

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

GANAS, LLC,

Plaintiff,

v.

**(1) SABRE HOLDINGS CORPORATION;
(2) SAP AMERICA, INC.;
(3) SAS INSTITUTE INC.;
(4) SCOTTRADE, INC.;
(5) TD AMERITRADE, INC.;
(6) THE CHARLES SCHWAB
CORPORATION;
(7) UNICOI SYSTEMS, INC.;
(8) XEROX CORPORATION;
(9) ADOBE SYSTEMS INCORPORATED;
(10) AOL INC.;
(11) APPLE INC.;
(12) DISH DBS CORPORATION;
(13) E*TRADE SECURITIES LLC;
(14) FIDELITY BROKERAGE SERVICES
LLC;
(15) HEWLETT-PACKARD COMPANY;
(16) INTERNATIONAL BUSINESS
MACHINES CORPORATION; and
(17) JPMORGAN CHASE & CO.,**

Defendants.

CIVIL ACTION NO. 2:10-CV-320

JURY TRIAL DEMANDED

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

1. This is an action for patent infringement in which Ganas, LLC, makes the following allegations against: Sabre Holdings Corporation; SAP America, Inc.; SAS Institute Inc.; Scottrade, Inc.; TD Ameritrade, Inc.; The Charles Schwab Corporation; Unicoi Systems, Inc.; Xerox Corporation; Adobe Systems Incorporated; AOL Inc.; Apple Inc.; DISH DBS

Corporation; E*TRADE Securities LLC; Fidelity Brokerage Services LLC; Hewlett-Packard Company; International Business Machines Corporation; and JPMorgan Chase & Co. (collectively the “Defendants”).

PARTIES

2. Plaintiff Ganas, LLC (“Plaintiff” or “Ganas”) is a Texas limited liability company with its principal place of business at 1333 W. McDermott Drive, Suite 241, Allen, Texas 75013. Ganas’ president is Daniel F. Perez.

3. On information and belief, Sabre Holdings Corporation (“SABRE”), is a Delaware corporation with its principal place of business at 3150 Sabre Drive, Southlake, Texas 76092. Defendant Sabre’s registered agent in Texas is the Corporation Service Company, 211 E. 7th Street, Suite 620, Austin, Texas 78701.

4. On information and belief, SAP America, Inc. (“SAP”), is a Delaware corporation with its principal place of business in the United States at 3999 West Chester Pike, Newtown Square, Pennsylvania 19073. Defendant SAP’s registered agent in Texas is CT Corporation System, 350 N. St. Paul Street, Suite 2900, Dallas, Texas 75201.

5. On information and belief, SAS Institute Inc. (“SAS”), is a North Carolina corporation with its principal place of business at 100 SAS Campus Drive, Cary, North Carolina 27513-2414. Defendant SAS’s registered agent in Texas is CT Corporation System, 350 N St. Paul St., Suite 2900, Dallas, Texas 75201.

6. On information and belief, Scottrade, Inc. (“Scottrade”), is an Arizona corporation with its principal place of business at 12800 Corporate Hill Dr., St. Louis, Missouri 63131. Defendant Scottrade’s registered agent in Texas is CT Corporation System, 350 N St. Paul St., Suite 2900, Dallas, Texas 75201.

7. On information and belief, TD Ameritrade, Inc. (“TDA”), is a New York corporation with its principal place of business at 1005 N. Ameritrade Place, Bellevue, Nebraska 68005. Defendant TDA’s registered agent in Texas is the Corporation Service Company, 211 E. 7th Street, Suite 620, Austin, Texas 78701.

8. On information and belief, The Charles Schwab Corporation (“Schwab”), is a Delaware corporation with its principal place of business at 211 Main Street, San Francisco, California 94105.

