**IN THE UNITED STATES DISTRICT COURT**
**FOR THE NORTHERN DISTRICT OF ILLINOIS**
**EASTERN DIVISION**

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| ORG STRUCTURE INNOVATIONS LLC, | § | |
| | § | Civil Action No. 11-cv-3307 |
| Plaintiff, | § | |
| | § | |
| v. | § | Honorable Harry D. Lienenweber |
| | § | |
| ORACLE CORPORATION, AND ORACLE AMERICA, INC., | § | |
| | § | **JURY TRIAL DEMANDED** |
| Defendants. | § | |
| | § | |

## FIRST AMENDED COMPLAINT

Plaintiff ORG Structure Innovations LLC ("ORG Structure" or "Plaintiff), by way of this First Amended Complaint against defendants Oracle Corporation and Oracle America, Inc. (collectively "Oracle" or "Defendants"), hereby alleges as follows:

## NATURE OF THE ACTION

1. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. § 101, *et seq*.

## THE PARTIES

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

3. Defendant Oracle Corporation is a corporation organized under the laws of Delaware with its principal place of business at 500 Oracle Parkway, Redwood Shores, California 94065, and a registered agent for service of process at Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808.

4. Defendant Oracle America, Inc. is a corporation organized under the laws of Delaware with its principal place of business at 500 Oracle Parkway, Redwood Shores, California 94065, and a registered agent for service of process at Illinois Corporation Service C, 801 Adlai Stevenson Dr., Springfield, IL 62703.

## JURISDICTION AND VENUE

5. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 and 1338(a).

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

7. Defendants are subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Illinois Long Arm Statue, due to their substantial business in this forum, including: (1) a portion of the acts constituting direct and/or indirect infringement as alleged herein occurring within this forum; and (2) the operation of at least three facilities in this forum, such facilities located at: 233 South Wacker Dr., 45th Floor, Chicago, IL 60606; 330 N. Wabash, 24th Floor, Chicago, IL 60611; and Two Pierce Place, Itasca, IL 60143.

## BACKGROUND

8. On February 27, 2007, United States Patent No. 7,185,010 B2 (hereinafter referred to as the "'010 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 '010 Patent is attached as Exhibit A to this Complaint.

9. On March 23, 2010, United States Patent No. 7,685,156 B2 (hereinafter referred to as 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 B to this Complaint.

10. On October 26, 2010, United States Patent No. 7,822,777 B2 (hereinafter referred to as 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 C to this Complaint.

11. The inventor of the inventions patented in the '010, '156, and '777 patents was Paul Morinville. The '010, '156, and '777 patents are hereafter referred to as "the Morinville Patents."

12. On August 9, 2007, Bridgestream, Inc. ("Bridgestream") took a license to the Morinville Patents ("the Bridgestream License"). The Bridgestream License provides a limited license to Bridgestream products and a limited covenant not to sue with respect to Bridgestream products.

13. In September 2007, Oracle Corp. acquired Bridgestream.

14. The Morinville Patents have been assigned to ORG Structure and, as a result, ORG Structure is now the owner of all right, title, and interest in and to the Morinville Patents.

**COUNT I – INFRINGEMENT OF U.S. PATENT NO. 7,185,010**

15. ORG Structure repeats and realleges the allegations of paragraphs 1 through 14 as if fully set forth herein.

16. Defendants have been directly infringing the '010 Patent by making, using, importing, selling, and/or offering for sale in the United States, including within this judicial district, computer software having or providing the systems and methods of rule inheritance claimed in the '010 Patent under 35 U.S.C. § 271(a). Such computer software includes, but is

not limited to: Oracle Fusion Middleware; ATG Commerce; BEA AquaLogic Enterprise Security, Oracle Entitlements Server; BEA WebLogic Server; Oracle WebLogic Server; AmberPoint SOA Management; Oracle SOA Governance; Oracle Beehive Collaboration Software; Oracle HR; Oracle PeopleSoft Enterprise PeopleTools; Siebel Customer Relationship Management (CRM) Applications; Sun OpenSSO; Oracle OpenSSO; Oracle OpenAM; Sun Access Manager; Sun Identity Manager; Oracle Waveset; Sun Java System Role Manager; and Oracle Identity Analytics products. 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 rule inheritance claimed in the '010 Patent, Defendants have 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). However, nothing in this complaint is intended, nor should it be construed, to be an accusation of infringement, or an attempt to seek damages, against any product with respect to which Defendants have a license under the Bridgestream License or which are subject to the covenant not to sue defined by the Bridgestream License.

