

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

BSP SOFTWARE LLC,

Plaintiff,

vs.

MOTIO, INC.,

Defendant

Case No.

JURY TRIAL DEMANDED

COMPLAINT

1. Plaintiff, BSP Software LLC (“BSP”), is an Illinois limited liability company with its principal place of business at 1701 West Golf Road Suite 3-604, Rolling Meadows, Cook County, Illinois 60008.

2. On information and belief, Defendant Motio, Inc. (“Motio”), is a Texas corporation with its principal place of business at 18333 Preston Road, Suite 475, Dallas, Texas 75252.

3. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. As alleged herein, Motio has infringed (literally and/or by equivalents), and is continuing to infringe, BSP’s patent by making, using, importing, selling, and/or offering to sell products covered by one or more patent claims of BSP’s patent – or by performing any method claimed therein – within the United States, and/or by contributing to or inducing such infringement.

5. BSP is a software company which develops and sells business intelligence software solutions, including products for enhancing and / or extending the Cognos software provided by International Business Machines Corporation (“IBM”).

6. Motio is a software company which also develops and sells business intelligence software solutions, including products for enhancing and / or extending IBM’s Cognos software such as Motio’s MotioCI product.

7. U.S. Patent No. 7,945,589 claims systems and methods integrating change management in a business intelligence system.

8. BSP informed Motio of its rights to U.S. Patent No. 7,945,589 patent at least as early as June 3, 2011.

COUNT I

(INFRINGEMENT OF U.S. PATENT NO. 7,945,589)

9. BSP incorporates by reference paragraphs 1-10 as if fully set forth herein.

10. On May 17, 2011, United States Patent No. 7,945,589 (“the ’589 patent”) entitled “Integrated Change Management in a Business Intelligence Environment” was duly and legally issued to BSP, with Andrew D. Weiss and Andrew G. Rachmiel as inventors. BSP is the owner of all right, title, and interest in and to the ’589 patent. A copy of the ’589 patent is attached as Exhibit A.

11. On information and belief, Motio has infringed and is infringing one or more of the claims of the ’589 patent, either literally and/or under the doctrine of equivalents, directly and/or indirectly.

12. On information and belief, Motio has infringed (literally and/or by equivalents), and is continuing to infringe, the ’589 patent by providing, installing, making, using and/or selling Motio’s MotioCI product within the United States, and/or by contributing to or inducing

such infringement by others, by providing, installing, making, using and/or selling Motio's MotioCI product in the United States, with the intent to cause infringement of the '589 patent.

13. On information and belief, Defendant's infringement of the '589 patent is and has been willful, has caused and will continue to cause BSP to suffer substantial damages, and has caused and will continue to cause BSP to suffer irreparable harm for which there is no adequate remedy at law.

DEMAND FOR JURY TRIAL

14. BSP hereby demands a jury trial on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, BSP respectfully requests that this Court enter judgment in its favor and grant the following relief:

A. A judgment that Motio has directly infringed the asserted claims of '589 patent, contributorily infringed the '589 patent, and/or induced infringement of the '589 patent;

B. A permanent injunction enjoining Motio and its affiliates, subsidiaries, officers, directors, employees, agents, representatives, licensees, successors, assigns, and all those acting for any of them or on their behalf, or acting in concert with them, from further infringement of the '589 patent;

C. A judgment that Motio's infringement has been willful;

D. An award of attorneys' fees incurred in prosecuting this action, on the basis that this is an exceptional case;

E. A judgment and order requiring Motio to pay BSP damages under 35 U.S.C. § 284, including supplemental damages for any continuing post-verdict infringement up until entry of the final judgment, with an accounting, as needed, and treble damages for willful infringement as provided by 35 U.S.C. § 284;

F. A judgment and order requiring Motio to pay BSP the costs of this action (including all disbursements);

G. A judgment and order requiring Motio to pay BSP pre-judgment and post-judgment interest on the damages awarded; and

H. Further relief as the Court may deem just and proper.

Dated: October 21, 2011

Respectfully submitted,

FOLEY & LARDNER LLP

A handwritten signature in black ink, appearing to read 'R. Rodrigues', is written over a horizontal line.

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