1   ALISA LIPSKI (State Bar No. 278710)
    EDWARD GOLDSTEIN (*Pro Hac Vice To Be Filed*)
2   GOLDSTEIN & LIPSKI, PLLC
    1177 West Loop South, Suite 400
3   Houston, TX 77027
    Telephone: (713) 877-1515
4   Facsimile: (713) 877-1737
    Email: alipski@gliplaw.com
5   Email: egoldstein@gliplaw.com

6   JONATHAN T. SUDER (*Pro Hac Vice To Be Filed*)
    CORBY R. VOWELL (*Pro Hac Vice To Be Filed*)
7   TODD I. BLUMENFELD (*Pro Hac Vice To Be Filed*)
    FRIEDMAN, SUDER & COOKE
8   Tindall Square Warehouse No. 1
    604 East 4th Street, Suite 200
9   Fort Worth, Texas 76102
    Telephone: (817) 334-0400
10 Facsimile: (817) 334-0401
    Email: jts@fsclaw.com
11 Email: blumenfeld@fsclaw.com
    Email: vowell@fsclaw.com
12
    Attorneys for Plaintiff
13 SOFTVAULT SYSTEMS, INC.

14   UNITED STATES DISTRICT COURT

15   NORTHERN DISTRICT OF CALIFORNIA

16   SAN JOSE DIVISION

17 SOFTVAULT SYSTEMS, INC.   CASE NO. CV 12 1099

18   Plaintiff,   COMPLAINT FOR
                                         INFRINGEMENT OF
19   vs.   U.S. PATENT NOS. 6,249,868
                                         AND 6,594,765
20 SYBASE, INC.

21   Defendant.   JURY TRIAL DEMANDED

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COMPLAINT FOR PATENT INFRINGEMENT

1   Plaintiff SOFTVAULT SYSTEMS, INC. files its Complaint against Defendant

2 SYBASE, INC., alleging as follows:

3   **THE PARTIES**

4   1.   Plaintiff SOFTVAULT SYSTEMS, INC. ("SOFTVAULT") is a corporation

5 organized and existing under the laws of the State of Washington with its principle place of

6 business in the State of Washington.

7   2.   Upon information and belief, SYBASE, INC. ("DEFENDANT") is a corporation

8 organized and existing under the laws of the State of Delaware, with its principal place of

9 business in Dublin, California. Defendant may be served with process through its registered

10 agent The Prentice-Hall Corporation System, Inc., 2730 Gateway Oaks Drive, Suite 100,

11 Sacramento, CA 95833.

12   **JURISDICTION AND VENUE**

13   3.   This is an action for infringement of United States patents. This Court has

14 exclusive jurisdiction of such action under Title 28 U.S.C. § 1338(a).

15   4.   Upon information and belief, Sybase is subject to personal jurisdiction by this

16 Court. Sybase has committed such purposeful acts and/or transactions in the State of California

17 that it reasonably knew and/or expected that it could be hailed into a California court as a future

18 consequence of such activity. Sybase makes, uses, and/or sells infringing products within the

19 Northern District of California and has a continuing presence and the requisite minimum

20 contacts with the Northern District of California where Defendant resides, such that this venue is

21 a fair and reasonable one. Upon information and belief, Sybase has transacted and, at the time of

22 the filing of this Complaint, is continuing to transact business within the Northern District of

23 California. For all of these reasons, personal jurisdiction exists and venue is proper in this Court

24 under 28 U.S.C. §§ 1391(b)(1), (2) and (c)(2) and 28 U.S.C. § 1400(b).

25   **PATENTS-IN-SUIT**

26   5.   On June 19, 2001, United States Patent No. 6,249,868 BI ("the '868 Patent") was

27 duly and legally issued for "METHOD AND SYSTEM FOR EMBEDDED, AUTOMATED,

28 COMPONENT-LEVEL CONTROL OF COMPUTER SYSTEMS AND OTHER COMPLEX

COMPLAINT FOR PATENT INFRINGEMENT   1

1 SYSTEMS." A true and correct copy of the '868 Patent is attached hereto as Exhibit A and

2 made a part hereof.

3   6.   On July 15, 2003, United States Patent No. 6,594,765 B2 ("the '765 Patent" was

4 duly and legally issued for "METHOD AND SYSTEM FOR EMBEDDED, AUTOMATED,

5 COMPONENT-LEVEL CONTROL OF COMPUTER SYSTEMS AND OTHER COMPLEX

6 SYSTEMS." A true and correct copy of the '765 Patent is attached hereto as Exhibit B and

7 made a part hereof.

8   7.   The '868 Patent and the '765 Patent are sometimes referred to herein collectively

9 as "the Patents-in-Suit."

10   8.   As it pertains to this lawsuit, the Patents-in-Suit, very generally speaking, relate to

11 a method and system of protecting electronic, mechanical, and electromechanical devices and

12 systems, such as for example a computer system, and their components and software from

13 unauthorized use. Specifically, certain claims of the '868 and '765 Patents disclose the

14 utilization of embedded agents within system components to allow for the enablement or

15 disablement of the system component in which the agent is embedded. The invention disclosed

16 in the Patents-in-Suit discloses a server that communicates with the embedded agent through the

17 use of one or more handshake operations to authorize the embedded agent. When the embedded

18 agent is authorized by the server, it enables the device or component, and when not authorized

19 the embedded agent disables the device or component.