9. On information and belief, Unicoi Systems, Inc. (“Unicoi”), is a Georgia corporation with its principal place of business at 327 Dahlonga Street, Suite 1401, Atlanta, Georgia 30040. Defendant Unicoi’s registered agent in Texas is Jeremy Mason, 9121 Belvedere Drive, Keller, Texas 76244.

10. On information and belief, Xerox Corporation (“Xerox”), is a New York corporation with its principal place of business at 45 Glover Avenue, P.O. Box 4505, Norwalk, Connecticut 06856-4505. Defendant Xerox’s registered agent in Texas is the Prentice Hall Corporation System, 211 E. 7th Street, Suite 620, Austin, Texas 78701.

11. On information and belief, Adobe Systems Incorporated (“Adobe”), is a Delaware corporation with its principal place of business at 345 Park Avenue, San Jose, California 95110-2704. Defendant Adobe’s registered agent in Texas is Corporation Service Company (CSC), 211 E. 7th Street, Suite 620, Austin, Texas 78701.

12. On information and belief, AOL Inc. (“AOL”), is a Delaware corporation with its principal place of business at 770 Broadway, New York, New York 10003. Defendant AOL’s registered agent in Texas is the Corporation Service Company, 211 E. 7th Street, Suite 620, Austin, Texas 78701.

13. On information and belief, Defendant Apple Inc. (“Apple”), is a California corporation with its principal place of business at 1 Infinite Loop, Cupertino, California 95014. Defendant Apple’s registered agent in Texas is CT Corporation System, 350 N. St. Paul Street, Suite 2900, Dallas, Texas 75201.

14. On information and belief, DISH DBS Corporation (“Dish”), is a Colorado corporation with its principal place of business at 9601 South Meridian Boulevard, Englewood, Colorado 80112.

15. On information and belief, E*TRADE Securities LLC (“E*TRADE”), is a Delaware corporation with its principal place of business at 135 E. 57th Street, 14th Floor, New York, New York 10022. Defendant E*TRADE’s registered agent in Texas is the Corporation Service Company, 211 E. 7th Street, Suite 620, Austin, Texas 78701.

16. On information and belief, Fidelity Brokerage Services, LLC (“Fidelity”), is a Delaware corporation with its principal place of business at 82 Devonshire Street, Boston, Massachusetts, 02109. Defendant Fidelity’s registered agent in Texas is CT Corporation System, 350 N. St. Paul Street, Suite 2900, Dallas, Texas 75201.

17. On information and belief, Hewlett-Packard Company (“HP”), is a Delaware corporation with its principal place of business at 3000 Hanover Street, Palo Alto, California 94304-1185. Defendant HP’s registered agent in Texas is CT Corporation System, 350 N. St. Paul Street, Suite 2900, Dallas, Texas 75201.

18. On information and belief, International Business Machines Corporation (“IBM”), is a New York corporation with its principal place of business at New Orchard Road, Armonk, New York 10504. Defendant IBM’s registered agent in Texas is CT Corporation System, 350 N. St. Paul Street, Suite 2900, Dallas, Texas 75201.

19. On information and belief, Defendant JPMorgan Chase & Co. (“JPMorgan”), is a Delaware corporation with its principal place of business at 270 Park Avenue, New York, New York 10017. Defendant JPMorgan’s registered agent in Texas is CT Corporation System, 350 N. St. Paul Street, Suite 2900, Dallas, Texas 75201.

JURISDICTION AND VENUE

20. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

21. Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b). On information and belief, each Defendant has transacted business in this district, and has committed and/or induced acts of patent infringement in this district.

