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26 *RIMINI STREET, INC., a Nevada corporation*

27 **UNITED STATES DISTRICT COURT**
28 **DISTRICT OF NEVADA**

RIMINI STREET, INC., a Nevada corporation

Plaintiff,

v.

ORACLE INTERNATIONAL
CORPORATION, a California corporation,

Defendant.

Case No.

**COMPLAINT FOR DECLARATORY
JUDGMENT**

(JURY TRIAL DEMANDED)

Plaintiff Rimini Street, Inc. ("Rimini") for its Complaint for Declaratory Judgment against
Defendant Oracle International Corporation alleges as follows:

1 agreements Oracle authorized Rimini's activities with respect to these clients. *See Oracle v.*
2 *Rimini Street*, Dkt. 266.

3 7. On February 13, 2014, the Court in *Oracle v. Rimini Street* issued an Order on
4 Oracle's First Motion for Partial Summary Judgment, finding that Rimini Street had infringed six
5 of Oracle's copyrights relating to PeopleSoft software when provisioning services to two of
6 Rimini Street's PeopleSoft clients. *Oracle v. Rimini Street*, Dkt. 474. The Court found that there
7 were disputed issues of fact for the remaining copyrights and clients at-issue in Oracle's First
8 Motion for Partial Summary Judgment. *Id.*

9 8. While Rimini Street respectfully disagrees with the Court's findings regarding
10 PeopleSoft and reserves its right to appeal the same, Rimini Street modified its services to
11 discontinue use of the processes the Court found to be infringing in its February 13, 2014 Order.
12 By July 31, 2014, Rimini Street had completed its migration to processes compliant with the
13 Court's February 13, 2014 Order.

14 9. Given this change in Rimini's operations, Rimini Street and Oracle jointly
15 requested a case management conference ("CMC") in the *Oracle v. Rimini Street* to determine the
16 impact of Rimini's modified services on the trial in that matter. *See generally* Dkt. 490. In the
17 parties' CMC request, Oracle asserted Rimini Street's new processes were "suspect" and raised
18 "significant suspicions that Rimini's 'new' support model involves all the same infringing acts as
19 the 'old' support model that the Court has already ruled was copyright infringement" *Id.* at 5.
20 Oracle also asserted that evidence of Rimini's new processes should not be included in *Oracle v.*
21 *Rimini Street* case based on the supposed necessity of "six months to a year of intensive
22 discovery," after which Oracle is "confident it could show that Rimini's new support process is
23 old wine in a new bottle and every bit as infringing as the old process." *Id.* at 7-8.

24 10. The Court scheduled and conducted the requested CMC on October 9, 2014.
25 During the course of the conference, the Court made clear that the trial in *Oracle v. Rimini Street*
26 would not address liability or damages arising after the Court's February 13, 2014 order, finding
27 that no additional discovery regarding Rimini's transition to a different service model was
28 necessary in that case. During the course of the conference in open court, counsel for Oracle made

1 reference to future litigation to address alleged post-February 2014 infringement claims by Oracle
2 against Rimini.

3 11. Given this outcome, and in light of Oracle International Corporation's continuing
4 claims that Rimini's new processes are infringing, Rimini now brings this suit seeking a
5 declaration that Rimini's current processes do not infringe Oracle's copyrights.

6 **PARTIES**

7 12. Plaintiff Rimini Street, a Nevada corporation with its headquarters in Las Vegas, is
8 a leading provider of independent support and maintenance for enterprise software, including
9 software licensed by Oracle.

10 13. Defendant Oracle International Corporation is a California corporation, with its
11 principal place of business in Redwood City, California. Oracle International Corporation is the
12 owner or exclusive licensee of the copyrights at issue in this action.

13 **JURISDICTION AND VENUE**

14 14. This Court has original jurisdiction over the subject matter of this lawsuit pursuant
15 to 28 U.S.C. §§ 1331 and 1338 because this case arises under the Copyright Act, 17 U.S.C. §§ 101
16 *et seq.* This lawsuit is brought pursuant to the Declaratory Judgment Act, 28 U.S.C. § 2201.

17 15. Plaintiff is informed and believes, and upon such information and belief alleges,
18 that Defendant has systematically and continuously availed itself of the privilege of doing business
19 in Nevada to exploit the copyrights at issue in this action. These copyrights are currently being
20 asserted against Plaintiff in *Oracle v. Rimini Street*, which Defendant itself brought in this District.
21 Defendant therefore has sufficient contacts with this District, both generally and specifically in
22 connection with the facts alleged in this action. Oracle International Corporation is thus subject to
23 personal jurisdiction in this Court.

