is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

35. On information and belief, Defendant Motorola is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other

persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

36. On information and belief, Defendant Nvidia is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

37. On information and belief, Defendant Office is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

38. On information and belief, Defendant Polycom is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

39. On information and belief, Defendant PTS is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

40. On information and belief, Defendant SGI is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses

of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

41. On information and belief, Defendant Synchronica is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

42. On information and belief, Defendant Treeno is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

### **COUNT I**

#### **INFRINGEMENT OF U.S. PATENT NO. 5,222,134**

43. Plaintiff is the owner by assignment of United States Patent No. 5,222,134 ("the '134 Patent") entitled "Secure System for Activating Personal Computer Software at Remote Locations" – including all rights to recover for past and future acts of infringement. The '134 Patent issued on June 22, 1993. A true and correct copy of the '134 Patent is attached as Exhibit A.

44. Upon information and belief, Defendant Xerox has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '134 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell computer software via a process that provides a program file – including a loader segment and a registration shell portion – to a remote computer having a display. The program file contains a first executive control program, representing a limited version of the program file. License transaction information is entered in the registration shell portion, and that information is transmitted from the registration shell to a separate registration program provided in a registration computer. The registration



program merges the license transaction information with a second executive control program – representing a complete version of the program file – to generate a unique overlay file. The unique overlay file is transmitted from the registration program to the registration shell, and contains the second executive control program. The overlay file is installed in the main program file, thereby allowing complete operation of the program file. For example, without limitation, Defendant Xerox is marketing, distributing, using, selling, and offering to sell its Freeflow and Docushare programs. Defendant Xerox is thus liable for infringement of the '134 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

45. Upon information and belief, Defendant Activision has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '134 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell computer software via a process that provides a program file – including a loader segment and a registration shell portion – to a remote computer having a display. The program file contains a first executive control program, representing a limited version of the program file. License transaction information is entered in the registration shell portion, and that information is transmitted from the registration shell to a separate registration program provided in a registration computer. The registration program merges the license transaction information with a second executive control program – representing a complete version of the program file – to generate a unique overlay file. The unique overlay file is transmitted from the registration program to the registration shell, and contains the second executive control program. The overlay file is installed in the main program file, thereby allowing complete operation of the program file. For example, without limitation, Defendant Activision is marketing, distributing, using, selling, and offering to sell its World of Warcraft programs. Defendant Activision is thus liable for infringement of the '134 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

46. Upon information and belief, Defendant Ademero has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '134 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell computer software via a process that provides a program file – including a loader segment and a registration shell portion – to a remote computer having a display. The program file contains a first executive control

program, representing a limited version of the program file. License transaction information is entered in the registration shell portion, and that information is transmitted from the registration shell to a separate registration program provided in a registration computer. The registration program merges the license transaction information with a second executive control program – representing a complete version of the program file – to generate a unique overlay file. The unique overlay file is transmitted from the registration program to the registration shell, and contains the second executive control program. The overlay file is installed in the main program file, thereby allowing complete operation of the program file. For example, without limitation, Defendant Ademero is marketing, distributing, using, selling, and offering to sell its Content Central programs. Defendant Ademero is thus liable for infringement of the '134 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

47. Upon information and belief, Defendant Cakewalk has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '134 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell computer software via a process that provides a program file – including a loader segment and a registration shell portion – to a remote computer having a display. The program file contains a first executive control program, representing a limited version of the program file. License transaction information is entered in the registration shell portion, and that information is transmitted from the registration shell to a separate registration program provided in a registration computer. The registration program merges the license transaction information with a second executive control program – representing a complete version of the program file – to generate a unique overlay file. The unique overlay file is transmitted from the registration program to the registration shell, and contains the second executive control program. The overlay file is installed in the main program file, thereby allowing complete operation of the program file. For example, without limitation, Defendant Cakewalk is marketing, distributing, using, selling, and offering to sell its Cakewalk MP3 and Sonar programs. Defendant Cakewalk is thus liable for infringement of the '134 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

