

MATTHEW D. POWERS (Bar No. 104795)
matthew.powers@weil.com
EDWARD R. REINES (Bar No. 135960)
edward.reines@weil.com
DOUGLAS E. LUMISH (Bar No. 183863)
doug.lumish@weil.com
THOMAS B. KING (Bar No. 241661)
thomas.king@weil.com
WEIL, GOTSHAL & MANGES LLP
201 Redwood Shores Parkway
Redwood Shores, CA 94065
Telephone: (650) 802-3000
Facsimile: (650) 802-3100

DEBORAH K. MILLER (Bar No. 95527)
deborah.miller@oracle.com
MATTHEW M. SARBORARIA (Bar No. 211600)
matthew.sarboraria@oracle.com
ORACLE CORPORATION
500 Oracle Parkway
Redwood City, CA 94065
Telephone: (650) 506-5200
Facsimile: (650) 506-7114

Attorneys for Plaintiffs
ORACLE CORPORATION, ORACLE USA, INC.,
ORACLE INTERNATIONAL CORPORATION,
AND SIEBEL SYSTEMS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ORACLE CORPORATION, ORACLE USA,
INC., ORACLE INTERNATIONAL
CORPORATION, AND SIEBEL SYSTEMS,
INC.,

Plaintiffs,

v.

ALCATEL LUCENT, ALCATEL-LUCENT
HOLDINGS INC., ALCATEL USA INC.,
ALCATEL USA MARKETING INC.,
ALCATEL USA RESOURCES INC.,
ALCATEL USA SOURCING INC., LUCENT
TECHNOLOGIES INC., AND GENESYS
TELECOMMUNICATIONS LABORATORIES
INC.,

Defendants.

E-filing

ORIGINAL
FILED

MAY 7 2008

RICHARD W. WICKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BZ

Case No.

COMPLAINT

DEMAND FOR JURY TRIAL

1 Plaintiffs Oracle Corporation, Oracle USA, Inc., Oracle International Corporation,
2 and Siebel Systems, Inc. (collectively "Oracle"), by and through their attorneys bring this action
3 against Alcatel Lucent, Alcatel-Lucent Holdings Inc., Alcatel USA Inc., Alcatel USA Marketing
4 Inc., Alcatel USA Resources Inc., Alcatel USA Sourcing Inc., Lucent Technologies Inc., and
5 Genesys Telecommunications Laboratories Inc. (collectively "the Alcatel Defendants") as
6 follows:

7 1. This is a civil action arising under the Patent Laws of the United States, 35
8 U.S.C. §§101, *et seq.*, seeking judgment that United States Patent Nos. 7,188,183, 6,661,877,
9 6,493,695, 7,171,190, 7,039,176, and 7,136,448 (collectively the "Oracle Patents") are infringed
10 by the Alcatel Defendants.

11 2. This action further seeks a declaratory judgment that United States Patent
12 Nos. 5,418,943, 6,272,502, 6,205,449, 6,502,133, 5,659,725, 5,649,068, and 6,732,156
13 (collectively the "Alcatel Lucent Patents"), which are allegedly owned by the Alcatel Defendants,
14 are invalid and not infringed by Oracle based upon the laws authorizing actions for declaratory
15 judgment in the courts of the United States, 28 U.S.C. §§ 2201 and 2202.

16 **PARTIES**

17 3. Oracle Corporation is a corporation organized under the laws of the State
18 of Delaware. Oracle Corporation maintains its principal place of business at 500 Oracle Parkway,
19 Redwood City, California, 94065, and does business in the Northern District of California.

20 4. Oracle USA, Inc. is a corporation organized under the laws of the State of
21 Colorado. Oracle USA, Inc. maintains its principal place of business at 500 Oracle Parkway,
22 Redwood City, California, 94065, and does business in the Northern District of California.

23 5. Oracle International Corporation is a corporation organized under the laws
24 of the State of California. Oracle International Corporation maintains its principal place of
25 business at 500 Oracle Parkway, Redwood City, California, 94065, and does business in the
26 Northern District of California.

