

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
(Alexandria Division)

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CLERK US DISTRICT COURT  
ALEXANDRIA, VIRGINIA

BASCOM RESEARCH, LLC, a Virginia Limited  
Liability Company,

Plaintiff,

v.

JIVE SOFTWARE, INC., a Delaware  
Corporation,

Serve: Business Filings Incorporated  
Registered Agent  
108 West 13th Street  
Wilmington, DE 19801

Defendant.

Case No.

1:12CV1114-LMB/JFA

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Bascom Research, LLC ("Bascom") files this Complaint for Patent Infringement and Jury Demand against Defendant Jive Software, Inc. ("Defendant" or "Jive") and alleges as follows:

**THE PARTIES**

1. Bascom is a Virginia limited liability company organized and existing under the laws of Virginia having a principal place of business at 7025 Elizabeth Drive, McLean, Virginia 22101.
2. On information and belief, Defendant is a Delaware corporation organized and existing under the laws of Delaware, with its principal place of business at 325 Lytton Avenue, Suite 200, Palo Alto, California 94301, and with additional United States offices in Boulder, Colorado, New York, New York, and Portland, Oregon.

### **JURISDICTION AND VENUE**

3. This action arises under the Patent Act, 35 U.S.C. § 101 *et seq.* This Court has original jurisdiction over this controversy pursuant to 28 U.S.C. §§ 1331 and 1338.

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

5. This Court has personal jurisdiction over Defendant. Upon information and belief, Defendant does business in this district and has, and continues to, infringe and/or induce the infringement in Virginia and in this district. In addition, the Court has personal jurisdiction over Defendant because it has established minimum contacts with the forum and the exercise of jurisdiction would not offend traditional notions of fair play and substantial justice.

### **FACTS COMMON TO ALL COUNTS**

6. On September 19, 2006, U.S. Patent No. 7,111,232 (“the ‘232 Patent”), entitled METHOD AND SYSTEM FOR MAKING DOCUMENT OBJECTS AVAILABLE TO USERS OF A NETWORK, was issued to Thomas Layne Bascom. A true and correct copy of the ‘232 Patent is attached to this Complaint as Exhibit A and is incorporated by reference herein.

7. All rights, title, and interest in the ‘232 Patent have been assigned to Bascom, which is the sole owner of the ‘232 Patent.

8. On November 21, 2006, U.S. Patent No. 7,139,974 (“the ‘974 Patent”), entitled FRAMEWORK FOR MANAGING DOCUMENT OBJECTS STORED ON A NETWORK, was issued to Thomas Layne Bascom. A true and correct copy of the ‘974 Patent is attached to this Complaint as Exhibit B and is incorporated by reference herein.

9. All rights, title, and interest in the ‘974 Patent have been assigned to Bascom, which is the sole owner of the ‘974 Patent.

10. On January 2, 2007, U.S. Patent No. 7,158,971 (“the ‘971 Patent”), entitled METHOD FOR SEARCHING DOCUMENT OBJECTS ON A NETWORK, was issued to Thomas Layne

Bascom. A true and correct copy of the '971 Patent is attached to this Complaint as Exhibit C and is incorporated by reference herein.

11. All rights, title, and interest in the '971 Patent have been assigned to Bascom, which is the sole owner of the '971 Patent.

12. On information and belief, Defendant makes, uses and/or sells products marketed to the public under the names "Jive Platform" and the "Jive Solutions" (collectively the "Jive Products").

13. The Jive Products provide a social networking platform that allows its users to create their own personal profiles, link with their co-workers, join common-interest user groups, and engage a variety of content. The Jive Products are built on a social graph which connects the users of the Jive Products which is accessible via the Jive Application Program Interface (API). The Jive API uniformly represents objects in the graphs and the connections between them. Jive generally uses iQuery parameters to query the data exposed by the Jive API.

14. Every object in the social graph has the ability to be connected to other objects. For example, a user can create a profile, join a group, rate or like content, create content, participate in content and discussions, follow other objects, and alert objects. Each object has a variety of fields that correspond to data relating to the object. For example, the User object contains the personal information of the user such as the ID, creation date, email, first name, last name, etc.

15. All of the objects in the social graph are linked to each other via connections. In some circumstances, these connections are friends or followers. In other circumstances, these connections are bridges which connect communities. Connections can be established for anyone who is registered to use the Jive Products and for any content they create. Content created by a user is typically associated with a particular space or group and is public in the community and searchable. Additional

information regarding the objects and connections can be found at <http://docs.jivesoftware.com> and <https://developers.jivesoftware.com>.

