**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

| | | |
|---|---|---|
| UNILOC USA, INC., et al, | § | |
|   Plaintiffs, | § | |
| | § | Case No. 2:16-cv-00741-JRG |
| v. | § | LEAD CASE |
| | § | |
| ADP, LLC, | § | JURY TRIAL DEMANDED |
| BLACKBOARD, INC., | § | Case No. 2:16-cv-00859-JRG |
|   Defendants. | | |

## FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs, Uniloc USA, Inc. and Uniloc Luxembourg, S.A. (together "Uniloc"), as and

for their first amended complaint against defendant, Blackboard, Inc. ("Blackboard"), allege as

follows:

## THE PARTIES

1.  Uniloc USA, Inc. ("Uniloc USA") is a Texas corporation having a principal place

of business at Legacy Town Center I, Suite 380, 7160 Dallas Parkway, Plano Texas 75024.

Uniloc also maintains a place of business at 102 N. College, Suite 603, Tyler, Texas 75702.

2.  Uniloc Luxembourg S.A. ("Uniloc Luxembourg") is a Luxembourg public limited

liability company having a principal place of business at 15, Rue Edward Steichen, 4th Floor, L-

2540, Luxembourg (R.C.S. Luxembourg B159161).

3.  Uniloc Luxembourg owns a number of patents in the field of application

management in a computer network.

4.  Upon information and belief, Blackboard is a Delaware corporation having a

principal place of business in Washington, D.C. and offering its products, including those

accused herein of infringement, to customers and/or potential customers located in Texas and in

the judicial Eastern District of Texas.  Blackboard may be served with process through its

registered agent in Texas: CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201.

## JURISDICTION AND VENUE

5.      Uniloc brings this action for patent infringement under the patent laws of the United States, 35 U.S.C. § 271 *et seq.*  This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1338(a) and 1367.

6.      Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(c) and 1400(b).  Upon information and belief, Blackboard is deemed to reside in this judicial district, has committed acts of infringement in this judicial district, and/or has purposely transacted business involving the accused products in this judicial district, including sales to one or more customers in Texas.

7.      Blackboard is subject to this Court's jurisdiction pursuant to due process and/or the Texas Long Arm Statute due at least to its substantial business in this State and judicial district, including: (A) at least part of its past infringing activities, (B) regularly doing or soliciting business in Austin and Killeen, Texas and/or (C) engaging in persistent conduct and/or deriving substantial revenue from goods and services provided to customers in Texas.
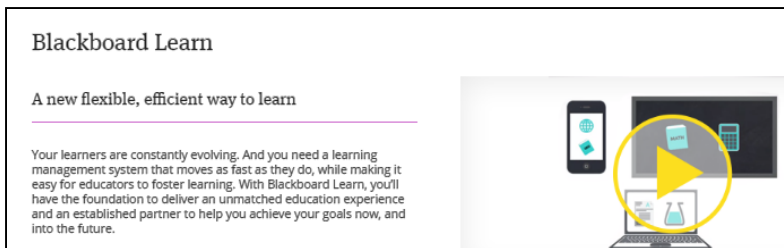
## COUNT I
### (INFRINGEMENT OF U.S. PATENT NO. 6,324,578)

8.      Uniloc incorporates paragraphs 1-7 above by reference.
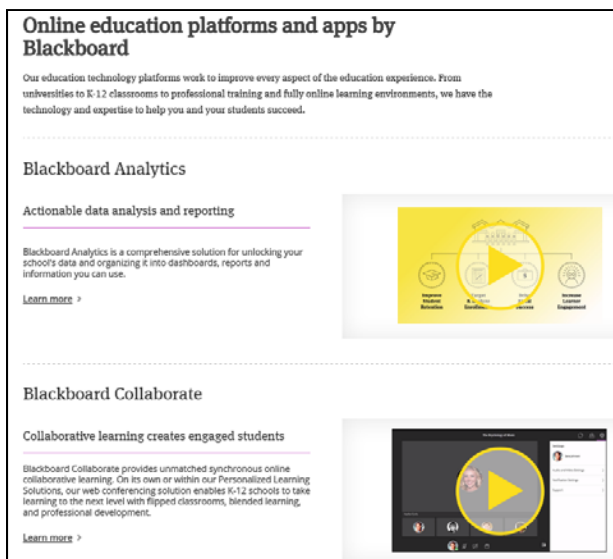
9.      Uniloc Luxembourg is the owner, by assignment, of U.S. Patent No. 6,324,578 ("the '578 Patent"), entitled METHODS, SYSTEMS AND COMPUTER PROGRAM PRODUCTS FOR MANAGEMENT OF CONFIGURABLE APPLICATION PROGRAMS ON A NETWORK that issued on November 27, 2001.  A true and correct copy of the '578 Patent is attached as Exhibit A hereto.