27 6. Siebel Systems, Inc. is a corporation organized under the laws of the State
28 of Delaware. Siebel Systems, Inc. maintains its principal place of business at 500 Oracle

1 Parkway, Redwood City, California, 94065, and does business in the Northern District of
2 California.

3 7. Upon information and belief, Defendant Alcatel Lucent is a French
4 company with headquarters at 54, rue La Boetie, 75008 Paris, France. Alcatel Lucent maintains
5 executive offices in the United States at 600 Mountain Road, Murray Hill, New Jersey 07974.

6 8. Upon information and belief, Defendant Alcatel-Lucent Holdings Inc. is a
7 corporation organized under the laws of the State of Delaware. Alcatel-Lucent Holdings Inc.
8 maintains its principal place of business at 3400 W. Plano Parkway, Plano, Texas 75075. Alcatel-
9 Lucent Holdings Inc. is wholly owned by and is an agent of Alcatel Lucent.

10 9. Upon information and belief, Alcatel USA Inc. is a corporation organized
11 under the laws of the State of Delaware. Alcatel-Lucent Holdings Inc. maintains its principal
12 place of business at 3400 W. Plano Parkway, Plano, Texas 75075. Alcatel USA Inc. is wholly
13 owned by and is an agent of Alcatel Lucent.

14 10. Upon information and belief, Defendant Alcatel USA Marketing Inc. is a
15 corporation organized under the laws of the State of Delaware. Alcatel USA Marketing Inc.
16 maintains its principal place of business at 3400 W. Plano Parkway, Plano, Texas 75075. Alcatel
17 USA Marketing Inc. is wholly owned by and is an agent of Alcatel Lucent.

18 11. Upon information and belief, Defendant Alcatel USA Resources Inc. is a
19 corporation organized under the laws of the State of Delaware. Alcatel USA Resources Inc.
20 maintains its principal place of business at 3400 W. Plano Parkway, Plano, Texas 75075. Alcatel
21 USA Resources Inc. is wholly owned by and is an agent of Alcatel Lucent.

22 12. Upon information and belief, Defendant Alcatel USA Sourcing Inc. is a
23 corporation organized under the laws of the State of Delaware. Alcatel USA Sourcing Inc.
24 maintains its principal place of business at 3400 W. Plano Parkway, Plano, Texas 75075. Alcatel
25 USA Sourcing Inc. is wholly owned by and is an agent of Alcatel Lucent.

26 13. Upon information and belief, Defendant Lucent Technologies Inc. is a
27 corporation organized under the laws of the State of Delaware. Lucent Technologies Inc.
28

1 maintains its principal place of business at 600-700 Mountain Avenue, Murray Hill, New Jersey
2 07974. Lucent Technologies is wholly owned by and is an agent of Alcatel Lucent.

3 14. Upon information and belief, Defendant Genesys Telecommunications
4 Laboratories Inc. is a corporation organized under the laws of the State of California. Genesys
5 Telecommunications Laboratories Inc. maintains its principal place of business at 2001 Junipero
6 Serra Blvd., Daly City, California 94014. Genesys Telecommunications Laboratories Inc. is
7 wholly owned by and is an agent of Alcatel Lucent.

8 JURISDICTION

9 15. This Court has subject matter jurisdiction over Oracle's claims of
10 infringement, which arise under the patent laws of the United States, pursuant to 28 U.S.C. §§
11 1331 and 1338(a).

12 16. This Court has subject matter jurisdiction over Oracle's Declaratory
13 Judgment claims pursuant to 28 U.S.C. §§ 2201 and 2202.

14 17. There is an actual controversy between the Alcatel Defendants and Oracle
15 with respect to the Alcatel Lucent Patents. On December 21, 2007, June M. Sulovski, Alcatel
16 Lucent's Director of Licensing, Intellectual Property Business, wrote a letter to Oracle's Chief
17 Executive Officer alleging that the "Oracle Database," "Oracle Data Guard (ODG Option),"
18 "Times Ten," "Oracle Data Mining (ODM Option)," and/or "Oracle Email Center / Call Center"
19 "are covered by the claims" of one or more of the Alcatel Lucent Patents. Oracle denies that it
20 infringes any of the Alcatel Lucent Patents, and disputes their validity. Oracle further denies that
21 it needs a license to any of the Alcatel Lucent Patents in order to continue its activities. Thus, an
22 actual and justiciable controversy exists between Oracle and the Alcatel Defendants as to whether
23 the Alcatel Lucent Patents are invalid and/or infringed.

