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7 UNITED STATES DISTRICT COURT
8 CENTRAL DISTRICT OF CALIFORNIA

<p>9 UNILOC 2017 LLC, 10 11 Plaintiff, 12 13 v. 14 NETSUITE, INC., Defendant.</p>	<p>CIVIL ACTION NO. 8:19-cv-01151 AMENDED COMPLAINT</p>
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15 Plaintiff, Uniloc 2017 LLC (“Uniloc”), for its Amended Complaint against defendant,
16 Netsuite, Inc. (“Netsuite”), alleges:

17 **THE PARTIES**

- 18 1. Uniloc is a Delaware limited liability company.
- 19 2. Netsuite is a California corporation.

20 **JURISDICTION**

21 3. Uniloc brings this action for patent infringement under the patent laws of the United
22 States, 35 U.S.C. § 271, et seq. This Court has subject matter jurisdiction under to 28 U.S.C. §§
23 1331 and 1338(a).

24 **COUNT I**

25 (INFRINGEMENT OF U.S. PATENT NO. 6,324,578)

- 26 4. Uniloc incorporates by reference paragraphs 1-3 above.
- 27 5. Uniloc is the owner, by assignment, of U.S. Patent No. 6,324,578 (“the ’578

28 Patent”). entitled METHODS, SYSTEMS AND COMPUTER PROGRAM PRODUCTS FOR

1 MANAGEMENT OF CONFIGURABLE APPLICATION PROGRAMS ON A NETWORK,
2 which issued on November 27, 2001 on an application filed on December 14, 1998. A copy of the
3 '578 Patent was attached to the Complaint, Docket No. 1, as Exhibit A.

4 6. An application program is software written to perform a particular function for a
5 user – as opposed to system software, which is designed to operate a network. An application
6 program can be executed on a server within a user's browser window, as exemplified in the '578
7 patent at col. 8, ll. 7-20. *See* Complaint, Dkt. No. 1, Ex. A.

8 7. Netsuite used cloud software to distribute application programs, including ERP,
9 CRM, and PSA, to authorized users.

10 8. Netsuite distributed configurable dashboards for its application programs to users.
11 The user would then configure the dashboard by, for example, dragging and dropping portlets to a
12 desired location.

13 9. An administrator could set rules for a user's degree of access to the application
14 program's features, functionality, and information. An administrator could also, for example, set
15 company preferences, global email preferences, and specify date formats for the application
16 programs.

17 10. Netsuite also provided users with an application launcher program for the Netsuite
18 products. An example of an application launcher program provided by Netsuite is available at:
19 <https://system.netsuite.com/pages/customerlogin.jsp?country=US>.

20 11. Netsuite infringed at least claim 1 of the '578 Patent by making, using, offering for
21 sale, and selling the Netsuite software distribution and management system, which software and
22 associated backend server architecture allowed for installing an application program having
23 configurable preferences and authorized users on a server coupled to a network, distributing an
24 application launcher program to a client, obtaining a user set of the configurable preferences,
25 obtaining an administrator set of configurable preferences, and executing the application program
26 using the user and administrator sets of configurable preferences responsive to a request from a
27 user.

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1 NETWORK, which issued on June 27, 2006, claiming priority to an application filed on December
2 14, 1998. A copy of the '293 Patent was attached to the Complaint, Docket No. 1, as Exhibit B.

3 19. Netsuite distributes its application programs to a centralized network management
4 server for further distribution to edge servers.

5 20. Netsuite specifies to the centralized network management server both where the
6 application programs can be found and where the application programs will be sent.

7 21. Netsuite prepares a file package associated with each application program that
8 includes code to cause the edge servers to register the application program on the edge server to
9 make it recognized by and available to users at a client, who can then request execution of the
10 application program

11 22. Netsuite has infringed, and continues to infringe, at least claim 1 of the '293 Patent
12 by making, using, offering for sale, and selling the Netsuite software distribution and management
13 system, which software and associated backend server architecture allow for providing an
14 application program for distribution to a network server, specifying source and target directories
15 for the program to be distributed, preparing a file packet associated with the program including a
16 segment configured to initiate registration operations for the application program at a target on-
17 demand server, and distributing the file packet to the target on-demand server to make the program
18 available for use by a client user.

19 23. Netsuite has been on notice of the '293 Patent since, at the latest, the service of the
20 original complaint upon Netsuite on August 22, 2016 in the previous action between Uniloc USA,
21 Inc. et al, and Netsuite for infringement of the '293 Patent in the Eastern District of Texas.
22 Netsuite knew and intended (since receiving that notice) that its continued actions would infringe
23 the '293 Patent.

24 24. Netsuite may have infringed the '293 Patent through other software and architecture
25 utilizing the same or reasonably similar functionality, including other versions of the Netsuite
26 software distribution and management system.

27 25. Uniloc has been damaged by Netsuite's infringement of the '293 Patent.

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PRAYER FOR RELIEF

Uniloc requests that the Court enter judgment against Netsuite:

- (A) that Netsuite has infringed the '578 Patent and the '293 Patent;
- (B) awarding Uniloc its damages suffered as a result of Netsuite's infringement of the '578 Patent and the '293 Patent, under 35 U.S.C. § 284;
- (C) awarding Uniloc its costs, attorneys' fees, expenses, and interest, and
- (D) granting Uniloc such further relief as the Court may deem proper.

Dated: October 2, 2019

Respectfully submitted,

/s/ James J. Foster

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