16. Upon information and belief, there are additional objects and related information available to developers employed by Jive that are not available to the general public. Accordingly, the above listed objects and related information are exemplary and not limiting.

17. The Jive Products contain an activity stream. This stream allows users to share content and insights to the various connections. The activity stream is exposed via the Jive API using the Activity Service and Communication Service. The activity stream is displayed in the What Matters page and contains information about the other objects that are connected to the user. For example, the activity stream is populated by the content, people and places that are connected to the user. The activity stream for a user can also be accessed via the User Service by using the GET command on a unique URL associated with user.

18. Notably, the Jive API is primarily marketed to third-party developers. However, any description of this mechanism is not intended to be limiting. Instead, the descriptions of this mechanism are intended to demonstrate the existence of components that are contained within the backend of the Jive Products. Thus, the analysis provided herein is relevant to the Jive Products as a whole and is not limited to third-party development tools. Furthermore, upon information and belief, developers employed by Jive utilize similar, if not the same mechanisms, in order to develop and maintain the Jive Products.

19. Jive requires its users to activate an account in order to use Jive Products. Activation of an account requires a user to agree to terms and conditions that dictate how they use the Jive Products. Jive generates a unique User object that is generally accessible utilizing the User Service for each account which contains the personal information of the user. Jive also generates connections

for each User object that associates the User object with other objects in the social graph. The establishment of these objects and connections may generate activity on the Jive Products which are viewable to the user and/or other users of the Jive Products via the activity stream. Jive provides detailed instructions to its users regarding all aspects of the Jive Products which results in the generation of objects, connections and activity on the Jive Products. These instructions can be found at <http://docs.jivesoftware.com>.

20. Jive also permits third-party developers to access and use the Jive Products. Jive requires third-party developers to agree to terms and conditions that dictate how they access and use the Jive Products. Third-party developers have access to a variety of objects and connections in order to build applications and websites that integrate with the Jive Products. Jive provides detailed instructions to developers to enable them to integrate with the Jive Products to create applications. These instructions can be found at <https://developers.jivesoftware.com>.

21. On information and belief, Defendant has been and is now infringing the '232 Patent, the '974 Patent, and the '971 Patent (collectively "the Patents-In-Suit") in the state of Virginia, in this judicial District, and elsewhere in the United States by, among other things, making, using, and operating the system and methods on the Jive Products. Reference to the Jive Products includes the set of development tools and APIs provided to third-party developers.

22. By way of non-limiting example, as discussed above, the Jive Products include a number of document objects that represent various entities. The Jive Products also contain a number of linking relationships that connect the document objects to each other. These linking relationships contain a variety of attributes that describe the linking relationship. By way of non-limiting example, these attributes may be found in the social graph of the Jive Products which is exposed via the Jive API and may be manipulated using various API mechanisms. Each of the elements of the social

graph, including the link relationships, may be retrieved using a unique identifier and presented based on the particular implementation of the application. Furthermore, users of the Jive Products are given the ability to access objects based on their relationship to other objects. For at least these reasons, the Jive Products infringe the Patents-In-Suit.

23. In addition to directly infringing the Patents-In-Suit pursuant to 35 U.S.C. § 271(a) either literally or under the doctrine of equivalents, Defendant indirectly infringes the Patents-In-Suit pursuant to 35 U.S.C. § 271(b) by instructing, directing and/or requiring others, including its users, to perform all or some of the steps of the method claims, either literally or under the doctrine of equivalents, of the Patents-In-Suit

**COUNT I**  
**(Infringement of the '232 Patent)**

24. Bascom repeats, realleges, and incorporates by reference, as if fully set forth herein, the allegations of the preceding paragraphs, as set forth above.

25. Bascom is informed and believes Defendant has infringed and continues to infringe, and has actively and knowingly induced and continues to actively and knowingly induce infringement of one or more claims of the '232 Patent, all in violation of 35 U.S.C. § 271(a)(b).

26. Bascom is informed and believes Defendant's infringement is based upon literal infringement or, in the alternative, infringement under the doctrine of equivalents.

27. Defendant's acts of making, using, importing, selling, and/or offering for sale infringing products and services have been without the permission, consent, authorization or license of Bascom.

28. Defendant's infringement includes, but is not limited to, the manufacture, use, sale, importation and/or offer for sale of Defendant's products and services, including but not limited to the Jive Products, which embody the patented invention of the '232 Patent.

29. Bascom is informed and believes, and based thereon alleges, that Defendant has induced and continues to induce others to infringe the '232 Patent under 35 U.S.C. § 271(b) by actively and intentionally aiding and abetting others, including its users and developers, to infringe.