24 18. Upon information and belief, the Alcatel Defendants are subject to personal
25 jurisdiction in this district arising out of their contacts with this district. In particular, the Alcatel
26 Defendants' contacts with this district are systematic and continuous, and Oracle's claims arise
27 out of or are related to the Alcatel Defendants' contacts with this district.

VENUE

19. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 (b)(2), (c), (d) and/or 28 U.S.C. 1400 because, among other things, the Alcatel Defendants have committed acts of infringement of Oracle's patents within this judicial district, as set forth herein.

COUNT I

20. Oracle hereby restates and realleges the allegations set forth in paragraphs 1 through 19 above and incorporates them by reference.

21. Oracle International Corporation is the owner of all right, title, and interest in United States Patent No. 7,188,183 entitled "Maintaining State Information In Mobile Applications" ("the '183 patent"), duly and legally issued on March 6, 2007. A true and correct copy of the '183 patent is attached hereto as Exhibit A.

22. The Alcatel Defendants, collectively and individually, have infringed and continue to infringe the '183 patent including without limitation by making, using, selling, offering to sell, and/or importing within or into the United States the Alcatel Lucent OmniTouch My Messaging system, the Alcatel Lucent 5350 XML Document Management Server, and other products and/or systems practicing the claimed invention. The Alcatel Defendants are liable for infringement under 35 U.S.C. § 271, including without limitation both direct and indirect infringement of the '183 patent.

COUNT II

23. Oracle hereby restates and realleges the allegations set forth in paragraphs 1 through 22 above and incorporates them by reference.

24. Oracle International Corporation is the owner of all right, title, and interest in United States Patent No. 6,661,877 entitled "System And Method For Providing Access To A Unified Message Store Logically Storing Computer Telephony Messages" ("the '877 patent"), duly and legally issued on December 9, 2003. A true and correct copy of the '877 patent is attached hereto as Exhibit B.

25. The Alcatel Defendants, collectively and individually, have infringed and continue to infringe the '877 patent including without limitation by making, using, selling,

1 offering to sell, and/or importing within or into the United States the Alcatel Lucent OmniTouch
2 My Messaging system and other products and/or systems practicing the claimed invention. The
3 Alcatel Defendants are liable for infringement under 35 U.S.C. § 271, including without
4 limitation both direct and indirect infringement of the '877 patent.

5 COUNT III

6 26. Oracle hereby restates and realleges the allegations set forth in paragraphs
7 1 through 25 above and incorporates them by reference.

8 27. Oracle International Corporation is the owner of all right, title, and interest
9 in United States Patent No. 6,493,695 entitled "Methods And Systems For Homogeneously
10 Routing And/Or Queueing Call Center Customer Interactions Across Media Types" ("the '695
11 patent"), duly and legally issued on December 10, 2002. A true and correct copy of the '695
12 patent is attached hereto as Exhibit C.

13 28. The Alcatel Defendants, collectively and individually, have infringed and
14 continue to infringe the '695 patent including without limitation by making, using, selling,
15 offering to sell, and/or importing within or into the United States the Alcatel Lucent OmniTouch
16 Contact Center, the Alcatel Lucent OmniGenesys Contact Center, and other products and/or
17 systems practicing the claimed invention. The Alcatel Defendants are liable for infringement
18 under 35 U.S.C. § 271, including without limitation both direct and indirect infringement of the
19 '695 patent.

20 COUNT IV

21 29. Oracle hereby restates and realleges the allegations set forth in paragraphs
22 1 through 28 above and incorporates them by reference.

23 30. Oracle International Corporation is the owner of all right, title, and interest
24 in United States Patent No. 7,171,190 entitled "Intelligent Messaging" ("the '190 patent"), duly
25 and legally issued on January 30, 2007. A true and correct copy of the '190 patent is attached
26 hereto as Exhibit D.