10.     Uniloc USA is the exclusive licensee of the '578 Patent with ownership of all substantial rights therein, including the right to grant sublicenses, to exclude others, and to enforce, sue and recover past damages for the infringement thereof.

11.     Upon information and belief, the following describes, at least in part, how the Blackboard software distribution and management system works:
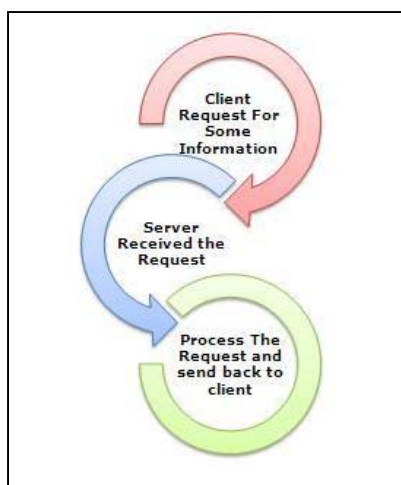


12.     Upon information and belief, the following describes, at least in part, how the Blackboard software distribution and management system works:



13.     Upon information and belief, the following describes, at least in part, how the Blackboard software distribution and management system works:

14.     Upon information and belief, the following describes, at least in part, how the Blackboard software distribution and management system works:



15.     Upon information and belief, the following describes, at least in part, how the Blackboard software distribution and management system works:



16.     Upon information and belief, the following describes, at least in part, how the Blackboard software distribution and management system works:

> ## Count on SaaS for a superior experience
>
> With our SaaS deployment, Blackboard Learn is hosted, delivered, and managed using our state-of-the-art cloud-computing infrastructure. What does this mean for students, educators, and administrators? A smooth user experience that can further architecture goals.

17.     Upon information and belief, the following describes, at least in part, how the Blackboard software distribution and management system works:

> ## 1) What are the benefits of SaaS deployment for Blackboard Learn?
>
> **Zero impact to your faculty and students during updates:** With a cloud-computing environment, you benefit from continuous updates (new features, enhancements, fixes, etc.) with zero or minimal downtime for your educators and students.
>
> **Higher quality:** A SaaS model allows us to deliver maintenance, updates, and fixes to production faster than ever before, and the cloud platform easily scales during periods of high usage.
>
> **Fast access to new features:** A SaaS model allows us to deliver enhancements and new features faster than ever before, so your campus can have the latest and greatest features versus having to wait longer periods of time.
>
> **Peace of mind:** Experienced Blackboard staff manages operations 24x7x365, so you can focus on other strategic, mission-critical projects.

18.     Upon information and belief, the following describes, at least in part, how the Blackboard software distribution and management system works:

> ## Learner Intelligence
>
> Blackboard Analytics for Learn combines extensive data from Blackboard Learn™ with student and course attributes from your SIS/ERP to create comprehensive reports and dashboards for students, instructors, staff, and leaders.
>
> Engage students by providing them with information to monitor their performance in courses and to compare themselves to peers. Blackboard Analytics for Learn lets you easily create dashboards with the information students need. And students can access these dashboards from within their Blackboard Learn courses.
>
> Give instructors better, faster, more reliable data that helps students succeed. Course dashboards and other reports from Blackboard Analytics for Learn are available to instructors in their courses.
>
> Your staff has easy, self-service access to data that can give you an enterprise-level perspective. Gain insight into user activity, course design, and student grade and learning outcome data across departments and colleges. Be empowered to improve your use of the Blackboard Learn platform in support of teaching, learning, and student success.

19.     Upon information and belief, the following describes, at least in part, how the Blackboard software distribution and management system works:

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