48. Upon information and belief, Defendant Checkpoint has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '134 Patent in the State of Texas, in this judicial district, and elsewhere in the

United States, by, among other things, using, selling and offering to sell computer software via a process that provides a program file – including a loader segment and a registration shell portion – to a remote computer having a display. The program file contains a first executive control program, representing a limited version of the program file. License transaction information is entered in the registration shell portion, and that information is transmitted from the registration shell to a separate registration program provided in a registration computer. The registration program merges the license transaction information with a second executive control program – representing a complete version of the program file – to generate a unique overlay file. The unique overlay file is transmitted from the registration program to the registration shell, and contains the second executive control program. The overlay file is installed in the main program file, thereby allowing complete operation of the program file. For example, without limitation, Defendant Checkpoint is marketing, distributing, using, selling, and offering to sell its Check Point R70 program. Defendant Checkpoint is thus liable for infringement of the '134 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

49. Upon information and belief, Defendant CoffeeCup has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '134 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell computer software via a process that provides a program file – including a loader segment and a registration shell portion – to a remote computer having a display. The program file contains a first executive control program, representing a limited version of the program file. License transaction information is entered in the registration shell portion, and that information is transmitted from the registration shell to a separate registration program provided in a registration computer. The registration program merges the license transaction information with a second executive control program – representing a complete version of the program file – to generate a unique overlay file. The unique overlay file is transmitted from the registration program to the registration shell, and contains the second executive control program. The overlay file is installed in the main program file, thereby allowing complete operation of the program file. For example, without limitation, Defendant CoffeeCup is marketing, distributing, using, selling, and offering to sell its HTML Editor programs. Defendant CoffeeCup is thus liable for infringement of the '134 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

50. Upon information and belief, Defendant CVISION has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '134 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell computer software via a process that provides a program file – including a loader segment and a registration shell portion – to a remote computer having a display. The program file contains a first executive control program, representing a limited version of the program file. License transaction information is entered in the registration shell portion, and that information is transmitted from the registration shell to a separate registration program provided in a registration computer. The registration program merges the license transaction information with a second executive control program – representing a complete version of the program file – to generate a unique overlay file. The unique overlay file is transmitted from the registration program to the registration shell, and contains the second executive control program. The overlay file is installed in the main program file, thereby allowing complete operation of the program file. For example, without limitation, Defendant CVISION is marketing, distributing, using, selling, and offering to sell its OCR Software and compression programs. Defendant CVISION is thus liable for infringement of the '134 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

51. Upon information and belief, Defendant DIS has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '134 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell computer software via a process that provides a program file – including a loader segment and a registration shell portion – to a remote computer having a display. The program file contains a first executive control program, representing a limited version of the program file. License transaction information is entered in the registration shell portion, and that information is transmitted from the registration shell to a separate registration program provided in a registration computer. The registration program merges the license transaction information with a second executive control program – representing a complete version of the program file – to generate a unique overlay file. The unique overlay file is transmitted from the registration program to the registration shell, and contains the second executive control program. The overlay file is installed in the main program file, thereby allowing complete operation of the program file. For example, without limitation,

Defendant DIS is marketing, distributing, using, selling, and offering to sell its document imaging programs. Defendant DIS is thus liable for infringement of the '134 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

52. Upon information and belief, Defendant Geo has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '134 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell computer software via a process that provides a program file – including a loader segment and a registration shell portion – to a remote computer having a display. The program file contains a first executive control program, representing a limited version of the program file. License transaction information is entered in the registration shell portion, and that information is transmitted from the registration shell to a separate registration program provided in a registration computer. The registration program merges the license transaction information with a second executive control program – representing a complete version of the program file – to generate a unique overlay file. The unique overlay file is transmitted from the registration program to the registration shell, and contains the second executive control program. The overlay file is installed in the main program file, thereby allowing complete operation of the program file. For example, without limitation, Defendant Geo is marketing, distributing, using, selling, and offering to sell its Vision series programs. Defendant Geo is thus liable for infringement of the '134 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