24 16. Venue in this District is appropriate, pursuant to 28 U.S.C. § 1391, because a
25 substantial part of the events giving rise to the dispute occurred in this District and because the
26 Court has personal jurisdiction over the Defendant as alleged throughout this Complaint.

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1 17. Assignment to the Las Vegas division is proper under Civil Local Rule IA8-1(a),
2 because this action arises, in part, in Las Vegas, where Rimini Street is headquartered and where
3 *Oracle v. Rimini Street* is pending.

4 **DEFENDANT’S ACTS COMPRISING ACTUAL CONTROVERSY**

5 18. Plaintiff re-avers and re-states the foregoing Paragraphs 1–17 inclusively as if fully
6 set forth herein.

7 19. In spite of Rimini’s current business model modified to comply with the Court’s
8 February 13, 2014 Order in *Oracle v. Rimini Street*, Oracle continues to allege that Rimini’s
9 business practices infringe Oracle’s copyrights.

10 20. In its recent public filings with this Court in *Oracle v. Rimini Street*, Oracle,
11 including Oracle International Corporation, referred to Rimini’s new business model as “suspect,”
12 and “raise[d] significant suspicions that Rimini’s ‘new’ support model involves all the same
13 infringing acts as the ‘old’ support model that the Court has already ruled was copyright
14 infringement.”

15 21. Regarding the specific differences between Rimini’s old and new business model,
16 Oracle alleged, “[t]he only apparent difference between the ‘new’ and the ‘old’ does not appear to
17 be a change in the development process, but that Rimini’s conduct takes place in the cloud”

18 22. Oracle alleges that Rimini’s support of customers implicates “infringement no
19 matter where that happens.”

20 23. Oracle claims that “Oracle is confident it could show that Rimini’s new support
21 process is old wine in a new bottle and every bit as infringing as the old process.”

22 24. Oracle International Corporation’s statements make clear that a credible threat of
23 immediate litigation exists for copyright infringement against Rimini.

24 25. In light of Oracle International Corporation,’ public statements in this Court and
25 to Rimini’s current and prospective clients, there presently exists a justiciable controversy
26 regarding the Plaintiff’s right to provide support PeopleSoft, J.D. Edwards and Siebel software
27 free of any allegation by Oracle that such conduct constitutes an infringement of any copyright
28 rights owned by Oracle. The parties are plainly competitors at war, and the form of the war is

1 Rimini's processes for providing support to Oracle software and related copyrights, and, thus, they
 2 have adverse legal interests over a dispute of sufficient reality that is capable of conclusive
 3 resolution through a declaratory judgment.

4 **CLAIM FOR RELIEF:**

5 **(Declaration of Non-Infringement of Copyright)**

6 26. Plaintiff re-avers and re-states the foregoing Paragraphs 1–25 inclusively as if fully
 7 set forth herein.

8 27. This is a declaratory judgment action under (i) the United States Copyright Act of
 9 1976, 17 U.S.C. § 101 *et seq.* (the "Copyright Act"), and 28 U.S.C. §§ 2201 and 2202 (the
 10 Declaratory Judgment Act). As an actual justiciable controversy exists by way of the credible
 11 threat of immediate litigation, Plaintiff seeks relief from this Court.

12 28. In light of the changes to Rimini's processes since this Court's February 2014
 13 Order, Plaintiff requests a judgment declaring that, since at least July 31, 2014, Plaintiff has not
 14 infringed copyrights in Oracle software, including the software applications and support material
 15 covered the certificates are identified, dated and numbered below:

Title of Work	Date of Registration	Registration Number
PeopleTools 7.5	November 20, 1998	TX 4-792-578
PeopleSoft 7.0 financials, distribution & manufacturing 7.0	December 15, 1998	TX 4-792-576
PeopleSoft HRMS 7.0	December 15 1998	TX 4-792-577
PeopleSoft HRMS 7.5	December 15, 1998	TX 4-792-575
PeopleSoft Financials, Distribution & Manufacturing 7.5	December 15, 1998	TX 4-792-574
PeopleTools 8.10	September 5, 2000	TX 5-266-221
PeopleSoft Financials and Supply Chain Management (FIN/SCM) 8.0	November 20, 2000	TX 5-291-439
PeopleSoft 8 HRMS PeopleBooks	November 28, 2000	TX 5-311-638
PeopleSoft 8 Financials and Supply Chain Management PeopleBooks	November 28, 2000	TX 5-311-637
PeopleSoft 8 HRMS SP1	March 26, 2001	TX 5-501-312
Oracle 8i Enterprise Edition, release 2 (8.1.6)	February 2, 2001	TX 5-222-106
PeopleSoft 8 FIN/SCM SP1	March 26, 2001	TX 5-501-313