27 31. The Alcatel Defendants, collectively and individually, have infringed and
28 continue to infringe the '190 patent including without limitation by making, using, selling,

1 offering to sell, and/or importing within or into the United States the OmniTouch Unified
 2 Communication My Phone and other products and/or systems practicing the claimed invention.
 3 The Alcatel Defendants are liable for infringement under 35 U.S.C. § 271, including without
 4 limitation both direct and indirect infringement of the '190 patent.

5 COUNT V

6 32. Oracle hereby restates and realleges the allegations set forth in paragraphs
 7 1 through 31 above and incorporates them by reference.

8 33. Oracle International Corporation is the owner of all right, title, and interest
 9 in United States Patent No. 7,039,176 entitled "Call Center Administration Manager With Rules-
 10 Based Routing Prioritization" ("the '176 patent"), duly and legally issued on May 2, 2006. A true
 11 and correct copy of the '176 patent is attached hereto as Exhibit E.

12 34. The Alcatel Defendants, collectively and individually, have infringed and
 13 continue to infringe the '176 patent including without limitation by making, using, selling,
 14 offering to sell, and/or importing within or into the United States the Alcatel Lucent OmniTouch
 15 Contact Center, the Alcatel Lucent OmniGenesys Contact Center, and other products and/or
 16 systems practicing the claimed invention. The Alcatel Defendants are liable for infringement
 17 under 35 U.S.C. § 271, including without limitation both direct and indirect infringement of the
 18 '176 patent.

19 COUNT VI

20 35. Oracle hereby restates and realleges the allegations set forth in paragraphs
 21 1 through 34 above and incorporates them by reference.

22 36. Siebel Systems, Inc. is the owner of all right, title, and interest in United
 23 States Patent No. 7,136,448 entitled "Managing Received Communications Based On
 24 Assessments Of The Senders" ("the '448 patent"), duly and legally issued on November 14, 2006.
 25 A true and correct copy of the '448 patent is attached hereto as Exhibit F.

26 37. The Alcatel Defendants, collectively and individually, have infringed and
 27 continue to infringe the '448 patent including without limitation by making, using, selling,
 28 offering to sell, and/or importing within or into the United States the Alcatel Lucent OmniTouch

1 Contact Center, the Alcatel Lucent OmniGenesys Contact Center, and other products and/or
2 systems practicing the claimed invention. The Alcatel Defendants are liable for infringement
3 under 35 U.S.C. § 271, including without limitation both direct and indirect infringement of the
4 '448 patent.

5 38. Pursuant to 35 U.S.C. § 284, Oracle is entitled to damages for the Alcatel
6 Defendants' infringement of the Oracle Patents.

7 39. Pursuant to 35 U.S.C. § 283, Oracle is entitled to a permanent injunction
8 against further infringement of the Oracle Patents.

9 COUNT VII

10 40. Oracle hereby restates and realleges the allegations set forth in paragraphs
11 1 through 39 above and incorporates them by reference.

12 41. Alcatel Lucent purports to be the owner of U.S. Patent No. 5,418,943 ("the
13 '943 patent") entitled "Information Systems With Knowledge Base And Data Base." A true and
14 correct copy of the '943 patent is attached hereto as Exhibit G.

15 42. Oracle has not infringed, and is not infringing, either directly or indirectly,
16 contributorily or otherwise, any claim of the '943 patent.

17 43. The claims of the '943 patent are invalid for failure to comply with the
18 requirements of the Patent Laws of the United States, including but not limited to the provisions
19 of 35 U.S.C. §§ 101, 102, 103, and/or 112.

20 COUNT VIII

21 44. Oracle hereby restates and realleges the allegations set forth in paragraphs
22 1 through 43 above and incorporates them by reference.

23 45. Alcatel Lucent purports to be the owner of U.S. Patent No. 6,272,502 ("the
24 '502 patent") entitled "Refreshing Materialized Views Of A Database To Maintain Consistency
25 With Underlying Data." A true and correct copy of the '502 patent is attached hereto as Exhibit
26 H.