53. Upon information and belief, Defendant Lenovo has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '134 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell computer software via a process that provides a program file – including a loader segment and a registration shell portion – to a remote computer having a display. The program file contains a first executive control program, representing a limited version of the program file. License transaction information is entered in the registration shell portion, and that information is transmitted from the registration shell to a separate registration program provided in a registration computer. The registration program merges the license transaction information with a second executive control program – representing a complete version of the program file – to generate a unique overlay file. The

unique overlay file is transmitted from the registration program to the registration shell, and contains the second executive control program. The overlay file is installed in the main program file, thereby allowing complete operation of the program file. For example, without limitation, Defendant Lenovo is marketing, distributing, using, selling, and offering to sell its ImageUltra Builder and Online Data Backup programs. Defendant Lenovo is thus liable for infringement of the '134 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

54. Upon information and belief, Defendant Manedge has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '134 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell computer software via a process that provides a program file – including a loader segment and a registration shell portion – to a remote computer having a display. The program file contains a first executive control program, representing a limited version of the program file. License transaction information is entered in the registration shell portion, and that information is transmitted from the registration shell to a separate registration program provided in a registration computer. The registration program merges the license transaction information with a second executive control program – representing a complete version of the program file – to generate a unique overlay file. The unique overlay file is transmitted from the registration program to the registration shell, and contains the second executive control program. The overlay file is installed in the main program file, thereby allowing complete operation of the program file. For example, without limitation, Defendant Manedge is marketing, distributing, using, selling, and offering to sell its Carmen programs. Defendant Manedge is thus liable for infringement of the '134 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

55. Upon information and belief, Defendant Motorola has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '134 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell computer software via a process that provides a program file – including a loader segment and a registration shell portion – to a remote computer having a display. The program file contains a first executive control program, representing a limited version of the program file. License transaction information is entered in the registration shell portion, and that information is transmitted from the registration

shell to a separate registration program provided in a registration computer. The registration program merges the license transaction information with a second executive control program – representing a complete version of the program file – to generate a unique overlay file. The unique overlay file is transmitted from the registration program to the registration shell, and contains the second executive control program. The overlay file is installed in the main program file, thereby allowing complete operation of the program file. For example, without limitation, Defendant Motorola is marketing, distributing, using, selling, and offering to sell its MotoNav programs. Defendant Motorola is thus liable for infringement of the '134 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

56. Upon information and belief, Defendant Nvidia has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '134 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell computer software via a process that provides a program file – including a loader segment and a registration shell portion – to a remote computer having a display. The program file contains a first executive control program, representing a limited version of the program file. License transaction information is entered in the registration shell portion, and that information is transmitted from the registration shell to a separate registration program provided in a registration computer. The registration program merges the license transaction information with a second executive control program – representing a complete version of the program file – to generate a unique overlay file. The unique overlay file is transmitted from the registration program to the registration shell, and contains the second executive control program. The overlay file is installed in the main program file, thereby allowing complete operation of the program file. For example, without limitation, Defendant Nvidia is marketing, distributing, using, selling, and offering to sell its PureVideo decoder and muvee Reveal programs. Defendant Nvidia is thus liable for infringement of the '134 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

57. Upon information and belief, Defendant Office has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '134 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell computer software via a process that provides a program file – including a loader segment and a registration shell portion

– to a remote computer having a display. The program file contains a first executive control program, representing a limited version of the program file. License transaction information is entered in the registration shell portion, and that information is transmitted from the registration shell to a separate registration program provided in a registration computer. The registration program merges the license transaction information with a second executive control program – representing a complete version of the program file – to generate a unique overlay file. The unique overlay file is transmitted from the registration program to the registration shell, and contains the second executive control program. The overlay file is installed in the main program file, thereby allowing complete operation of the program file. For example, without limitation, Defendant Office is marketing, distributing, using, selling, and offering to sell its Dokmee programs. Defendant Office is thus liable for infringement of the '134 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

