

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

VERSATA SOFTWARE, INC., F/K/A	§	
TRILOGY SOFTWARE, INC.;	§	
VERSATA DEVELOPMENT GROUP,	§	
INC., F/K/A TRILOGY DEVELOPMENT	§	
GROUP, INC.; and	§	
VERSATA COMPUTER INDUSTRY	§	
SOLUTIONS, INC., F/K/A TRILOGY	§	
COMPUTER INDUSTRY	§	
SOLUTIONS, INC.,	§	
	§	
Plaintiffs,	§	CIVIL ACTION NO. 2:07-cv-153-DF
	§	
v.	§	
	§	
SAP AMERICA, INC. and SAP AG,	§	
	§	
Defendants.	§	JURY TRIAL DEMANDED

PLAINTIFFS’ ORIGINAL COMPLAINT

Plaintiffs Versata Software, Inc., f/k/a Trilogy Software, Inc., Versata Development Group, Inc., f/k/a Trilogy Development Group, Inc., and Versata Computer Industry Solutions, Inc., f/k/a Trilogy Computer Industry Solutions, Inc. (collectively “Versata”) file this Original Complaint for patent infringement against Defendants, SAP America, Inc., and SAP AG (collectively “SAP”).

PARTIES

1. Plaintiff Versata Software, Inc., f/k/a Trilogy Software, Inc., is a corporation existing under the laws of Delaware with its principal place of business at 6011 W. Courtyard, Austin, Texas, 78730.

2. Plaintiff Versata Development Group, Inc., f/k/a Trilogy Development Group, Inc., is a corporation existing under the laws of Delaware with its principal place of business at 6011 W. Courtyard, Austin, Texas, 78730.

3. Plaintiff Versata Computer Industry Solutions, Inc., f/k/a Trilogy Computer Industry Solutions, Inc., is a corporation existing under the laws of Delaware with its principal place of business at 6011 W. Courtyard, Austin, Texas, 78730.

4. Upon information and belief, Defendant SAP America, Inc. is a corporation existing under the laws of Delaware with its principal place of business at 399 West Chester Pike, Newtown Square, PA 19073.

5. Upon information and belief, Defendant SAP AG is a corporation existing under the laws of the country of Germany having its headquarters at Dietmar-Hopp-Allee 16, 69190 Walldorf, Germany.

JURISDICTION AND VENUE

6. This is an action for patent infringement under the Patent Laws of the United States, 35 U.S.C. § 271.

7. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

8. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and 1400(b).

BACKGROUND

9. On January 13, 1998, the USPTO duly and legally issued United States Patent No. 5,708,798 (“the ‘798 patent”), entitled “Method and Apparatus for Configuring Systems.” Versata holds all right, title, and interest in and to the ‘798 patent (a true and correct copy of which is attached hereto as Exhibit A).

10. On March 2, 1999, the USPTO duly and legally issued United States Patent No. 5,878,400 (“the ‘400 patent”), entitled “Method and Apparatus for Pricing Products in Multi-Level Product and Organizational Groups.” Versata holds all right, title, and interest in and to the ‘400 patent (a true and correct copy of which is attached hereto as Exhibit B).

11. On December 14, 1999, the USPTO duly and legally issued United States Patent No. 6,002,854 (“the ‘854 patent”), entitled “Method and Apparatus for Configuring Systems.” Versata holds all right, title, and interest in and to the ‘854 patent (a true and correct copy of which is attached hereto as Exhibit C).

12. On April 22, 2003, the USPTO duly and legally issued United States Patent No. 6,553,350 B2 (“the ‘350 patent”), entitled “Method and Apparatus for Pricing Products in Multi-Level Product and Organizational Groups.” Versata holds all right, title, and interest in and to the ‘350 patent (a true and correct copy of which is attached hereto as Exhibit D).

13. On June 27, 2006, the USPTO duly and legally issued United States Patent No. 7,069,235 B1 (“the ‘235 patent”), entitled “System and Method for Multi-Source Transaction Processing.” Versata holds all right, title, and interest in and to the ‘235 patent (a true and correct copy of which is attached hereto as Exhibit E).

14. Upon information and belief, SAP makes, uses, licenses, sells, offers for sale, or imports in the State of Texas, in this judicial district, and elsewhere within the United States enterprise software, including SAP’s Business Suite, that infringes the ‘798, ‘400, ‘854, ‘350, and ‘235 patents, as well as related services.

COUNT I: INFRINGEMENT OF THE ‘798 PATENT

15. Versata realleges and incorporates by reference herein the allegations contained in Paragraphs 1 through 14.

16. SAP has been and is now directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement, the ‘798 patent in the State of Texas, in this judicial district, and elsewhere within the United States by, among other things, making, using, licensing, selling, offering for sale, or importing enterprise software, including

SAP's Business suite, and related services covered by one or more claims of the '798 patent, all to the injury of Versata.

17. SAP's acts of infringement have been willful, deliberate, and in reckless disregard of Versata's patent rights, and will continue unless permanently enjoined by this Court.

