

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

ORG STRUCTURE INNOVATIONS, LLC,

Plaintiff,

v.

TOOLS4EVER, INC.,

Defendant.

Civil Action No. \_\_\_\_\_

JURY TRIAL DEMANDED

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff ORG Structure Innovations, LLC (“ORG Structure” or “Plaintiff”), for its Complaint against Defendant Tools4Ever, Inc. (“Tools4Ever” or “Defendant”) alleges the following:

**THE PARTIES**

1. ORG Structure is a limited liability company organized under the laws of the State of Texas with a place of business at 8416 Old McGregor Road, Woodway, Texas 76712.

2. On information and belief, Tools4Ever is a company organized and existing under the laws of the State of Delaware, with its principal place of business at 300 Merrick Road, Suite 310, Lynbrook, New York 11563.

**JURISDICTION AND VENUE**

3. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*

4. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338.

5. Jurisdiction and venue are proper because Defendant is incorporated in this judicial district. Further, jurisdiction and venue are proper because, upon information and belief,

Defendant conducts substantial business in this forum, directly or through intermediaries, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct and/or deriving substantial revenue from goods and services provided to individuals in this judicial district.

6. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(c) and 1400(b).

### **THE PATENTS-IN-SUIT**

7. On March 23, 2010, United States Patent No. 7,685,156 (the "'156 Patent"), entitled "Systems and Methods for Rule Inheritance," was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the '156 Patent is attached as Exhibit A to this Complaint.

8. ORG Structure is the assignee and owner of the right, title, and interest in and to the '156 Patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

9. On October 26, 2010, United States Patent No. 7,822,777 (the "'777 Patent"), entitled "Systems and Methods for Rule Inheritance," was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the '777 Patent is attached as Exhibit B to this Complaint.

10. ORG Structure is the assignee and owner of the right, title, and interest in and to the '777 Patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

### **COUNT I – INFRINGEMENT OF U.S. PATENT NO. 7,685,156**

11. ORG Structure repeats and re-alleges the allegations of paragraphs 1 through 10 as if fully set forth herein.

12. Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendant has infringed and continues to infringe at least claim 1 of the '156 Patent by making, using, offering for sale, and/or selling within this district and elsewhere in the United States and/or importing into this district and elsewhere in the United States, certain computer program products, including, without limitation, the computer software User Management Resource Administrator, that embody subject matter claimed in the '156 Patent (the "Accused Product").

13. Defendant was aware of the '156 Patent and their infringement thereof at least as early as the filing of this Complaint.

14. Further, by the manufacture, use, importation, sale, and/or offer to sale of such computer software, as well as by other activities, including but not limited to, the support and maintenance of computer software having, providing, or otherwise enabling the systems and methods of the '156 Patent, occurring after the filing date of this Complaint, upon information and belief, Defendant has been contributing to and/or actively inducing the infringement of said patent by others in the United States under at least 35 U.S.C. §§ 271(b) and (c).

15. Upon information and belief, at least as of the filing of this Complaint, the Defendant specifically intended to induce infringement by its customers and others by at least the acts set forth in paragraph 12.

16. ORG Structure has been damaged by Defendant's activities infringing the '156 Patent.

**COUNT II – INFRINGEMENT OF U.S. PATENT NO. 7,822,777**

17. ORG Structure repeats and re-alleges the allegations of paragraphs 1 through 16 as if fully set forth herein.

18. Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendant has infringed and continues to infringe at least claim 1 of the '777 Patent by making, using,

offering for sale, and/or selling within this district and elsewhere in the United States and/or importing into this district and elsewhere in the United States, certain computer program products, including, without limitation, the Accused Product.

19. Defendant was aware of the '777 Patent and their infringement thereof at least as early as the filing of this Complaint.

20. Further, by the manufacture, use, importation, sale, and/or offer to sale of such computer software, as well as by other activities, including but not limited to, the support and maintenance of computer software having, providing, or otherwise enabling the systems and methods of the '777 Patent, occurring after the filing date of this Complaint, upon information and belief, Defendant has been contributing to and/or actively inducing the infringement of said patent by others in the United States under at least 35 U.S.C. §§ 271(b) and (c).

21. Upon information and belief, at least as of the filing of this Complaint, the Defendant specifically intended to induce infringement by its customers and others by at least the acts set forth in paragraph 18.

22. ORG Structure has been damaged by Defendant's activities infringing the '777 Patent.

#### **JURY DEMAND**

ORG Structure demands a trial by jury on all issues triable as such.

#### **PRAYER FOR RELIEF**

WHEREFORE, ORG Structure requests that this Court enter judgment against Defendant as follows:

- A. An adjudication that Defendant has infringed the '156 and '777 Patents;
- B. An award of damages to be paid by Defendant, adequate to compensate ORG Structure for Defendant's past infringement of the '156 and '777 Patents, and any continuing or

future infringement through the date such judgment is entered, including interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;

C. An award of an ongoing royalty to be paid by Defendant in an amount to be determined for any continued infringement of the '156 and/or '777 Patents after the date judgment is entered;

D. A declaration that this case is exceptional under 35 U.S.C. § 285, enhanced damages, and an award of ORG Structure's reasonable attorneys' fees; and

E. An award to ORG Structure of such further relief at law or in equity as the Court deems just and proper.

Dated: November 14, 2012

STAMOULIS & WEINBLATT LLC

*/s/ Stamatios Stamoulis*

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