58. Upon information and belief, Defendant Polycom has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '134 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell computer software via a process that provides a program file – including a loader segment and a registration shell portion – to a remote computer having a display. The program file contains a first executive control program, representing a limited version of the program file. License transaction information is entered in the registration shell portion, and that information is transmitted from the registration shell to a separate registration program provided in a registration computer. The registration program merges the license transaction information with a second executive control program – representing a complete version of the program file – to generate a unique overlay file. The unique overlay file is transmitted from the registration program to the registration shell, and contains the second executive control program. The overlay file is installed in the main program file, thereby allowing complete operation of the program file. For example, without limitation, Defendant Polycom is marketing, distributing, using, selling, and offering to sell its Polycom PVX programs. Defendant Polycom is thus liable for infringement of the '134 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

59. Upon information and belief, Defendant PTS has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the



infringement of the '134 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell computer software via a process that provides a program file – including a loader segment and a registration shell portion – to a remote computer having a display. The program file contains a first executive control program, representing a limited version of the program file. License transaction information is entered in the registration shell portion, and that information is transmitted from the registration shell to a separate registration program provided in a registration computer. The registration program merges the license transaction information with a second executive control program – representing a complete version of the program file – to generate a unique overlay file. The unique overlay file is transmitted from the registration program to the registration shell, and contains the second executive control program. The overlay file is installed in the main program file, thereby allowing complete operation of the program file. For example, without limitation, Defendant PTS is marketing, distributing, using, selling, and offering to sell its Tracer programs. Defendant PTS is thus liable for infringement of the '134 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

60. Upon information and belief, Defendant SGI has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '134 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell computer software via a process that provides a program file – including a loader segment and a registration shell portion – to a remote computer having a display. The program file contains a first executive control program, representing a limited version of the program file. License transaction information is entered in the registration shell portion, and that information is transmitted from the registration shell to a separate registration program provided in a registration computer. The registration program merges the license transaction information with a second executive control program – representing a complete version of the program file – to generate a unique overlay file. The unique overlay file is transmitted from the registration program to the registration shell, and contains the second executive control program. The overlay file is installed in the main program file, thereby allowing complete operation of the program file. For example, without limitation, Defendant SGI is marketing, distributing, using, selling, and offering to sell its SGI ProPack for Linux, SGI BioCluster, OpenGL series, InfiniteStor series, OpenVault series and SGI ISLE

series programs. Defendant SGI is thus liable for infringement of the '134 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

61. Upon information and belief, Defendant Synchronica has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '134 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell computer software via a process that provides a program file – including a loader segment and a registration shell portion – to a remote computer having a display. The program file contains a first executive control program, representing a limited version of the program file. License transaction information is entered in the registration shell portion, and that information is transmitted from the registration shell to a separate registration program provided in a registration computer. The registration program merges the license transaction information with a second executive control program – representing a complete version of the program file – to generate a unique overlay file. The unique overlay file is transmitted from the registration program to the registration shell, and contains the second executive control program. The overlay file is installed in the main program file, thereby allowing complete operation of the program file. For example, without limitation, Defendant Synchronica is marketing, distributing, using, selling, and offering to sell its Mobile email and gateway programs. Defendant Synchronica is thus liable for infringement of the '134 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

62. Upon information and belief, Defendant Treeno has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '134 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell computer software via a process that provides a program file – including a loader segment and a registration shell portion – to a remote computer having a display. The program file contains a first executive control program, representing a limited version of the program file. License transaction information is entered in the registration shell portion, and that information is transmitted from the registration shell to a separate registration program provided in a registration computer. The registration program merges the license transaction information with a second executive control program – representing a complete version of the program file – to generate a unique overlay file. The unique overlay file is transmitted from the registration program to the registration shell, and

contains the second executive control program. The overlay file is installed in the main program file, thereby allowing complete operation of the program file. For example, without limitation, Defendant Treeno is marketing, distributing, using, selling, and offering to sell its Software as a Service (Saas) programs. Defendant Treeno is thus liable for infringement of the '134 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

**COUNT II**  
**INFRINGEMENT OF U.S. PATENT NO. 5,103,476**

63. Plaintiff is the owner by assignment of United States Patent No. 5,103,476 (“the '476 Patent”) entitled “Secure System for Activating Personal Computer Software at Remote Locations” – including all rights to recover for past and future acts of infringement. The '476 Patent issued on April 7, 1992. A true and correct copy of the '476 Patent is attached as Exhibit B.