18. Versata has been damaged by SAP's infringement of the '798 patent in an amount to be determined at trial, and has suffered and will continue to suffer irreparable loss and injury unless SAP is permanently enjoined from infringing the '798 patent.

COUNT II: INFRINGEMENT OF THE '400 PATENT

19. Versata realleges and incorporates by reference herein the allegations contained in Paragraphs 1 through 14.

20. SAP has been and is now directly infringing (and indirectly infringing by way of inducing infringement and/or contributing to the infringement) the '400 patent in the State of Texas, in this judicial district, and elsewhere within the United States by, among other things, making, using, licensing, selling, offering for sale, or importing enterprise software, including SAP's Business suite, and related services covered by one or more claims of the '400 patent, all to the injury of Versata.

21. SAP's acts of infringement have been willful, deliberate, and in reckless disregard of Versata's patent rights, and will continue unless permanently enjoined by this Court.

22. Versata has been damaged by SAP's infringement of the '400 patent in an amount to be determined at trial, and has suffered and will continue to suffer irreparable loss and injury unless SAP is permanently enjoined from infringing the '400 patent.

COUNT III: INFRINGEMENT OF THE '854 PATENT

23. Versata realleges and incorporates by reference herein the allegations contained in Paragraphs 1 through 14.

24. SAP has been and is now directly infringing (and indirectly infringing by way of inducing infringement and/or contributing to the infringement) the '854 patent in the State of Texas, in this judicial district, and elsewhere within the United States by, among other things, making, using, licensing, selling, offering for sale, or importing enterprise software, including SAP's Business suite, and related services covered by one or more claims of the '854 patent, all to the injury of Versata.

25. Defendant SAP's acts of infringement have been willful, deliberate, and in reckless disregard of Versata's patent rights, and will continue unless permanently enjoined by this Court.

26. Versata has been damaged by SAP's infringement of the '854 patent in an amount to be determined at trial, and has suffered and will continue to suffer irreparable loss and injury unless SAP is permanently enjoined from infringing the '854 patent.

COUNT IV: INFRINGEMENT OF THE '350 PATENT

27. Versata realleges and incorporates by reference herein the allegations contained in Paragraphs 1 through 14.

28. SAP has been and is now directly infringing (and indirectly infringing by way of inducing infringement and/or contributing to the infringement) the '350 patent in the State of Texas, in this judicial district, and elsewhere within the United States by, among other things, making, using, licensing, selling, offering for sale, or importing enterprise software, including SAP's Business suite, and related services covered by one or more claims of the '350 patent, all to the injury of Versata.

29. SAP's acts of infringement have been willful, deliberate, and in reckless disregard of Versata's patent rights, and will continue unless permanently enjoined by this Court.

30. Versata has been damaged by SAP's infringement of the '350 patent in an amount to be determined at trial, and has suffered and will continue to suffer irreparable loss and injury unless SAP is permanently enjoined from infringing the '350 patent.

COUNT V: INFRINGEMENT OF THE '235 PATENT

31. Versata realleges and incorporates by reference herein the allegations contained in Paragraphs 1 through 14.

32. SAP has been and is now directly infringing (and indirectly infringing by way of inducing infringement and/or contributing to the infringement) the '235 patent in the State of Texas, in this judicial district, and elsewhere within the United States by, among other things, making, using, licensing, selling, offering for sale, or importing enterprise software, including SAP's Business suite, and related services covered by one or more claims of the '235 patent, all to the injury of Versata.

33. SAP's acts of infringement have been willful, deliberate, and in reckless disregard of Versata's patent rights, and will continue unless permanently enjoined by this Court.

34. Versata has been damaged by SAP's infringement of the '235 patent in an amount to be determined at trial, and has suffered and will continue to suffer irreparable loss and injury unless SAP is permanently enjoined from infringing the '235 patent.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs Versata Software, Inc., Versata Development Group, Inc., and Versata Computer Industry Solutions, Inc. pray for the following relief against Defendants SAP America, Inc., and SAP AG:

A. A judgment in favor of Versata that SAP has infringed, directly and indirectly by way of inducing infringement and/or contributing to the infringement of Versata's '798, '400, '350, '854, and '235 patents;

B. A permanent injunction, enjoining SAP and its officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, and parents from infringing, inducing the infringement of, or contributing to the infringement of Versata's '798, '400, '350, '854, and '235 patents;

C. A judgment and order requiring SAP to pay Versata damages for SAP's infringement of Versata's '798, '400, '350, '854, and '235 patents, together with interest (both pre- and post-judgment), costs and disbursements as fixed by this Court under 35 U.S.C. § 284;

D. A judgment and order finding SAP's infringement willful and awarding treble the amount of damages and losses sustained by Versata as a result of SAP's infringement under 35 U.S.C. § 284;

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

F. Such other and further relief in law or in equity to which Versata may be justly entitled.

DEMAND FOR JURY TRIAL

Plaintiffs demand a trial by jury of any and all issues triable of right before a jury.

Respectfully submitted,

McKOOL SMITH P.C.

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**ATTORNEYS FOR PLAINTIFFS
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