27 46. Oracle has not infringed, and is not infringing, either directly or indirectly,
28 contributorily or otherwise, any claim of the '502 patent.

COUNT XI

56. Oracle hereby restates and realleges the allegations set forth in paragraphs 1 through 55 above and incorporates them by reference.

57. Alcatel Lucent purports to be the owner of U.S. Patent No. 5,659,725 ("the '725 patent") entitled "Query Optimization By Predicate Move-Around." A true and correct copy of the '725 patent is attached hereto as Exhibit K.

58. Oracle has not infringed, and is not infringing, either directly or indirectly, contributorily or otherwise, any claim of the '725 patent.

59. The claims of the '725 patent are invalid for failure to comply with the requirements of the Patent Laws of the United States, including but not limited to the provisions of 35 U.S.C. §§ 101, 102, 103, and/or 112.

COUNT XII

60. Oracle hereby restates and realleges the allegations set forth in paragraphs 1 through 59 above and incorporates them by reference.

61. Alcatel Lucent purports to be the owner of U.S. Patent No. 5,649,068 ("the '068 patent") entitled "Pattern Recognition System Using Support Vectors." A true and correct copy of the '068 patent is attached hereto as Exhibit L.

62. Oracle has not infringed, and is not infringing, either directly or indirectly, contributorily or otherwise, any claim of the '068 patent.

63. The claims of the '068 patent are invalid for failure to comply with the requirements of the Patent Laws of the United States, including but not limited to the provisions of 35 U.S.C. §§ 101, 102, 103, and/or 112.

COUNT XIII

64. Oracle hereby restates and realleges the allegations set forth in paragraphs 1 through 63 above and incorporates them by reference.

65. Alcatel Lucent purports to be the owner of U.S. Patent No. 6,732,156 ("the '156 patent") entitled "System For Routing Electronic Mails." A true and correct copy of the '156 patent is attached hereto as Exhibit M.

66. Oracle has not infringed, and is not infringing, either directly or indirectly, contributorily or otherwise, any claim of the '156 patent.

67. The claims of the '156 patent are invalid for failure to comply with the requirements of the Patent Laws of the United States, including but not limited to the provisions of 35 U.S.C. §§ 101, 102, 103, and/or 112.

PRAYER FOR RELIEF

WHEREFORE, Oracle prays for the entry of judgment that:

A. The Alcatel Defendants have infringed each of the Oracle Patents under 35 U.S.C. § 271;

B. Oracle has not infringed and is not infringing, directly, indirectly or otherwise, any claims of the Alcatel Lucent Patents;

C. Each of the claims of the Alcatel Lucent Patents is invalid;

D. The Alcatel Defendants pay to Oracle damages pursuant to 35 U.S.C. § 284, including an accounting;

E. The Alcatel Defendants pay to Oracle attorneys' fees pursuant to 35 U.S.C. § 285;

F. The Alcatel Defendants pay to Oracle pre-judgment and post-judgment interest;

G. The Alcatel Defendants and each of their officers, employees, agents, alter egos, attorneys, and any persons in active concert or participation with them are restrained and enjoined from infringing the Oracle Patents;

H. The Alcatel Defendants and each of their officers, employees, agents, alter egos, attorneys, and any persons in active concert or participation with them are restrained and enjoined from further prosecuting or instituting any action against Oracle claiming that the Alcatel Lucent Patents are valid, enforceable, or infringed, or from representing that Oracle's products or services, or that others' use thereof, infringe the Alcatel Lucent Patents; and

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

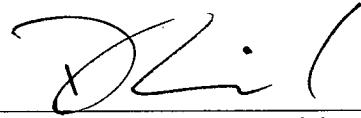
DEMAND FOR JURY TRIAL

Oracle demands a trial by jury on all issues so triable.

Dated: May 7, 2008

WEIL, GOTSHAL & MANGES LLP

By: _____



Douglas E. Lumish
doug.lumish@weil.com

Attorneys for Plaintiffs
ORACLE CORPORATION,
ORACLE USA, INC., ORACLE
INTERNATIONAL
CORPORATION, AND SIEBEL
SYSTEMS, INC.