64. Upon information and belief, Defendant Xerox has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '476 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell computer software via a process that provides a program file – having a loader segment and a registration shell portion – to a remote computer having a display. The program file lacks a critical portion that prevents the program file from operating properly. User identification information is entered in the registration shell portion, and transmitted from the registration shell to a separate registration program provided in a registration computer. The registration program merges user identification data with the critical portion to generate a unique overlay file that is transmitted from the registration program to the registration shell. The overlay file contains the critical portion originally lacking from the program file, and it is installed in the program file, thereby allowing operation of the program file. For example, without limitation, Defendant Xerox is marketing, distributing, using, selling, and offering to sell its Freeflow and Docushare programs. Defendant Xerox is thus liable for infringement of the '476 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

65. Upon information and belief, Defendant Activision has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the

infringement of the '476 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell computer software via a process that provides a program file – having a loader segment and a registration shell portion – to a remote computer having a display. The program file lacks a critical portion that prevents the program file from operating properly. User identification information is entered in the registration shell portion, and transmitted from the registration shell to a separate registration program provided in a registration computer. The registration program merges user identification data with the critical portion to generate a unique overlay file that is transmitted from the registration program to the registration shell. The overlay file contains the critical portion originally lacking from the program file, and it is installed in the program file, thereby allowing operation of the program file. For example, without limitation, Defendant Activision is marketing, distributing, using, selling, and offering to sell its World of Warcraft programs. Defendant Activision is thus liable for infringement of the '476 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

66. Upon information and belief, Defendant Ademero has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '476 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell computer software via a process that provides a program file – having a loader segment and a registration shell portion – to a remote computer having a display. The program file lacks a critical portion that prevents the program file from operating properly. User identification information is entered in the registration shell portion, and transmitted from the registration shell to a separate registration program provided in a registration computer. The registration program merges user identification data with the critical portion to generate a unique overlay file that is transmitted from the registration program to the registration shell. The overlay file contains the critical portion originally lacking from the program file, and it is installed in the program file, thereby allowing operation of the program file. For example, without limitation, Defendant Ademero is marketing, distributing, using, selling, and offering to sell its Content Central programs. Defendant Ademero is thus liable for infringement of the '476 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

67. Upon information and belief, Defendant Cakewalk has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '476 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell computer software via a process that provides a program file – having a loader segment and a registration shell portion – to a remote computer having a display. The program file lacks a critical portion that prevents the program file from operating properly. User identification information is entered in the registration shell portion, and transmitted from the registration shell to a separate registration program provided in a registration computer. The registration program merges user identification data with the critical portion to generate a unique overlay file that is transmitted from the registration program to the registration shell. The overlay file contains the critical portion originally lacking from the program file, and it is installed in the program file, thereby allowing operation of the program file. For example, without limitation, Defendant Cakewalk is marketing, distributing, using, selling, and offering to sell its Cakewalk MP3 and Sonar programs. Defendant Cakewalk is thus liable for infringement of the '476 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

68. Upon information and belief, Defendant Checkpoint has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '476 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell computer software via a process that provides a program file – having a loader segment and a registration shell portion – to a remote computer having a display. The program file lacks a critical portion that prevents the program file from operating properly. User identification information is entered in the registration shell portion, and transmitted from the registration shell to a separate registration program provided in a registration computer. The registration program merges user identification data with the critical portion to generate a unique overlay file that is transmitted from the registration program to the registration shell. The overlay file contains the critical portion originally lacking from the program file, and it is installed in the program file, thereby allowing operation of the program file. For example, without limitation, Defendant Checkpoint is marketing, distributing, using, selling, and offering to sell its Check Point R70 program.

