

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

UNILOC LUXEMBOURG S.A and UNILOC USA, INC.,  Plaintiffs,  v.  Ipswitch, Inc.,  Defendant.	§ § § § § § § § § § §	CIVIL ACTION NO. 6:12cv229  <b>JURY TRIAL DEMANDED</b>
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**PLAINTIFFS’ ORIGINAL COMPLAINT  
FOR PATENT INFRINGEMENT**

Plaintiffs Uniloc Luxembourg S.A. (“Uniloc Luxembourg”) and Uniloc USA, Inc. (“Uniloc USA”) (collectively, “Uniloc”) file this Original Complaint against Ipswitch, Inc. for infringement of U.S. Patent No. 7,024,696 (“the ’696 patent”).

**THE PARTIES**

1. Uniloc Luxembourg S.A. (“Uniloc Luxembourg”) is a corporation organized and existing under the laws of Luxembourg with its principal place of business at 15, rue Edward Steichen, L-2540, Luxembourg.

2. Uniloc USA, Inc. (“Uniloc USA”) is a Texas corporation with its headquarters and principal place of business at Legacy Town Center I, Suite 380, 7160 Dallas Parkway, Plano, Texas 75024. Uniloc USA also maintains a place of business at 315 North Broadway, Suite 307, Tyler, Texas 75702.

3. Uniloc Luxembourg and Uniloc USA and collectively referred to as “Uniloc.” Uniloc researches, develops, manufactures and licenses information security technology

solutions, platforms and frameworks, including solutions for securing software applications and digital content. Uniloc's patented technologies enable software and content publishers to securely distribute and sell their high-value technology assets with minimum burden to their legitimate end users. Uniloc's technology is used in several markets, including software and game security, identity management, intellectual property rights management, and critical infrastructure security.

4. Ipswitch, Inc. ("Ipswitch" or "Defendant") is a Massachusetts corporation with its principal place of business in Lexington, Massachusetts. Ipswitch may be served with process through its registered agent, Roger C. Greene, 83 Hartwell Avenue, Lexington, Massachusetts 02421. Upon information and belief, Ipswitch does business in the State of Texas and in the Eastern District of Texas.

#### **JURISDICTION AND VENUE**

5. Uniloc brings this action for patent infringement under the patent laws of the United States, namely 35 U.S.C. §§ 271, 281, and 284-285, among others. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1338(a), and 1367.

6. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(c) and 1400(b). On information and belief, Defendant is deemed to reside in this judicial district, has committed acts of infringement in this judicial district, has purposely transacted business involving its accused products in this judicial district and/or, has regular and established places of business in this judicial district.

7. Defendant is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this State and judicial district, including: (A) at least part of its infringing activities alleged herein; and (B) regularly doing or soliciting business, engaging in other persistent

conduct, and/or deriving substantial revenue from goods sold and services provided to Texas residents.

**COUNT I**

(INFRINGEMENT OF U.S. PATENT NO. 7,024,696)

8. Uniloc incorporates paragraphs 1 through 7 herein by reference.

9. Uniloc Luxembourg is the owner, by direct assignment from the inventor, of the '696 patent, entitled "METHOD AND SYSTEM FOR PREVENTION OF PIRACY OF A GIVEN SOFTWARE APPLICATION VIA A COMMUNICATIONS NETWORK." A true and correct copy of the '696 patent is attached as Exhibit A.

10. Uniloc USA is the exclusive licensee of the '696 patent with ownership of all substantial rights in the '696 patent, including the right to grant sublicenses, exclude others and to enforce, sue and recover damages for past and future infringements.

11. The '696 patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

12. Ipswitch is directly infringing one or more claims of the '696 patent in this judicial district and elsewhere in Texas, including at least claim 18, without the consent or authorization of Uniloc, by or through making, using, offering for sale, selling and/or importing computer software that implements piracy prevention technology, including, without limitation, WhatsUpGold.

13. Uniloc has been damaged as a result of Defendant's infringing conduct described in this Count. Defendant is, thus, liable to Uniloc in an amount that adequately compensates it for Defendant's infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

**JURY DEMAND**

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

**PRAYER FOR RELIEF**

Uniloc requests that the Court find in its favor and against Defendant, and that the Court grant Uniloc the following relief:

- a. Judgment that one or more claims of the '696 patent has been infringed, either literally and/or under the doctrine of equivalents, by Defendant and/or by others to whose infringements Defendant has contributed and/or by others whose infringements have been induced by Defendant;
- b. Judgment that Defendant account for and pay to Uniloc all damages to and costs incurred by Uniloc because of Defendant's infringing activities and other conduct complained of herein;
- c. Judgment that Defendants account for and pay to Uniloc a reasonable, on-going, post judgment royalty because of Defendant's infringing activities and other conduct complained of herein;
- d. That Uniloc be granted pre-judgment and post-judgment interest on the damages caused by Defendant's infringing activities and other conduct complained of herein; and
- e. That Uniloc be granted such other and further relief as the Court may deem just and proper under the circumstances.

**Dated: March 30, 2012**

Respectfully submitted,

/s/ Barry J. Bumgardner (w/permission W. Hill)

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