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23 SOFTVAULT SYSTEMS, INC.

24 SOFTVAULT SYSTEMS, INC.

25 Plaintiff,

26 vs.

27 CA, INC.

28 Defendant.

FILED

APR 18 2012

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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

E-filing

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

DMR

SAN JOSE DIVISION

CASE NO.

CV 12 1940

**COMPLAINT FOR INFRINGEMENT
OF U.S. PATENT NOS. 6,249,868 AND
6,594,765**

JURY TRIAL DEMANDED

1 Plaintiff SOFTVAULT SYSTEMS, INC. files its Complaint against Defendant CA,
2 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, CA, 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 Islandia, New York. Defendant may be served with process through its registered
10 agent The Prentice-Hall Corporation System, Inc., 80 State Street, Albany, NY 12207.

11 **JURISDICTION AND VENUE**

12 3. This is an action for infringement of United States patents. This Court has
13 exclusive jurisdiction of such action under Title 28 U.S.C. § 1338(a).

14 4. Upon information and belief, CA is subject to personal jurisdiction by this Court.
15 CA has committed such purposeful acts and/or transactions in the State of California that it
16 reasonably knew and/or expected that it could be hailed into a California court as a future
17 consequence of such activity. CA makes, uses, and/or sells infringing products within the
18 Northern District of California and has a continuing presence and the requisite minimum
19 contacts with the Northern District of California – including its offices at 6000 Shoreline Ct.,
20 Suite 3000, South San Francisco, CA 94080 – such that this venue is a fair and reasonable one.
21 Upon information and belief, CA has transacted and, at the time of the filing of this Complaint, is
22 continuing to transact business within the Northern District of California. For all of these
23 reasons, personal jurisdiction exists and venue is proper in this Court under 28 U.S.C.
24 §§ 1391(b)(1), (2) and (c)(2) and 28 U.S.C. § 1400(b).

25 5. Venue is also proper here in the Northern District of California against CA
26 because there are two other co-pending litigations in this same Court. Plaintiff has recently filed
27 suit for patent infringement against Sybase, Inc. (Cause No. 5:12-cv-01099-LHK) and Symantec
28 Corporation (Cause No. 3:12-cv-01658) in the Northern District of California asserting the same

1 Patents-in-Suit as being infringed. This Court will undoubtedly gain familiarity with the Patents-
2 in-Suit and the patented technology through the course of those two litigations and venue is
3 proper in addition to the reasons stated above because it promotes judicial economy through
4 savings court time, effort, and expense. These three cases can be consolidated for pre-trial
5 purposes.

6 **PATENTS-IN-SUIT**

7 6. On June 19, 2001, United States Patent No. 6,249,868 BI (“the ‘868 Patent”) was
8 duly and legally issued for “METHOD AND SYSTEM FOR EMBEDDED, AUTOMATED,
9 COMPONENT-LEVEL CONTROL OF COMPUTER SYSTEMS AND OTHER COMPLEX
10 SYSTEMS.” A true and correct copy of the ‘868 Patent is attached hereto as Exhibit A and
11 made a part hereof.

12 7. On July 15, 2003, United States Patent No. 6,594,765 B2 (“the ‘765 Patent”) was
13 duly and legally issued for “METHOD AND SYSTEM FOR EMBEDDED, AUTOMATED,
14 COMPONENT-LEVEL CONTROL OF COMPUTER SYSTEMS AND OTHER COMPLEX
15 SYSTEMS.” A true and correct copy of the ‘765 Patent is attached hereto as Exhibit B and
16 made a part hereof.

17 8. The ‘868 Patent and the ‘765 Patent are sometimes referred to herein collectively
18 as “the Patents-in-Suit.”

19 9. As it pertains to this lawsuit, the Patents-in-Suit, very generally speaking, relate to
20 a method and system of protecting electronic, mechanical, and electromechanical devices and
21 systems, such as for example a computer system, and their components and software from
22 unauthorized use. Specifically, certain claims of the ‘868 and ‘765 Patents disclose the
23 utilization of embedded agents within system components to allow for the enablement or
24 disablement of the system component in which the agent is embedded. The invention disclosed
25 in the Patents-in-Suit discloses a server that communicates with the embedded agent through the
26 use of one or more handshake operations to authorize the embedded agent. When the embedded
27 agent is authorized by the server, it enables the device or component, and when not authorized
28 the embedded agent disables the device or component.