Defendant Checkpoint is thus liable for infringement of the '476 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

69. Upon information and belief, Defendant CoffeeCup has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '476 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell computer software via a process that provides a program file – having a loader segment and a registration shell portion – to a remote computer having a display. The program file lacks a critical portion that prevents the program file from operating properly. User identification information is entered in the registration shell portion, and transmitted from the registration shell to a separate registration program provided in a registration computer. The registration program merges user identification data with the critical portion to generate a unique overlay file that is transmitted from the registration program to the registration shell. The overlay file contains the critical portion originally lacking from the program file, and it is installed in the program file, thereby allowing operation of the program file. For example, without limitation, Defendant CoffeeCup is marketing, distributing, using, selling, and offering to sell its HTML Editor programs. Defendant CoffeeCup is thus liable for infringement of the '476 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

70. Upon information and belief, Defendant CVISION has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '476 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell computer software via a process that provides a program file – having a loader segment and a registration shell portion – to a remote computer having a display. The program file lacks a critical portion that prevents the program file from operating properly. User identification information is entered in the registration shell portion, and transmitted from the registration shell to a separate registration program provided in a registration computer. The registration program merges user identification data with the critical portion to generate a unique overlay file that is transmitted from the registration program to the registration shell. The overlay file contains the critical portion originally lacking from the program file, and it is installed in the program file, thereby allowing operation of the program file. For example, without limitation, Defendant CVISION is

marketing, distributing, using, selling, and offering to sell its OCR Software and compression programs. Defendant CVISION is thus liable for infringement of the '476 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

71. Upon information and belief, Defendant DIS has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '476 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell computer software via a process that provides a program file – having a loader segment and a registration shell portion – to a remote computer having a display. The program file lacks a critical portion that prevents the program file from operating properly. User identification information is entered in the registration shell portion, and transmitted from the registration shell to a separate registration program provided in a registration computer. The registration program merges user identification data with the critical portion to generate a unique overlay file that is transmitted from the registration program to the registration shell. The overlay file contains the critical portion originally lacking from the program file, and it is installed in the program file, thereby allowing operation of the program file. For example, without limitation, Defendant DIS is marketing, distributing, using, selling, and offering to sell its document imaging programs. Defendant DIS is thus liable for infringement of the '476 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

72. Upon information and belief, Defendant Geo has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '476 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell computer software via a process that provides a program file – having a loader segment and a registration shell portion – to a remote computer having a display. The program file lacks a critical portion that prevents the program file from operating properly. User identification information is entered in the registration shell portion, and transmitted from the registration shell to a separate registration program provided in a registration computer. The registration program merges user identification data with the critical portion to generate a unique overlay file that is transmitted from the registration program to the registration shell. The overlay file contains the critical portion originally lacking from the program file, and it is installed in the program file, thereby

allowing operation of the program file. For example, without limitation, Defendant Geo is marketing, distributing, using, selling, and offering to sell its Vision series programs. Defendant Geo is thus liable for infringement of the '476 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

73. Upon information and belief, Defendant Lenovo has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '476 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell computer software via a process that provides a program file – having a loader segment and a registration shell portion – to a remote computer having a display. The program file lacks a critical portion that prevents the program file from operating properly. User identification information is entered in the registration shell portion, and transmitted from the registration shell to a separate registration program provided in a registration computer. The registration program merges user identification data with the critical portion to generate a unique overlay file that is transmitted from the registration program to the registration shell. The overlay file contains the critical portion originally lacking from the program file, and it is installed in the program file, thereby allowing operation of the program file. For example, without limitation, Defendant Lenovo is marketing, distributing, using, selling, and offering to sell its ImageUltra Builder and Online Data Backup programs. Defendant Lenovo is thus liable for infringement of the '476 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

74. Upon information and belief, Defendant Manedge has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '476 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell computer software via a process that provides a program file – having a loader segment and a registration shell portion – to a remote computer having a display. The program file lacks a critical portion that prevents the program file from operating properly. User identification information is entered in the registration shell portion, and transmitted from the registration shell to a separate registration program provided in a registration computer. The registration program merges user identification data with the critical portion to generate a unique overlay file that is transmitted from the registration program to the registration shell. The overlay file contains the critical portion originally lacking from the program file, and it is installed in the program file, thereby



allowing operation of the program file. For example, without limitation, Defendant Manedge is marketing, distributing, using, selling, and offering to sell its Carmen programs. Defendant Manedge is thus liable for infringement of the '476 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

