

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

UNILOC USA, INC. and	§	
UNILOC LUXEMBOURG, S.A.,	§	
	§	Civil Action No. 3:17-cv-2119
Plaintiffs,	§	
	§	
v.	§	PATENT CASE
	§	
INFOR, INC.,	§	
	§	
Defendant.	§	JURY TRIAL DEMANDED
	§	

**ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiffs, Uniloc USA, Inc. and Uniloc Luxembourg, S.A. (together “Uniloc”), as and for their complaint against defendant, Infor, Inc. (“Infor”), 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, 4<sup>th</sup> Floor, L-2540, Luxembourg (R.C.S. Luxembourg B159161).

3. Infor is a Delaware corporation and offers its products and services, including those accused herein of infringement, to customers and/or potential customers located in Texas and in the judicial Northern District of Texas. Infor may be served with process through its registered agent: CT Corporation System, 111 Eighth Avenue, 13<sup>th</sup> Floor, New York, New York 10011.

## **JURISDICTION AND VENUE**

4. 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 and 1338(a).

5. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1400(b). Infor has regular and established places of business at 14185 Dallas Parkway, Suite 500, Dallas, Texas 75254 and 8777 N. Stemmons Freeway, Suite 300, Dallas, Texas 75247.

6. Infor is subject to this Court's jurisdiction pursuant to due process and/or the Texas Long Arm Statute due at least to its substantial presence and business in this State and judicial district, including: (A) at least part of its past infringing activities, (B) regularly doing and/or soliciting business in Dallas, Texas and/or (C) engaging in persistent conduct and/or deriving substantial revenue from goods and services provided to customers in Texas, including Parkland Health and Hospital System and Children's Health System of Texas.

## **COUNT I** (INFRINGEMENT OF U.S. PATENT NO. 6,110,228)

7. Uniloc incorporates paragraphs 1-6 above by reference.

8. Uniloc Luxembourg is the owner, by assignment, of U.S. Patent No. 6,110,228 ("the '228 Patent"), entitled METHOD AND APPARATUS FOR SOFTWARE MAINTENANCE AT REMOTE NODES that issued on August 29, 2000. A true and correct copy of the '228 Patent is attached as Exhibit A hereto.

9. Uniloc USA is the exclusive licensee of the '228 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.

10. The following image from [www.infor.com](http://www.infor.com) shows that Infor VISUAL users may upgrade to CloudSuite Industrial, Infor's SaaS solution:

**Cloud deployment:** As announced at Inforum 2014, Infor VISUAL customers now have an optional upgrade path to Infor CloudSuite™ Industrial—Infor's SaaS solution. Customers looking for a cloud or on-premise, thin-client option now have a prebuilt upgrade path to this solution. Infor CloudSuite Industrial is the convergence of Infor SyteLine® and Infor VISUAL, coupled with the strength of Infor SunSystems®, to deliver the premier cloud solution for the SMB market.

11. The following image show that users of Infor VISUAL can upgrade from VISUAL 6 and 7 to VISUAL 8:

**Upgrading to VISUAL 8**

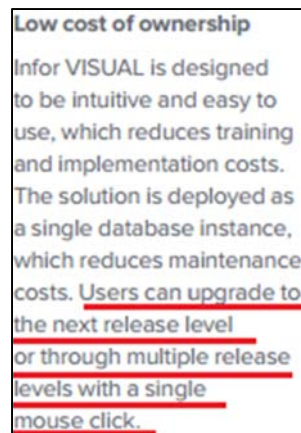
Whether you are on VISUAL 6 or 7, in this session, we cover the key items that must be considered when upgrading to VISUAL 8. This will include, but not be limited to, the database schema changes associated with multi-site (7.1.0), double byte (8.0.0), as well as platform, operating and database platform considerations. This is a highly recommended session for all customers planning to upgrade to VISUAL 8. View the recording.

12. The following image show how users of Infor VISUAL can upgrade to newer versions of the software:

CAPABILITIES				
	VISUAL v6.x or earlier	VISUAL 7.0	VISUAL 71.2	Upgrade to VISUAL 8.0.0
Infor Ming.le	•	•	•	•
Infor ION	•	•	•	•
Document Life Cycle	•	•	•	•
Infor Quality Management on Mongoose with ION and Ming.le (formally VQ)	•	•	•	•
Multi entity multi site	•	•	•	•
Evaluation RMA's	•	•	•	•
Single sign-on	•	•	•	•
Graphical document life cycle	•	•	•	•
Dashboard analytics	•	•	•	•
Contextual graphical view panel	•	•	•	•
.NET API Tool Kit	•	•	•	•
AutoRun Windows Service	•	•	•	•
Web-based workspace	•	•	•	•
Document activities and alerts	•	•	•	•
Infor CRM	•	•	•	•
Infor CPQ	•	•	•	•
Latest SoHo User Experience	•	•	•	•

• Yes • No • In Progress

13. The following image from [www.infor.com](http://www.infor.com) shows that users of Infor VISUAL can an upgrade from Infor via a single mouse click:



14. Infor has directly infringed, and continues to directly infringe one or more claims of the '228 Patent, including at least claims 18, 29, 36, 47, 51 and 67 literally and/or under the doctrine of equivalents, by or through making, using, importing, offering for sale and/or selling the upgrade technology in the United States during the pendency of the '228 Patent which software and associated backend server architecture *inter alia* allows for users on a computer network to

interactively request from Infor an upgrade service, for Infor to assess the request and provide the requested upgrade as appropriate over the network to the remote user.