1	PeopleSoft 8 EPM SP3	March 30, 2001	TX 5-345-698
2	PeopleSoft 8 Customer Relationship Management PeopleBooks	September 27, 2001	TX 5-456-778
3	PeopleSoft 8 Promotions Management, Collaborative Supply Management, eRFQ, Supplier Connection, and Supply Chain Portal Pack PeopleBooks	September 27, 2001	TX 5-456-781
4			
5			
6	PeopleSoft 8 Customer Relationship Management	September 27, 2001	TX-5-456-777
7	PeopleSoft 8 Financials and Supply Chain Management: Service Pack 2	September 27, 2001	TX-5-456-780
8			
9	PeopleSoft 8 FIN/SCM SPI PeopleBooks	October 19, 2001	TX 5-595-355
10	PeopleSoft 8 Student Administration Solutions PeopleBooks	November 30, 2001	TX 5-431-290
11	PeopleSoft 8.3 HRMS PeopleBooks	February 1, 2002	TX 5-469-031
12	PeopleSoft 8.3 HRMS	February 1, 2002	TX 5-469-032
13	PeopleSoft 8.3 Enterprise Performance Management PeopleBooks	March 11, 2002	TX 5-485-842
14	PeopleSoft 8.3 Enterprise Performance Management	March 11, 2002	TX 5-485-839
15	PeopleSoft 8.1 Customer Relationship Management PeopleBooks	March 20, 2002	TX 5-733-209
16	PeopleSoft 8.1 Customer Relationship Management	March 20, 2002	TX 5-493-450
17	PeopleSoft 8.4 Financials and Supply Chain Management	August 5, 2002	TX-5-586-247
18	PeopleTools 8.4	August 5, 2002	TX 5-586-248
19	PeopleTools 8.4 PeopleBooks	August 5, 2002	TX 5-586-249
20	PeopleSoft 8.4 Financials and Supply Chain Management PeopleBooks	August 5, 2002	TX 5-586-246
21	PeopleSoft 8.4 Customer Relationship Management PeopleBooks	August 7, 2002	TX 5-586-236
22	PeopleSoft 8.8 HRMS	June 11, 2004	TX 6-093-947
23	PeopleSoft 8.8 Customer Relationship Management	June 11, 2004	TX 6-015-317
24	PeopleSoft 8.8 Enterprise Performance Management	June 11, 2004	TX-5-993-616
25	Initial release of JDE EnterpriseOne XE	April 26, 2007	TX 6-541-033
26	Cumulative Update 8 for JDE EnterpriseOne Xe	April 26, 2007	TX 6-541-048
27	Initial release of JDE EnterpriseOne 8.0	April 26, 2007	TX 6-541-050
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1	Cumulative Update 1 for JDE EnterpriseOne 8.0	April 26, 2007	TX 6-541-034
2	Initial release of JDE EnterpriseOne	8.9 April 26, 2007	TX 6-541-049
3	Initial release of JDE EnterpriseOne 8.10	April 26, 2007	TX 6-541-038
4	Cumulative Update 2 for JDE EnterpriseOne 8.10	April 26, 2007	TX 6-541-032
5	Initial release of JDE EnterpriseOne 8.11	April 26, 2007	TX 6-541-028
6	Initial release of JDE EnterpriseOne 8.11 SP1	April 26, 2007	TX 6-541-040
7	ESU for JDE EnterpriseOne 8.11 SP1	April 26, 2007	TX 6-541-027
8	Cumulative Update 1 for JDE EnterpriseOne 8.11 SP1	April 26, 2007	TX 6-541-039
9	Initial release of JDE EnterpriseOne 8.12	April 26, 2007	TX 6-541-041
10	ESU for JDE EnterpriseOne 8.12	April 26, 2007	TX 6-541-045
11	Cumulative Update 1 for JDE EnterpriseOne 8.12	April 26, 2007	TX 6-541-042
12	Initial release of JDE World A7.3	April 26, 2007	TX 6-541-029
13	Cumulative Update 16 for JDE World A7.3	April 26, 2007	TX 6-541-031
14	Initial release of JDE World A8.1	April 26, 2007	TX 6-541-047
15	Code Change for JDE World A8.1	April 26, 2007	TX 6-541-044
16	Initial release of JDE World A9.1	April 26, 2007	TX 6-541-030
17	Cumulative Update 6 for JDE World A8.1	May 1, 2007	TX 6-545-421
18	Siebel 6.3 Initial Release and Documentation	June 29, 2009	TX 6-941-989
19	Siebel 7.0.5 Initial Release and Documentation	June 29, 2009	TX 6-941-988
20	Siebel 7.5.2 Initial Release and Documentation	June 29, 2009	TX 6-941-990
21	Siebel 7.7.1 Initial Release and Documentation	June 29, 2009	TX 6-941-993