FIRST CLAIM FOR RELIEF

(Patent Infringement)

22   9.   SoftVault repeats and realleges every allegation set forth above.

23   10.   SoftVault is the owner of the Patents-in-Suit with the exclusive right to enforce

24 the Patents-in-Suit against infringers, and collect damages for all relevant times, including the

25 right to prosecute this action.

26   11.   Upon information and belief, Sybase is liable under 35 U.S.C. §271(a) for direct

27 infringement of the Patents-in-Suit because it manufactures, makes, has made, uses, practices,

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1 imports, provides, supplies, distributes, sells, and/or offers for sale products and/or systems that

2 practice one or more claims of the Patents-in-Suit.

3   12.   More specifically, Sybase infringes the Patents-in-Suit because it manufactures,

4 makes, has made, uses, practices, imports, provides, supplies, distributes, sells, and/or offers for

5 sale products and systems which prevents unauthorized use of a computer system through the

6 ability to enable or disable the operation of a device's components through an authorization

7 process performed by an embedded agent in the component device and a server. By way of

8 example only, Sybase's "Afaria" system (which includes "Afaria Client" software and an

9 "Afaria Server") has, at a minimum, in the past directly infringed and continues to directly

10 infringe at least Claims 1 and 44 of the '868 Patent, as well as at least Claim 9 of the '765 Patent.

11   13.   Sybase's "Afaria" system includes the capability to enable or disable a mobile

12 device, such as a laptop or smart phone, to prevent misuse of the system by "rogue devices"

13 and/or "rogue servers." The "Afaria" system includes the "Afaria Client" that operates on the

14 mobile device and communicates with the "Afaria Server", which is also part of the "Afaria"

15 system through authentication software included in the "Afaria Client." This communication

16 includes a series of message exchanges constituting a handshake operation between the "Afaria

17 Client" and the "Afaria Server." Through these exchanges the "Afaria Server" can authenticate

18 and authorize a device in which the "Afaria Client" is embedded. When the "Afaria Client" is

19 authorized by the "Afaria Server," the mobile device operates normally and when the "Afaria

20 Client" is not authorized, the mobile device is remotely locked and disabled. Similarly, when the

21 "Afaria Server" is recognized by the "Afaria Client", the mobile device will accept

22 communications from the server and when the "Afaria Server" is not recognized, the mobile

23 device will not accept communications.

24   14.   Sybase has actual notice of the Patents-in-Suit at least as early as the filing of this

25 Complaint.

26   15.   SoftVault has been damaged as a result of Sybase's infringing conduct. Sybase

27 is, thus, liable to SoftVault in an amount that adequately compensates SoftVault for Sybase's

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1 infringement, which, by law, cannot be less than a reasonable royalty, together with interest and
2 costs as fixed by this Court under 35 U.S.C. § 284.

PRAYER FOR RELIEF

SoftVault requests that the Court find in its favor and against Sybase, and that the Court grant SoftVault the following relief:

a. Judgment that one or more claims of the Patents-in-Suit have been infringed, either literally and/or under the doctrine of equivalents, by Sybase;

b. Judgment that Sybase account for and pay to SoftVault all damages to and costs incurred by SoftVault because of Sybase's infringing activities and other conduct complained of herein;

c. That Sybase, its officers, agents, servants and employees, and those persons in active concert and participation with any of them, be permanently enjoined from infringement of the Patents-in-Suit. In the alternative, if the Court finds that an injunction is not warranted, SoftVault requests an award of post judgment royalty to compensate for future infringement;

e. That SoftVault be granted pre-judgment and post-judgment interest on the damages caused to it by reason of Sybase's infringing activities and other conduct complained of herein;

f. That this Court declare this an exceptional case and award SoftVault its reasonable attorney's fees and costs in accordance with 35 U.S.C. § 285; and

g. That SoftVault be granted such other and further relief as the Court may deem just and proper under the circumstances.

JURY DEMAND

Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

COMPLAINT FOR PATENT INFRINGEMENT   4

1   DATED: March 5, 2012

Alisa Lipski
State Bar No.278710
GOLDSTEIN & LIPSKI, PLLC
1177 West Loop South, Suite 400
Houston, TX 77027
Telephone: (713) 877-1515
Facsimile: (713) 877-1737
Email: alipski@gliplaw.com

Attorney for Plaintiff
SOFTVAULT SYSTEMS, INC.

Of Counsel:

Edward Goldstein
 GOLDSTEIN & LIPSKI, PLLC
1177 West Loop South, Suite 400
Houston, TX 77027
Telephone: (713) 877-1515
Facsimile: (713) 877-1737
Email: egoldstein@gliplaw.com

Jonathan T. Suder
Corby R. Vowell
Todd Blumenfeld
FRIEDMAN, SUDER & COOKE
Tindall Square Warehouse No. 1
604 East 4th Street, Suite 200
Fort Worth, Texas 76102
Telephone: (817) 334-0400
Facsimile: (817) 334-0401
Email: jts@fsclaw.com
Email: blumenfeld@fsclaw.com
Email: vowell@fsclaw.com

COMPLAINT FOR PATENT INFRINGEMENT   5