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U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

REED SMITH LLP
A limited liability partnership formed in the State of Delaware

10 SYBASE, INC., a Delaware corporation,

Case No.

11 Plaintiff,

**COMPLAINT FOR PATENT
INFRINGEMENT**

12 vs.

[JURY TRIAL DEMANDED]

13
14 VERTICA SYSTEMS, INC., a Delaware
15 corporation,

16 Defendant.

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18
19 Plaintiff Sybase, Inc. ("Sybase") files this Complaint for Patent Infringement against
20 Defendant Vertica Systems, Inc. ("Vertica") and, in support thereof, states and alleges as follows:
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22 **JURISDICTION AND BACKGROUND**

23 1. This is an action for patent infringement arising under the patent laws of the United
24 States, 35 U.S.C. Section 1, *et seq.*

25 2. This Court has subject matter jurisdiction over this action under 28 U.S.C. Sections
26 1331 and 1338(a).

27 3. The Court has personal jurisdiction over Vertica because Vertica has substantial
28 contacts with the Northern District of California and has committed the tort of patent infringement

1 within this judicial District.

2 4. Sybase is informed and believes and thereon alleges that Vertica has conducted and
3 conducts business within the State of California, including in this judicial District.

4 5. Sybase is further informed and believes and thereon alleges that Vertica, directly
5 and/or through intermediaries (including distributors, channel partners and/or others), ships,
6 distributes, offers for sale, sells, and/or advertises its products, including the products herein accused
7 of patent infringement, in the United States, the State of California, and the Northern District of
8 California.

9 6. Sybase is further informed and believes and thereon alleges that Vertica, among other
10 things: (a) markets, offers to sell, sells and/or induces others to use its infringing products in the
11 Northern District of California via Vertica's website; (b) markets, offers to sell, sells and/or induces
12 others to use its infringing products via nationwide marketing efforts directed to citizens and
13 inhabitants of the Northern District of California; and (c) purposefully and voluntarily places one or
14 more of its infringing products into the stream of commerce with the expectation that they will be
15 purchased by consumers throughout the United States, including in the Northern District of
16 California, and with the result that such products have been and continue to be offered for sale, sold,
17 and/or used by consumers in the Northern District of California.

18 7. By, among other things, knowingly inducing others to infringe Sybase's patent in the
19 Northern District of California based upon the foregoing activities, Vertica is subject to specific
20 jurisdiction in this District.

21
22 **VENUE**

23 8. Venue in this judicial district is proper under the provisions of 28 U.S.C. Sections
24 1391(b)-(c) and 1400(b) because, on information and belief, Vertica resides in this judicial District,
25 as it is subject to personal jurisdiction in the Northern District of California.

26 9. Further, Vertica has committed acts of infringement in this District, including
27 inducing infringement in this District.

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INTRA-DISTRICT ASSIGNMENT

10. Pursuant to the local rules of the United States District Court for the Northern District of California, Civil Local Rule 3-2, this action is an Intellectual Property Action and therefore assignable to any division.

PARTIES

11. Sybase is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located in Dublin, California.

12. Sybase is informed and believes and thereon alleges that Defendant Vertica is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located in Billerica, Massachusetts.

CLAIM FOR RELIEF

(Patent Infringement re U.S. Patent No. 5,794,228)

13. On August 11, 1998, United States Patent No. 5,794,228 (“the ‘228 Patent”), entitled “DATABASE SYSTEM WITH BUFFER MANAGER PROVIDING PER PAGE NATIVE DATA COMPRESSION AND DECOMPRESSION,” duly and legally issued to Sybase as the assignee of Clark French and Peter White.

14. On and since August 11, 1998, Sybase has been and still is the owner of all rights, title, and interest in the ‘228 Patent.

15. A true and correct copy of the ‘228 Patent is attached as Exhibit A to this Complaint for Patent Infringement and is incorporated herein in its entirety.

16. Vertica has directly and indirectly infringed, and continues to infringe, literally and/or under the Doctrine of Equivalents, one of more claims of the ‘228 Patent by manufacturing, using, offering for sale, selling within the United States and/or importing into the United States one or more of its database products, including but not limited to Vertica Analytic Database, Vertica Analytic Database Appliance, and Vertica for the Cloud (collectively, the “Vertica Database products”), which embody or practice the claimed invention of the ‘228 Patent, without authority or license from

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1 Sybase.

2 17. Vertica is liable under 35 U.S.C. Section 271(b)-(c) by actively inducing and
3 contributing to others' infringement of one or more claims of the '228 Patent.

4 18. Vertica had actual notice of the '228 Patent no later than January 14, 2009.

5 19. Sybase is informed and believes and thereon alleges that Vertica's infringement of the
6 '228 Patent has been willful.

7 20. By the aforesaid actions, Vertica has violated the patent laws of the United States, 35
8 U.S.C. Section 271, *et al.*, and will continue to do so unless permanently enjoined by the Court.

9 21. These actions by Vertica have caused significant damage to Sybase in an amount to
10 be determined at trial.

11 22. These actions by Vertica have caused and will continue to cause Sybase irreparable
12 injury for which Sybase has no adequate remedy at law.

13 WHEREFORE, Sybase prays for relief as set forth below.

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PRAYER FOR RELIEF

WHEREFORE, Sybase respectfully requests that this Court:

a. Enter judgment for Sybase that Vertica has infringed the '228 Patent by making, using, offering for sale, selling and/or importing the Vertica Database products and any other infringing products;

b. Enter judgment for Sybase that Vertica's infringement of the '228 Patent is willful;

c. Issue a permanent injunction restraining Vertica, its officers, directors, employees, agents, attorneys, subsidiaries, affiliates, successors and assigns, and all others in active concert or participation with Vertica or under Vertica's authority, from making, using, offering for sale, selling and/or importing infringing Vertica Database products and any other infringing products, and from otherwise infringing, contributing to the infringement of, or actively inducing infringement of, the '228 Patent;

d. Order Vertica to file with this Court, and to serve on Sybase, a written report under oath setting forth in detail the manner and form in which Vertica has complied with the injunction;

e. Order an award of damages adequate to compensate Sybase for Vertica's acts of infringement, contributory infringement, and active inducement of infringement of the '228 Patent, including but not limited to monetary damages of no less than a reasonable royalty;

f. Order an award of treble damages pursuant to 35 U.S.C. Section 284;

g. Order and decree, pursuant to 35 U.S.C. Section 285, that this an exceptional case entitling Sybase to an award of its reasonable attorneys' fees and costs;

h. Order that Sybase be awarded its costs and reasonable attorneys' fees incurred in this action;

i. Order an award of pre-judgment and post-judgment interest at the maximum rate allowed by law on the above damages awards;

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1 j. Grant such other and further relief as this Court deems just and appropriate.
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3 DATED: December 1, 2009.

4 REED SMITH LLP

5
6 By 
7 William R. Overend
8 Attorneys for Plaintiff
9 Sybase, Inc.
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DEMAND FOR JURY TRIAL

Plaintiff Sybase, Inc. hereby demands a jury trial as to all such triable issues in this action.

DATED: December 1, 2009.

REED SMITH LLP

By 

William R. Overend
Attorneys for Plaintiff
Sybase, Inc.

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