

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

**LONE STAR DOCUMENT
MANAGEMENT, LLC
PLAINTIFF**

vs.

**MOTIVE SYSTEMS, INC., et. al.
DEFENDANTS**

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**Civil Action No. 2:11-cv-00169
JURY DEMAND**

PLAINTIFF'S FIRST AMENDED COMPLAINT

Plaintiff Lone Star Document Management, LLC, files this, its First Amended Complaint for infringement of U.S. Patent No. 6,918,082 against Defendant Adlib Publishing Systems, Inc., under 35 U.S.C. § 1, *et seq.*, and in support thereof would respectfully show the Court the following:

PARTIES

1. Plaintiff Lone Star Document Management, Inc. ("Lone Star") is a Delaware limited liability company with its principal office located at 555 Republic Drive, 2nd Floor, Plano, Texas 75074.

2. Defendant Adlib Publishing Systems, Inc. ("Adlib") is a Canadian corporation with its principal office located at 3228 South Service Road, Unit 215, Burlington, Ontario L7N 3H8, Canada. On or about August 26, 2011, Adlib filed with the Court a Waiver of Service of Summons.

JURISDICTION AND VENUE

3. This is an action for patent infringement arising under the patent laws of the United States, Title 35, United States Code. This Court has exclusive subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §1338(a).

4. This Court has personal jurisdiction over the Defendant Adlib. Adlib conducts business within the State of Texas and within the Eastern District of Texas. Adlib, directly or through intermediaries (including distributors, retailers, and others) ships, distributes, offers for sale, sells, and advertises its products in the United States, the State of Texas, and the Eastern District of Texas. Adlib has purposefully and voluntarily placed infringing products in the stream of commerce with the expectation that its products will be purchased by end users in the Eastern District of Texas. For example, Adlib maintains an interactive internet web site with the domain name, www.adlibsoftware.com. Adlib has committed the tort of patent infringement within the State of Texas and this District.

5. Venue is proper in the Eastern District of Texas under 28 U.S.C. §§ 1391(b) and 1400.

U.S. PATENT NO 6,918,082

6. United States Patent No. 6,918,082 (“the ‘082 Patent”), entitled “Electronic Document Proofing System,” was duly and legally issued by the United States Patent and Trademark Office on July 12, 2005, after full and fair examination. The ‘082 Patent relates generally to systems for proofing and reviewing documents electronically, and in particular to such systems that store and retrieve a plurality of documents by use of computer equipment and digital storage. Plaintiff Lone Star is the

assignee of all rights, title and interest in and to the '082 Patent and possesses all rights of recovery under the '082 Patent.

7. A number of companies have licensed the '082 Patent. Recently, Lone Star has licensed the '082 Patent to M-Files, Inc., Alfresco Software, Inc., ITAZ Technologies Pvt. Ltd., and Intelledox Pty. Ltd.

8. The '082 Patent contains twenty-one claims, of which four, Claims 1, 10, 17 and 21 are independent claims, and the remaining claims are dependent claims. Among the independent claims of the '082 Patent, Claim 1 discloses:

A system for proofing electronic documents delivered over a network, comprising:

- a plurality of electronic documents in portable document file format;
- a computer connectable to the network for receiving the plurality of portable format document together with at least one associated proofer identifier;
- a program executing on said computer for assigning a version number to each of the plurality of received portable format documents; and
- a database accessible by said computer for storing the documents and associated version numbers;
- said computer for receiving a request, from a proofer presenting the proofer identifier, to review multiple versions of a portable electronic document;
- said program for retrieving and formatting the requested multiple document versions for simultaneous display to permit visual comparison.

Similarly, Claim 10 discloses:

A system for proofing electronic documents delivered over a network, comprising:

- a database of portable format electronic documents stored together with at least one proofer identifier;
- a computer connectable to the network for receiving a plurality of comments, each concerning a particular one of the portable format documents; and
- a program executing on said computer for associating and storing the received plurality of comments together with the particular portable format electronic documents;
- said computer for receiving a request, from a proofer presenting the proofer identifier, to review a particular portable format electronic document;

said program for receiving and formatting the requested document together with the associated plurality of comments for simultaneous display to permit review.

ADLIB SOFTWARE

9. Adlib was started in 1998, the same year in which the application for the '082 Patent was filed with the USPTO. Adlib boasts of being a leading expert in the field of enterprise content transformation ("ECT") and it works to "optimize the efficiency of all business processes with content-to-PDF transformation solutions." Among the products Adlib offers its customers are the Adlib Content Transformation Platform (the "Adlib Platform") and the Adlib eXpress Server.

10. Adlib advertises its Adlib Platform as being "an enterprise content to PDF transformation platform that enables" its customers to "optimize the efficiency of the business process through automated content to PDF transformation" and also to "deliver highly effective shared services that scale from the line of business throughout the enterprise." Additionally, Adlib advertises that its eXpress Server "provides unlimited and automated conversion of 3000 file types to PDF and text." The eXpress Server also enables "document-to-PDF conversion services from a centrally managed server location." Moreover, in addition to creating unlimited PDF and text files, the Adlib eXpress Server also "delivers a suite of built-in functionality to meet the needs of multiple users: FMR – Fault Monitoring and Recovery for unmatched reliability, integrated e-mail support, innovative DPI and XML 'Job Ticket' feature, watermarks, headers, and footers, merge, split, and stitch, hyperlink and bookmark transfer, PDF security, font-embedding and multi-language support, and scripting and command line."

11. Adlib boasts of having more than 5,500 global customers, including a number of customers who are located in or regularly conduct business in the Eastern District of Texas, such as, for example, the law firms of Akin, Gump, Strauss, Hauer & Feld, LLP and Baron & Budd, PC, and also energy companies Encana and Marathon Oil Company. Adlib states that these, and its other customers, are “using the Adlib Platform for their document-intensive business processes.”

COUNT ONE: PATENT INFRINGEMENT

12. Lone Star realleges paragraphs 1 through 11 herein.

13. Defendant Adlib is infringing the ‘082 Patent by making, using, selling, or offering for sale in the United States, including in the Eastern District of Texas, systems, services and/or products, and/or by undertaking processes, embodying the patented inventions and designs without authority. Among the products and/or services that Adlib sales, offers for sale and/or provides to customers in the Eastern District of Texas are the Adlib Content Transformation Platform and the Adlib eXpress Server. Moreover, even if Adlib’s sale or offer for sale of the Adlib Platform and/or the Adlib eXpress Server would not constitute direct infringement of one or more of the claims of the ‘082 Patent, Adlib nevertheless is actively, intentionally, and/or knowingly inducing or contributing to infringement of the ‘082 Patent by others, including the customers who use the Adlib Platform and/or eXpress Server.

RELIEF

Plaintiff Lone Star respectfully requests the following relief:

- A. that the Court issue a permanent injunction against Defendant Adlib enjoining Adlib from making, using, selling, or offering for

sale in the United States any products, and from undertaking any processes, embodying the patented inventions or designs claimed in the '082 Patent;

- B. that the Court award damages to Plaintiff Lone Star to which it is entitled;
- C. that the Court award interest on such damages;
- D. that the Court award Plaintiff Lone Star its costs and attorneys' fees incurred in this action; and,
- E. that the Court award such other and further relief, at law or in equity, as the Court deems just and proper.

A JURY TRIAL IS DEMANDED BY PLAINTIFF LONE STAR DOCUMENT MANAGEMENT, LLC.

Respectfully submitted,

By: /s/ Steven N. Williams

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I certify all counsel of record who consent to electronic service are being served a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on September 9, 2011.

/s/Steven N. Williams