75. Upon information and belief, Defendant Motorola has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '476 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell computer software via a process that provides a program file – having a loader segment and a registration shell portion – to a remote computer having a display. The program file lacks a critical portion that prevents the program file from operating properly. User identification information is entered in the registration shell portion, and transmitted from the registration shell to a separate registration program provided in a registration computer. The registration program merges user identification data with the critical portion to generate a unique overlay file that is transmitted from the registration program to the registration shell. The overlay file contains the critical portion originally lacking from the program file, and it is installed in the program file, thereby allowing operation of the program file. For example, without limitation, Defendant Motorola is marketing, distributing, using, selling, and offering to sell its MotoNav programs. Defendant Motorola is thus liable for infringement of the '476 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

76. Upon information and belief, Defendant Nvidia has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '476 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell computer software via a process that provides a program file – having a loader segment and a registration shell portion – to a remote computer having a display. The program file lacks a critical portion that prevents the program file from operating properly. User identification information is entered in the registration shell portion, and transmitted from the registration shell to a separate registration program provided in a registration computer. The registration program merges user identification data with the critical portion to generate a unique overlay file that is transmitted from the registration program to the registration shell. The overlay file contains the critical

portion originally lacking from the program file, and it is installed in the program file, thereby allowing operation of the program file. For example, without limitation, Defendant Nvidia is marketing, distributing, using, selling, and offering to sell its PureVideo decoder and muvee Reveal programs. Defendant Nvidia is thus liable for infringement of the '476 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

77. Upon information and belief, Defendant Office has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '476 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell computer software via a process that provides a program file – having a loader segment and a registration shell portion – to a remote computer having a display. The program file lacks a critical portion that prevents the program file from operating properly. User identification information is entered in the registration shell portion, and transmitted from the registration shell to a separate registration program provided in a registration computer. The registration program merges user identification data with the critical portion to generate a unique overlay file that is transmitted from the registration program to the registration shell. The overlay file contains the critical portion originally lacking from the program file, and it is installed in the program file, thereby allowing operation of the program file. For example, without limitation, Defendant Office is marketing, distributing, using, selling, and offering to sell its Dokmee programs. Defendant Office is thus liable for infringement of the '476 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

78. Upon information and belief, Defendant Polycom has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '476 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell computer software via a process that provides a program file – having a loader segment and a registration shell portion – to a remote computer having a display. The program file lacks a critical portion that prevents the program file from operating properly. User identification information is entered in the registration shell portion, and transmitted from the registration shell to a separate registration program provided in a registration computer. The registration program merges user identification data with the critical portion to generate a unique overlay file that is transmitted from the registration program to the registration shell. The overlay file contains the critical

portion originally lacking from the program file, and it is installed in the program file, thereby allowing operation of the program file. For example, without limitation, Defendant Polycom is marketing, distributing, using, selling, and offering to sell its Polycom PVX programs. Defendant Polycom is thus liable for infringement of the '476 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

79. Upon information and belief, Defendant PTS has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '476 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell computer software via a process that provides a program file – having a loader segment and a registration shell portion – to a remote computer having a display. The program file lacks a critical portion that prevents the program file from operating properly. User identification information is entered in the registration shell portion, and transmitted from the registration shell to a separate registration program provided in a registration computer. The registration program merges user identification data with the critical portion to generate a unique overlay file that is transmitted from the registration program to the registration shell. The overlay file contains the critical portion originally lacking from the program file, and it is installed in the program file, thereby allowing operation of the program file. For example, without limitation, Defendant PTS is marketing, distributing, using, selling, and offering to sell its Tracer programs. Defendant PTS is thus liable for infringement of the '476 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