17. ORG Structure has been damaged by Defendants' infringing activities.

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

18. ORG Structure repeats and realleges the allegations of paragraphs 1 through 17 as if fully set forth herein.

19. Defendants have been directly infringing the '156 Patent by making, using, importing, selling, and/or offering for sale in the United States, including within this judicial district, computer software having or providing the systems and methods of rule inheritance

claimed in the '156 Patent under 35 U.S.C. § 271(a). Such computer software includes, but is not limited to: Oracle Fusion Middleware; ATG Commerce; BEA AquaLogic Enterprise Security, Oracle Entitlements Server; BEA WebLogic Server; Oracle WebLogic Server; AmberPoint SOA Management; Oracle SOA Governance; Oracle Beehive Collaboration Software; Oracle HR; Oracle PeopleSoft Enterprise PeopleTools; Siebel Customer Relationship Management (CRM) Applications; Sun OpenSSO; Oracle OpenSSO; Oracle OpenAM; Sun Access Manager; Sun Identity Manager; Oracle Waveset; Sun Java System Role Manager; and Oracle Identity Analytics products. 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 rule inheritance claimed in the '156 Patent, Defendants have 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). However, nothing in this complaint is intended, nor should it be construed, to be an accusation of infringement, or an attempt to seek damages, against any product with respect to which Defendants have a license under the Bridgestream License or which are subject to the covenant not to sue defined by the Bridgestream License.

20. ORG Structure has been damaged by Defendants' infringing activities.

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

21. ORG Structure repeats and realleges the allegations of paragraphs 1 through 20 as if fully set forth herein.

22. Defendants have been directly infringing the '777 Patent by making, using, importing, selling, and/or offering for sale in the United States, including within this judicial district, computer software having or providing the systems and methods of rule inheritance

claimed in the '777 Patent under 35 U.S.C. § 271(a). Such computer software includes, but is not limited to: Oracle Fusion Middleware; ATG Commerce; BEA AquaLogic Enterprise Security, Oracle Entitlements Server; BEA WebLogic Server; Oracle WebLogic Server; AmberPoint SOA Management; Oracle SOA Governance; Oracle Beehive Collaboration Software; Oracle HR; Oracle PeopleSoft Enterprise PeopleTools; Siebel Customer Relationship Management (CRM) Applications; Sun OpenSSO; Oracle OpenSSO; Oracle OpenAM; Sun Access Manager; Sun Identity Manager; Oracle Waveset; Sun Java System Role Manager; and Oracle Identity Analytics products. 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 rule inheritance claimed in the '777 Patent, Defendants have 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). However, nothing in this complaint is intended, nor should it be construed, to be an accusation of infringement, or an attempt to seek damages, against any product with respect to which Defendants have a license under the Bridgestream License or which are subject to the covenant not to sue defined by the Bridgestream License.

23. ORG Structure has been damaged by Defendants' infringing activities.

**WILLFULNESS**

24. ORG Structure repeats and realleges the allegations of paragraphs 1 through 23 as if fully set forth herein.

25. On information and belief, prior owners and assignees of the patents-in-suit have provided prior written notice of the patents-in-suit and of applications leading to the patents-in-suit to Defendants.

26. Defendants' infringing activities, including but not limited to Defendants' activities identified in ¶¶ 8-22 herein, have resulted and continue to result in willful infringement of the patents-in-suit.

## JURY DEMAND

27. Pursuant to Rule 38 of the Federal Rules of Civil Procedure, ORG Structure demands a trial by jury on all issues triable as such.

## PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully demands judgment for itself and against Defendants as follows:

a. That this Court adjudge that Defendants have each infringed the '010 Patent;

b. That this Court adjudge that Defendants have each infringed the '156 Patent;

c. That this Court adjudge that Defendants have each infringed the '777 Patent;

d. That this Court ascertain and award Plaintiff damages sufficient to compensate it for the above infringement and that the damages so ascertained be awarded to Plaintiff with interest;

e. That this Court adjudge that Defendants' infringement of the '010 Patent, the '156 Patent, and the '777 Patent has been and continues to be willful, and that the Court award treble damages for such willful infringement pursuant to 35 U.S.C. § 284.

f. That this Court find this case to be exceptional and award Plaintiff its attorneys fees, costs and expenses in this action;

g. An accounting of all infringing sales including, but not limited to, those sales not presented at trial and an award by the Court for any such sales; and

h. That this Court award Plaintiff such other relief as the Court may deem just and proper.

Respectfully submitted,

Dated: August 1, 2011

*/s/ Patrick G. Burns*

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**ATTORNEYS FOR PLAINTIFF**
**ORG STRUCTURE INNOVATIONS LLC**

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing FIRST AMENDED COMPLAINT was served upon the below-listed counsel of record by electronically filing the document with the Clerk of the Court through the Electronic Filing System in accordance with LR 5.2 on the 1st day of August 2011:

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|---|---|
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s/Patrick G. Burns