22	Siebel 7.8 Initial Release and Documentation	June 29, 2009	TX 6-941-995
23	Siebel 8.0 Initial Release and Documentation	June 29, 2009	TX 6-942-000
24	Siebel 8.1.1 Initial Release and Documentation	June 29, 2009	TX 6-942-001
25	Database of Documentary Customer Support Materials for PeopleSoft Software	July 1, 2009	TXu1-607-454
26	Database of Documentary Customer Support Materials for J.D. Edwards Software	July 1, 2009	TXu1-607-455
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1	Database of Documentary Customer Support Materials for Siebel Software	July 1, 2009	TXu1-607-453
2	Cumulative Update 3 for JDE EnterpriseOne 8.12	January 15, 2010	TX-7-041-278
3	Initial release of JDE EnterpriseOne 9.0	January 15, 2010	TX 7-041-256
4	Cumulative Update 1 for JDE EnterpriseOne 9.0	January 15, 2010	TX 7-041-267
5	Initial release of JDE World A9.2	January 15, 2010	TX 7-041-290
6	PeopleSoft HRMS 8.8 SP1	February 10, 2010	TX 7-065-376
7	PeopleSoft HRMS 8.9	February 10, 2010	TX 7-065-381
8	PeopleSoft HRMS 9.0	February 10, 2010	TX 7-065-386
9	PeopleSoft HRMS 9.1	February 10, 2010	TX 7-065-398
10	PeopleSoft Customer Relationship Management 8.8 SP1	February 10, 2010	TX 7-063-664
11	PeopleSoft Customer Relationship Management 8.9	February 10, 2010	TX 7-063-668
12	PeopleSoft Customer Relationship Management 9.0	February 10, 2010	TX 7-065-371
13	PeopleSoft Customer Relationship Management 9.1	February 10, 2010	TX 7-063-653
14	PeopleSoft Financials and Supply Chain Management 8.8	February 10, 2010	TX 7-063-688
15	PeopleSoft Enterprise Performance Management 8.8 SP2	February 10, 2010	TX 7-063-683
16	PeopleSoft Enterprise Performance Management 8.9	February 10, 2010	TX 7-063-672
17	PeopleSoft Enterprise Performance Management 9.0	February 10, 2010	TX 7-063-679
18	PeopleSoft Financials and Supply Chain Management 8.8 SP1	February 11, 2010	TX 7-065-319
19	PeopleSoft Financials and Supply Chain Management 8.9	February 11, 2010	TX 7-065-332
20	PeopleSoft Financials and Supply Chain Management 9.0	February 11, 2010	TX 7-065-354
21	PeopleSoft Financials and Supply Chain Management 9.1	February 11, 2010	TX 7-065-357
22	PeopleSoft Student Administration Solutions 8.0 SP1	February 24, 2010	TX 7-077-447
23	PeopleSoft Campus Solutions 8.9	February 24, 2010	TX 7-077-451
24	PeopleSoft Campus Solutions 9.0	February 24, 2010	TX 7-077-460
25	PeopleTools 8.42	March 8, 2010	TX 7-092-406
26	PeopleTools 8.43	March 8, 2010	TX 7-092-603
27	PeopleTools 8.44	March 8, 2010	TX 7-092-583
28	PeopleTools 8.45	March 8, 2010	TX 7-092-617

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PeopleTools 8.46	March 8, 2010	TX 7-092-772
PeopleTools 8.47	March 8, 2010	TX 7-092-797
PeopleTools 8.48	March 8, 2010	TX 7-092-819
PeopleTools 8.49	March 8, 2010	TX 7-092-855
PeopleTools 8.50	March 8, 2010	TX 7-092-757

REQUEST FOR RELIEF

WHEREFORE, Rimini seeks judgment awarding it the following relief:

(a) An order declaring that, since at least July 31, 2014, Rimini has not infringed copyrights in Oracle software, including the software applications and support material covered by the certificates identified in this Complaint;

(b) An order awarding attorneys’ fees, costs, and expenses incurred in connection with this action to Rimini; and

(c) An order awarding such other and further relief as this Court deems just and proper.

Dated this 15th day of October, 2014.

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