

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

UNILOC USA, INC. and UNILOC  
LUXEMBOURG S.A,

Plaintiffs,

v.

RACKSPACE HOSTING, INC. and  
RACKSPACE US, INC.,

Defendants.

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CIVIL ACTION NO. 6:12-cv-375

**JURY TRIAL DEMANDED**

**PLAINTIFFS’ ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiffs Uniloc USA, Inc. (“Uniloc USA”) and Uniloc Luxembourg S.A. (“Uniloc Luxembourg”) (collectively, “Uniloc”) file this Original Complaint against Rackspace Hosting, Inc. and Rackspace US, Inc. for infringement of U.S. Patent No. 5,892,697 (“the ’697 patent”).

**THE PARTIES**

1. 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.

2. 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.

3. Uniloc Luxembourg and Uniloc USA are 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. Rackspace Hosting, Inc. ("Rackspace Hosting") is a Delaware corporation with its principal place of business in San Antonio, Texas. Rackspace may be served with process through its registered agent, Capitol Corporate Services, Inc., 800 Brazos, Suite 400, Austin, Texas 78701.

5. Rackspace US, Inc. ("Rackspace US") is a Delaware corporation with its principal place of business in San Antonio, Texas. Rackspace US may be served with process through its registered agent, Capitol Corporate Services, Inc., 800 Brazos, Suite 400, Austin, Texas 78701.

6. Defendants Rackspace Hosting and Rackspace US are collectively referred to as "Rackspace." Upon information and belief, Rackspace (1) has data centers in Richardson, Texas and Grapevine, Texas and (2) maintains servers in Plano, Texas that are used in connection with Rackspace's hosting solutions. Upon information and belief, Rackspace does business in the State of Texas and in the Eastern District of Texas.

#### **JURISDICTION AND VENUE**

7. 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.

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

9. Defendants are 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 their substantial business in this State and judicial district, including: (A) at least part of their 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. 5,892,697)**

10. Uniloc incorporates paragraphs 1 through 9 herein by reference.

11. Uniloc Luxembourg is the owner, by direct assignment from the inventor, of the '697 patent, entitled "METHOD AND APPARATUS FOR HANDLING OVERFLOW AND UNDERFLOW IN PROCESSING FLOATING-POINT NUMBERS." A true and correct copy of the '697 patent is attached as Exhibit A.

12. Uniloc USA is the exclusive licensee of the '697 patent with ownership of all substantial rights in the '697 patent, including the right to grant sublicenses, exclude others and to enforce, sue and recover damages for past and future infringements.

13. The '697 patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

14. Rackspace is directly infringing one or more claims of the '697 patent in this judicial district and elsewhere in Texas, including at least claim 1, without the consent or authorization of Uniloc, by or through making, using, offering for sale, selling and/or importing servers running Linux Kernel (version 2.6 or higher), which is used to process floating point operations carried out on Rackspace's servers including those servers used in conjunction with Rackspace's hosting solutions/products that practice at least the method described in Claim 1 of the '697 patent.

15. Uniloc has been damaged as a result of Defendants' infringing conduct described in this Count. Defendants are, thus, liable to Uniloc in an amount that adequately compensates it for Defendants' 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 Defendants, and that the Court grant Uniloc the following relief:

- a. Judgment that one or more claims of the '697 patent has been infringed, either literally and/or under the doctrine of equivalents, by Defendants;
- b. Judgment that Defendants account for and pay to Uniloc all damages to and costs incurred by Uniloc because of Defendants' 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 Defendants' infringing activities and other conduct complained of herein;

- d. That Uniloc be granted pre-judgment and post-judgment interest on the damages caused by Defendants' 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: June 12, 2012**

Respectfully submitted,

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

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