80. Upon information and belief, Defendant SGI has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '476 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell computer software via a process that provides a program file – having a loader segment and a registration shell portion – to a remote computer having a display. The program file lacks a critical portion that prevents the program file from operating properly. User identification information is entered in the registration shell portion, and transmitted from the registration shell to a separate registration program provided in a registration computer. The registration program merges user identification data with the critical portion to generate a unique overlay file that is transmitted from the registration program to the registration shell. The overlay file contains the critical

portion originally lacking from the program file, and it is installed in the program file, thereby allowing operation of the program file. For example, without limitation, Defendant SGI is marketing, distributing, using, selling, and offering to sell its SGI ProPack for Linux, SGI BioCluster, OpenGL series, InfiniteStor series, OpenVault series and SGI ISLE series programs. Defendant SGI is thus liable for infringement of the '476 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

81. Upon information and belief, Defendant Synchronica has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '476 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell computer software via a process that provides a program file – having a loader segment and a registration shell portion – to a remote computer having a display. The program file lacks a critical portion that prevents the program file from operating properly. User identification information is entered in the registration shell portion, and transmitted from the registration shell to a separate registration program provided in a registration computer. The registration program merges user identification data with the critical portion to generate a unique overlay file that is transmitted from the registration program to the registration shell. The overlay file contains the critical portion originally lacking from the program file, and it is installed in the program file, thereby allowing operation of the program file. For example, without limitation, Defendant Synchronica is marketing, distributing, using, selling, and offering to sell its Mobile email and gateway programs. Defendant Synchronica is thus liable for infringement of the '476 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

82. Upon information and belief, Defendant Treeno has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '476 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell computer software via a process that provides a program file – having a loader segment and a registration shell portion – to a remote computer having a display. The program file lacks a critical portion that prevents the program file from operating properly. User identification information is entered in the registration shell portion, and transmitted from the registration shell to a separate registration program provided in a registration computer. The registration program merges user

identification data with the critical portion to generate a unique overlay file that is transmitted from the registration program to the registration shell. The overlay file contains the critical portion originally lacking from the program file, and it is installed in the program file, thereby allowing operation of the program file. For example, without limitation, Defendant Treeno is marketing, distributing, using, selling, and offering to sell its Software as a Service (Saas) programs. Defendant Treeno is thus liable for infringement of the '476 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests that this Court enter:

1. A judgment in favor of Plaintiff that Defendants have infringed, directly, jointly, and/or indirectly, by way of inducing and/or contributing to the infringement of the '134 Patent;
2. A permanent injunction enjoining Defendants and their officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringement, inducing the infringement of, or contributing to the infringement of the '134 Patent;
3. A judgment and order requiring Defendants to pay Plaintiff its damages, costs, expenses, and prejudgment and post-judgment interest for Defendants' infringement of the '134 Patent as provided under 35 U.S.C. § 284;
4. A judgment in favor of Plaintiff that Defendants have infringed, directly, jointly, and/or indirectly, by way of inducing and/or contributing to the infringement of the '476 Patent;
5. A permanent injunction enjoining Defendants and their officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringement, inducing the infringement of, or contributing to the infringement of the '476 Patent;
6. A judgment and order requiring Defendants to pay Plaintiff its damages, costs, expenses, and prejudgment and post-judgment interest for Defendants' infringement of the '476 Patent as provided under 35 U.S.C. § 284;
7. An award to Plaintiff for enhanced damages resulting from the knowing, deliberate, and willful nature of Defendants' prohibited conduct with notice being made as of the

date of correspondence with each Defendant, or at least as early as the date of the filing of this Complaint, as provided under 35 U.S.C. § 284;

8. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Plaintiff its reasonable attorneys' fees; and

9. Any and all other relief to which Plaintiff may show itself to be entitled.

**DEMAND FOR JURY TRIAL**

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Respectfully Submitted,

**BETANET, LLC**

Dated: June 16, 2010

By: /s/ Andrew W. Spangler  
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**ATTORNEY FOR PLAINTIFF**  
**BETANET, LLC**