

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

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COMPLEMENTSOF, LLC,	:	
	:	
Plaintiff,	:	
-v-	:	Case Number: 1:12-cv-7372
SAS INSTITUTE INC.,	:	JURY TRIAL DEMANDED
	:	
Defendant.	:	
	:	
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COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff COMPLEMENTSOF, LLC (“Plaintiff” or “ComplementSoft”), by its attorneys, as and for its Complaint herein against Defendant SAS INSTITUTE INC. (“Defendant” or “SAS Institute”), states as follows:

The Parties

1. Plaintiff ComplementSoft is an Illinois limited liability company with its principal place of business at 544 Greenwood Rd., Northbrook, IL 60062.
2. On information and belief, Defendant SAS Institute is a North Carolina corporation with its principal place of business at SAS Campus Drive, H3, Cary, NC 27513.

Jurisdiction and Venue

3. This is a civil action for patent infringement arising under the patent laws of the United States, including 35 U.S.C. §§ 271 and 281-285.
4. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).
5. This Court has personal jurisdiction over SAS Institute at least because of SAS Institute’s continuous and systematic contacts with Illinois and this judicial district. SAS Institute

also maintains a regional office in Chicago, Illinois at Two Prudential Plaza, 180 North Stetson Street, Suite 1600. On information and belief, this location provides training and support for SAS Institute's products that include the accused products. Additionally, on information and belief, SAS Institute sells the accused products and provides its services to clients located in Illinois and in this judicial district.

6. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b)-(c) and 1400(b).

ComplementSoft

7. Starting approximately in 2001, ComplementSoft developed, marketed and licensed to third parties software maintenance and development tools marketed as ComplementSoft ASAP. In 2001, ComplementSoft filed for patent protection relating to the ComplementSoft ASAP product.

8. On September 19, 2006, the United States Patent and Trademark Office duly and legally issued United States Patent No. 7,110,936 (the "'936 Patent"), titled "System and Method for Generating and Maintaining Software Code," a copy of which is attached as Exhibit A. ComplementSoft is the assignee and owner of the '936 Patent. The '936 Patent relates to and claims software maintenance and development tools for use with data manipulation languages, including integrated visualization and code editing capabilities, debugging and documentation generation.

SAS Institute's Infringement of ComplementSoft's Patent

9. On information and belief, since at least 2006 SAS Institute has made, used, sold, or offered to sell a software development product called SAS Enterprise Guide. SAS Enterprise Guide is a software maintenance and development tool for use with data manipulation languages that includes integrated visualization and code editing capabilities, debugging and documentation generation. On information and belief, SAS Institute has made, sold, or offered to sell various

versions of its Enterprise Guide product since September 19, 2006, including but not limited to SAS Enterprise Guide 5.1 (collectively, the “SAS Enterprise Guide Products”).

10. On information and belief, since at least 2009 SAS Institute has made, used, sold, or offered to sell a software development product called SAS Data Integration Studio. Data Integration Studio is a software maintenance and development tool for use with data manipulation languages that permits data integration from various sources and includes integrated visualization and code editing capabilities, debugging and documentation generation. On information and belief, SAS Institute has made, sold, or offered to sell various versions of its Data Integration Studio product since 2009, including but not limited to SAS Data Integration Studio 4.5 (collectively, the “SAS DI Studio Products”).

11. On information and belief, SAS Institute had actual knowledge of the ‘936 Patent based on, among other things, ComplementSoft’s informing SAS Institute of the allowance of the ‘936 Patent.

12. SAS Institute licenses the SAS Enterprise Guide Products and SAS DI Studio Products to its customers. As part of the license, SAS Institute provides its customers with the software, which is installed on its customers’ computers. On information and belief, SAS Institute provides installation guides, manuals, training and technical support for the SAS Institute products used by its customers, including such materials for the SAS Enterprise Guide Products and the SAS DI Studio Products.

COUNT I – PATENT INFRINGEMENT OF ‘936 PATENT

13. Plaintiff re-alleges and incorporates by references paragraphs 1 through 12.

14. SAS Institute has infringed and continues to infringe one or more claims of the ‘936 Patent, including but not limited to at least claims 1, 2, 3, 4, 8 and 10, by using, making, offering for sale, and selling products that embody the invention claimed in the ‘936 Patent,

including without limitation the SAS Enterprise Guide Products and SAS DI Studio Products, and will continue to do so unless enjoined by this Court.

15. SAS Institute is contributorily infringing one or more claims of the '936 Patent, including but not limited to at least claims 1, 2, 3, 4, 8 and 10, under 35 U.S.C § 271(c). The customers of SAS Institute directly infringe the claims of the '936 Patent when the SAS Enterprise Guide Products and SAS DI Studio Products are installed on their servers. The software is especially made by SAS Institute for an infringing use and does not have a substantial non-infringing use.

16. SAS Institute is inducing infringement of one or more claims of the '936 Patent, including but not limited to at least claims 1, 2, 3, 4, 8 and 10, under 35 U.S.C § 271(b).

17. SAS Institute's infringement of the '936 Patent is now and has been willful.

18. By reason of SAS Institute's infringing activities, ComplementSoft has suffered, and will continue to suffer, substantial damages, in an amount to be proven at trial.

19. SAS Institute's conduct also has caused, and will continue to cause, ComplementSoft irreparable harm. SAS Institute's wrongful conduct is likely to continue unless SAS Institute is enjoined from such conduct by this Court.

PRAYER FOR RELIEF

WHEREFORE, as a result of the unlawful acts of SAS Institute set forth herein, ComplementSoft prays for:

A. the entry of judgment that SAS Institute has infringed, and continues to infringe, one or more claims of the '936 Patent;

B. the entry of judgment that SAS Institute's infringement of the '936 Patent was willful;

C. an injunction prohibiting SAS Institute, and all persons in concert and participation with it, from using, making, importing, offering for sale, and selling SAS Enterprise Guide Products, SAS DI Studio Products and any other SAS Institute products that embody the invention claimed in the '936 Patent;

D. an award of damages adequate to compensate ComplementSoft for SAS Institute's infringement of the '936 Patent, including treble damages for willful infringement as provided by 35 U.S.C. § 284, with interest;

E. an award of reasonable attorney fees and costs pursuant to 35 U.S.C. § 285; and

F. such other and further relief as the Court may deem just and proper.

JURY DEMAND

ComplementSoft respectfully requests a trial by jury as to all issues so triable.

Dated: September 14, 2012

By: /s/ Jason G. Harp

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