15. In addition, should the Infor software licensing and management system be found to not literally infringe the asserted claims of the '228 Patent, the product would nevertheless infringe the asserted claims of the '228 Patent. More specifically, the accused software/system performs substantially the same function (responding to a remote user's request for an upgrade service), in substantially the same way (receiving and assessing a remote user's request for service over a network), to yield substantially the same result (providing an upgrade or other software to the remote user). Infor would thus be liable for direct infringement under the doctrine of equivalents.

16. Infor has indirectly infringed and continues to indirectly infringe at least claims 18, 29, 36, 47, 51 and 67 of the '228 Patent by, among other things, actively inducing the using, offering for sale, selling, or importing the Infor upgrade technology. Infor's customers who use the Infor upgrade service in accordance with Infor's instructions directly infringe one or more of the foregoing claims of the '228 Patent in violation of 35 U.S.C. § 271. Infor directly and/or indirectly intentionally instructs its customers to infringe through training videos, demonstrations, brochures, installation and/or user guides for the upgrade software and service, such as those located at one or more of the following:

- [www.infor.com](http://www.infor.com)
- [www.infor.subscribenet.com](http://www.infor.subscribenet.com)
- <https://www.facebook.com/infor/>
- <https://www.inforextreme.com>
- <https://itunes.apple.com/us/app/infor>

- <https://play.google.com/store/apps/developer?id=Infor>
- [www.youtube.com/watch?v=XcfhZ1RBOBc](http://www.youtube.com/watch?v=XcfhZ1RBOBc)
- [www.youtube.com/watch?v=8I0pLsCmPo](http://www.youtube.com/watch?v=8I0pLsCmPo)
- [www.youtube.com/watch?v=XUSuv-esPaU](http://www.youtube.com/watch?v=XUSuv-esPaU)
- [www.youtube.com/watch?v=oOg5qmS1W2I](http://www.youtube.com/watch?v=oOg5qmS1W2I)
- [www.youtube.com/watch?v=CdqXrxLL52Q](http://www.youtube.com/watch?v=CdqXrxLL52Q)
- [www.youtube.com/watch?v=7ENZXDxCDNM](http://www.youtube.com/watch?v=7ENZXDxCDNM)

Infor is thereby liable for infringement of the '228 Patent under 35 U.S.C. § 271(b).

17. Infor has indirectly infringed and continues to indirectly infringe at least claims 18, 29, 36, 47, 51 and 67 of the '228 Patent by, among other things, contributing to the direct infringement by others including, without limitation customers using the Infor upgrade technology, by making, offering to sell, selling and/or importing into the United States, a component of a patented machine, manufacture or combination, or an apparatus for use in practicing a patented process, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in infringing the '228 Patent and not a staple article or commodity of commerce suitable for substantial non-infringing use.

18. For example, the upgrade service software is a component of a patented machine, manufacture, or combination, or an apparatus for use in practicing a patent process. Furthermore, the Infor upgrade service software is a material part of the claimed inventions and upon information and belief is not a staple article or commodity of commerce suitable for substantial non-infringing use. Infor is, therefore, liable for infringement under 35 U.S.C. § 271(c).

19. Infor will have been on notice of the '228 Patent since, at the latest, the service of the original complaint filed in the Eastern District of Texas on May 12, 2017. By the time of trial,

Infor will have known and intended (since receiving such notice) that its continued actions would actively induce, and contribute to, the infringement of one or more of claims 18, 29, 36, 47, 51 and 67 of the '228 Patent.

20. Infor may have infringed the '228 Patent through other software utilizing the same or reasonably similar upgrade service functionality, including the products listed at [www.infor.com/solutions/all-products](http://www.infor.com/solutions/all-products) on April 25, 2017. Uniloc reserves the right to discover and pursue all such additional infringing software.

21. Uniloc has been damaged by Infor's infringement of the '228 Patent.

#### **PRAYER FOR RELIEF**

Uniloc requests that the Court enter judgment against Infor as follows:

- (A) finding that Infor has infringed the '228 Patent;
- (B) awarding Uniloc its damages suffered as a result of Infor's infringement of the '228 Patent;
- (C) awarding Uniloc its costs, attorneys' fees, expenses and interest, and
- (D) granting Uniloc such other and further relief as the Court may deem just and proper.

#### **DEMAND FOR JURY TRIAL**

Uniloc hereby demands trial by jury on all issues so triable pursuant to Fed. R. Civ. P. 38.

Date: August 11, 2017

Respectfully submitted,

/s/ Edward R. Nelson III

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