

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ORG STRUCTURE INNOVATIONS, LLC,

Plaintiff,

v.

FISCHER INTERNATIONAL IDENTITY,
LLC,

Defendant.

Civil Action No. 12-1464 SLR

JURY TRIAL DEMANDED

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff ORG Structure Innovations, LLC (“ORG Structure” or “Plaintiff”) for its First Amended Complaint against Defendant Fischer International Identity, LLC (“Fischer” 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, Fischer is a company organized and existing under the laws of the State of Delaware, with its principal place of business at 5801 Pelican Bay Blvd., Naples, Florida 34108.

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 First Amended 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 First Amended 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, Fischer Identity computer software, that embody subject matter claimed in the '156 Patent (the "Accused Product").

13. Defendant has had knowledge of and/or been aware of the '156 Patent and its infringement thereof since at least November 14, 2012, when ORG Structure filed its Original Complaint initiating this action.

14. Upon information and belief, since at least November 14, 2012, Defendant has induced and continues to induce others to infringe the '156 Patent under 35 U.S.C. § 271(b) by, among other things, actively and knowingly aiding and abetting others to infringe, including but not limited to its customers, whose use of Defendants' computer program products, including, without limitation, Fischer Identity computer software, constitutes direct infringement of the '156 Patent. For example, after November 14, 2012, and after service of the Original Complaint, Defendant has encouraged others to use the infringing software by selling, licensing and otherwise providing its infringing software to its customers and potential customers, and by advertising its computer software Identify Management, as well as by providing support and maintenance to its customers with respect to its computer programs products, including Fischer Identity computer software. Also, Fischer has encouraged others to use the infringing software by providing opportunities for training and software updates in the technical support area of its website: <http://fischerinternational.com/support/overview.htm>. In addition, Fischer includes a Training area of its website that states that

Fischer International provides end-user and technical training for Fischer customers and Partners. For course information, class schedule, or to schedule an on-site training event, please contact Fischer support at +1 800-776-7258. Fischer Partners may also arrange sales and technical certification training by contacting your Fischer Account Director. Please visit the Fischer Partner Portal for additional information.

(<http://fischerinternational.com/support/training.htm>) In addition, Fischer instructs users how to perform infringing tasks in its manuals, such as Fischer Identity Suite™ Architecture Overview, published July 21, 2009. Such advertising, support, training, instruction and maintenance induces Defendants' customers to infringe the '156 Patent, as such customers use Defendants' computer program products, including Fischer Identity computer software, in an infringing manner. Such acts by Defendant constitute infringement under at least 35 U.S.C. § 271(b).

15. Upon information and belief, since at least November 14, 2012, Defendant has committed and continues to commit acts of contributory infringement of at least claim 1 of the '156 Patent under 35 U.S.C. § 271(c) in that Defendant has made, sold, or offered to sell, and continues to make, sell, or offer to sell computer programs products, including, but not limited to, Fischer Identity computer software. These computer program products have no substantial non-infringing uses and are especially adapted to work in a system or carry out a method claimed in the '156 Patent, for example, by claim 1. Defendant sells, licenses and otherwise provides such computer program products to its customers, whose use of such products constitutes direct infringement of at least claim 1 of the '156 Patent.

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, Fischer Identity computer software, that embody subject matter claimed in the '777 Patent (the "Accused Product").

19. Defendant has had knowledge of and/or been aware of the '777 Patent and its infringement thereof since at least November 14, 2012, when ORG Structure filed its Original Complaint initiating this action.

20. Upon information and belief, since at least November 14, 2012, Defendant has induced and continues to induce others to infringe the '777 Patent under 35 U.S.C. § 271(b) by, among other things, actively and knowingly aiding and abetting others to infringe, including but not limited to its customers, whose use of Defendants' computer program products, including, without limitation, Fischer Identity computer software, constitutes direct infringement of the '777 Patent. For example, after November 14, 2012, and after service of the Original Complaint, Defendant has encouraged others to use the infringing software by selling, licensing and otherwise providing its infringing software to its customers and potential customers, and by advertising its computer software Identify Management, as well as by providing support and maintenance to its customers with respect to its computer programs products, including Fischer Identity computer software. Also, Fischer has encouraged others to use the infringing software by providing opportunities for training and software updates in the technical support area of its website: <http://fischerinternational.com/support/overview.htm>. In addition, Fischer includes a Training area of its website that states that

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(<http://fischerinternational.com/support/training.htm>) In addition, Fischer instructs users how to perform infringing tasks in its manuals, such as Fischer Identity Suite™ Architecture Overview, published July 21, 2009. Such advertising, support, training, instruction and maintenance induces Defendants' customers to infringe the '777 Patent, as such customers use Defendants' computer program products, including Fischer Identity computer software, in an infringing manner. Such acts by Defendant constitute infringement under at least 35 U.S.C. § 271(b).

21. Upon information and belief, since at least November 14, 2012, Defendant has committed and continues to commit acts of contributory infringement of at least claim 1 of the '777 Patent under 35 U.S.C. § 271(c) in that Defendant has made, sold, or offered to sell, and continues to make, sell, or offer to sell computer programs products, including, but not limited to, Fischer Identity computer software. These computer program products have no substantial non-infringing uses and are especially adapted to work in a system or carry out a method claimed in the '777 Patent, for example, by claim 1. Defendant sells, licenses and otherwise provides such computer program products to its customers, whose use of such products constitutes direct infringement of at least claim 1 of the '777 Patent.

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;
- E. A declaration that this case is exceptional under 35 U.S.C. § 285 and an award of ORG Structure's reasonable attorneys' fees; and
- F. An award to ORG Structure of such further relief at law or in equity as the Court deems just and proper.

Dated: February 1, 2013

STAMOULIS & WEINBLATT LLC

/s/ Stamatios Stamoulis

Stamatios Stamoulis #4606

stamoulis@swdelaw.com

Richard C. Weinblatt #5080

weinblatt@swdelaw.com

Two Fox Point Centre

6 Denny Road, Suite 307

Wilmington, DE 19809

Telephone: (302) 999-1540

Attorneys for Plaintiff

Org Structure Innovations, LLC

CERTIFICATE OF SERVICE

I hereby certify that on February 1, 2013, I electronically filed the above document(s) with the Clerk of Court using CM/ECF which will send electronic notification of such filing(s) to all registered counsel.

/s/ Stamatios Stamoulis
Stamatios Stamoulis #4606