30. Bascom is informed and believes that as a result of Defendant's unlawful activities, Bascom has suffered and will continue to suffer irreparable harm for which there is no adequate remedy at law. Accordingly, Bascom is entitled to preliminary and/or permanent injunctive relief.

31. Bascom is informed and believes that Defendant's infringement of the '232 Patent has injured and continues to injure Bascom in an amount to be proven at trial.

**COUNT II**  
**(Infringement of the '974 Patent)**

32. Bascom repeats, realleges, and incorporates by reference, as if fully set forth herein, the allegations of the preceding paragraphs, as set forth above.

33. Bascom is informed and believes Defendant has infringed and continues to infringe, and has actively and knowingly induced and continues to actively and knowingly induce infringement of one or more claims of the '974 Patent, all in violation of 35 U.S.C. § 271(a)(b).

34. Bascom is informed and believes Defendant's infringement is based upon literal infringement or, in the alternative, infringement under the doctrine of equivalents.

35. Defendant's acts of making, using, importing, selling, and/or offering for sale infringing products and services have been without the permission, consent, authorization or license of Bascom.

36. Defendant's infringement includes, but is not limited to, the manufacture, use, sale, importation and/or offer for sale of Defendant's products and services, including but not limited to the Jive Products, which embody the patented invention of the '974 Patent.

37. Bascom is informed and believes, and based thereon alleges, that Defendant has induced and continues to induce others to infringe the '974 Patent under 35 U.S.C. § 271(b) by actively and intentionally aiding and abetting others, including its users and developers, to infringe.

38. Bascom is informed and believes that as a result of Defendant's unlawful activities, Bascom has suffered and will continue to suffer irreparable harm for which there is no adequate remedy at law. Accordingly, Bascom is entitled to preliminary and/or permanent injunctive relief.

39. Bascom is informed and believes that Defendant's infringement of the '974 Patent has injured and continues to injure Bascom in an amount to be proven at trial.

**COUNT III**  
**(Infringement of the '971 Patent)**

40. Bascom repeats, realleges, and incorporates by reference, as if fully set forth herein, the allegations of the preceding paragraphs, as set forth above.

41. Bascom is informed and believes Defendant has infringed and continues to infringe, and has actively and knowingly induced and continues to actively and knowingly induce infringement of one or more claims of the '971 Patent, all in violation of 35 U.S.C. § 271(a)(b).

42. Bascom is informed and believes Defendant's infringement is based upon literal infringement or, in the alternative, infringement under the doctrine of equivalents.

43. Defendant's acts of making, using, importing, selling, and/or offering for sale infringing products and services have been without the permission, consent, authorization or license of Bascom.

44. Defendant's infringement includes, but is not limited to, the manufacture, use, sale, importation and/or offer for sale of Defendant's products and services, including but not limited to the Jive Products, which embody the patented invention of the '971 Patent.



45. Bascom is informed and believes, and based thereon alleges, that Defendant has induced and continues to induce others to infringe the '971 Patent under 35 U.S.C. § 271(b) by actively and intentionally aiding and abetting others, including its users and developers, to infringe.

46. Bascom is informed and believes that as a result of Defendant's unlawful activities, Bascom has suffered and will continue to suffer irreparable harm for which there is no adequate remedy at law. Accordingly, Bascom is entitled to preliminary and/or permanent injunctive relief.

47. Bascom is informed and believes that Defendant's infringement of the '971 Patent has injured and continues to injure Bascom in an amount to be proven at trial.

#### **PRAYER FOR RELIEF**

WHEREFORE, Bascom prays for judgment and relief as follows:

A. An entry of judgment holding Defendant has infringed, is infringing, and has induced infringement of the '232 Patent, '974 Patent and '971 Patent.

B. A preliminary and permanent injunction against Defendant and its officers, employees, agents, servants, attorneys, instrumentalities, and/or those in privity with them, from infringing, or inducing the infringement of the '232 Patent, '974 Patent and/or the '971 Patent, and for all further and proper injunctive relief pursuant to 35 U.S.C. § 283;

C. An award to Bascom of such damages as it shall prove at trial against Defendant that is adequate to fully compensate Bascom for Defendant's infringement of the '232 Patent, '974 Patent and '971 Patent, said damages to be no less than a reasonable royalty;

D. A finding that this case is "exceptional" and an award to Bascom of its costs and reasonable attorney's fees, as provided by 35 U.S.C. § 285.

E. An accounting of all infringing sales and revenues; and

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

**DEMAND FOR JURY TRIAL**

Bascom demands a jury trial on all issues so triable.


Respectfully submitted,

BASCOM RESEARCH, LLC  
By Counsel

Date: October 3, 2012

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