FIRST CLAIM FOR RELIEF

(Patent Infringement)

10. SoftVault repeats and realleges every allegation set forth above.

11. SoftVault is the owner of the Patents-in-Suit with the exclusive right to enforce the Patents-in-Suit against infringers, and collect damages for all relevant times, including the right to prosecute this action.

12. Upon information and belief, CA is liable under 35 U.S.C. §271(a) for direct infringement of the Patents-in-Suit because it manufactures, makes, has made, uses, practices, imports, provides, supplies, distributes, sells, and/or offers for sale products and/or systems that practice one or more claims of the Patents-in-Suit.

13. More specifically, CA infringes the Patents-in-Suit because it manufactures, makes, has made, uses, practices, imports, provides, supplies, distributes, sells, and/or offers for sale products and systems which prevents unauthorized use of a computer system through the ability to enable or disable the operation of a component through an authorization process performed by an embedded agent in the component and a server. By way of example only, CA's "DLP system" (which includes the "DLP Server software" and the "DLP client software" (the "DLP client software" includes multiple "endpoint agents" such as the "File System Agent" and the "Print System Agent" which are embedded in the software applications that they control)) has, at a minimum, in the past directly infringed and continues to directly infringe at least Claim 44 of the '868 Patent, as well as at least Claim 11 of the '765 Patent.

14. CA's "DLP system" includes the capability to enable or disable a component of a mobile device, such as a software application on a laptop or smart phone. The "DLP system" includes "DLP client software" and its "endpoint agents" installed on the mobile device. The "endpoint agents" – including for example the "File System Agent" and the "Print System Agent" – communicate with the "DLP Server software" to authenticate or authorize an action of a component on which the "endpoint agent" is embedded. This communication includes a series of message exchanges constituting a handshake operation between the "DLP Server software" and the "endpoint agents." When the "endpoint agent" is authorized by the "DLP Server

1 software,” the component is able to perform its designed functionality, and when not authorized,
2 the functionality of the component is disabled.

3 15. CA has actual notice of the Patents-in-Suit at least as early as the filing of this
4 Complaint.

5 16. SoftVault has been damaged as a result of CA’s infringing conduct. CA is, thus,
6 liable to SoftVault in an amount that adequately compensates SoftVault for CA’s infringement,
7 which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed
8 by this Court under 35 U.S.C. § 284.

9 **PRAYER FOR RELIEF**

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

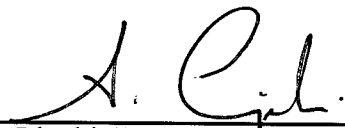
- 12 a. Judgment that one or more claims of the Patents-in-Suit have been infringed,
13 either literally and/or under the doctrine of equivalents, by CA;
- 14 b. Judgment that CA account for and pay to SoftVault all damages to and costs
15 incurred by SoftVault because of CA’s infringing activities and other conduct
16 complained of herein;
- 17 c. That CA, its officers, agents, servants and employees, and those persons in active
18 concert and participation with any of them, be permanently enjoined from
19 infringement of the Patents-in-Suit. In the alternative, if the Court finds that an
20 injunction is not warranted, SoftVault requests an award of post judgment royalty
21 to compensate for future infringement;
- 22 e. That SoftVault be granted pre-judgment and post-judgment interest on the
23 damages caused to it by reason of CA’s infringing activities and other conduct
24 complained of herein;
- 25 f. That this Court declare this an exceptional case and award SoftVault its
26 reasonable attorney’s fees and costs in accordance with 35 U.S.C. § 285; and
- 27 g. That SoftVault be granted such other and further relief as the Court may deem just
28 and proper under the circumstances.

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JURY DEMAND

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

DATED: April 18, 2012



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