22. On information and belief, Defendant Sabre is subject to this Court’s specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

23. On information and belief, Defendant SAP is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

24. On information and belief, Defendant SAS is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

25. On information and belief, Defendant Schwab is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

26. On information and belief, Defendant Scottrade is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

27. On information and belief, Defendant TDA is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

28. On information and belief, Defendant Unicoi is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

29. On information and belief, Defendant Xerox is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

30. On information and belief, Defendant Adobe is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

31. On information and belief, Defendant Apple is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

32. On information and belief, Defendant AOL is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

33. On information and belief, Defendant Chase is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

34. On information and belief, Defendant Dish is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

35. On information and belief, Defendant E*TRADE is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

36. On information and belief, Defendant Fidelity is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

37. On information and belief, Defendant HP is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

38. On information and belief, Defendant IBM is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

39. On information and belief, Defendant JPMorgan is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 7,136,913

40. Plaintiff is the owner by assignment of United States Patent No. 7,136,913 ("the '913 Patent") entitled "Object oriented communication among platform independent systems across a firewall over the internet using HTTP-SOAP" – including all rights to recover for past and future acts of infringement. The '913 Patent issued on November 14, 2006. A true and correct copy of the '913 Patent is attached as Exhibit A.

41. Upon information and belief, Defendant Sabre directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringed one or more claims of the '913 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell systems that provide communication between an application source located on a first side of a firewall and a network element located on a second side of the firewall. The application source is provided with an applet to drive a user request, where the applet is provided by a web server on the first side of the firewall. A hypertext transfer protocol-simple object access protocol packet is created, and the hypertext transfer protocol portion is removed to produce a simple object access protocol message. The user request including the

simple object access protocol message is sent to a read/write server provided on the second side of the firewall. The simple object access protocol message is transmitted to a network management agent server provided on the second side of the firewall. A nodal model of the user request, including simple object access protocol message, is built in the network management agent server provided on the second side of the firewall. Simple object access protocol encoded requests are sent from the network management agent server on the second side of the firewall to a network element agent provided on the second side of the firewall. Simple object access protocol encoded requests received by the network management agent server are parsed in the network element agent, which encompasses data needed to complete a single nodal transaction. The simple object access protocol message is encoded in the network element agent to produce simple object access protocol packets, and those packets are transmitted to a translator box associated with a network element on the second side of the firewall. The translator box is also located on the second side of the firewall. The simple object access protocol packets are translated into an appropriate command for the network element, and the command is transmitted to the network element. For example, and without limitation, Defendant Sabre marketed, distributed, used, sold, and offered to sell its Sabre AirVision, SabreSonic, Sabre AirCentre, Travelocity, Central Reservation, Global Distribution, Booking Engine and Call Center systems. In addition, Defendant Sabre induced infringement and/or contributed to the infringement of one or more of the claims of the '913 Patent by its customers' use of its Sabre AirVision, SabreSonic, Sabre AirCentre, Travelocity, Central Reservation, Global Distribution, Booking Engine and Call Center systems. Defendant Sabre is thus liable for infringement of the '913 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

42. Upon information and belief, Defendant SAP directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringed one or more claims of the '913 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell systems that provide communication between an application source located on a first side of a firewall and a network element located on a second side of the firewall. The application source is provided with an applet to drive a user request, where the applet is provided by a web server on the first side of the firewall. A hypertext transfer protocol-simple object access protocol packet is created, and the hypertext transfer protocol portion is

removed to produce a simple object access protocol message. The user request including the simple object access protocol message is sent to a read/write server provided on the second side of the firewall. The simple object access protocol message is transmitted to a network management agent server provided on the second side of the firewall. A nodal model of the user request, including simple object access protocol message, is built in the network management agent server provided on the second side of the firewall. Simple object access protocol encoded requests are sent from the network management agent server on the second side of the firewall to a network element agent provided on the second side of the firewall. Simple object access protocol encoded requests received by the network management agent server are parsed in the network element agent, which encompasses data needed to complete a single nodal transaction. The simple object access protocol message is encoded in the network element agent to produce simple object access protocol packets, and those packets are transmitted to a translator box associated with a network element on the second side of the firewall. The translator box is also located on the second side of the firewall. The simple object access protocol packets are translated into an appropriate command for the network element, and the command is transmitted to the network element. For example, and without limitation, Defendant SAP marketed, distributed, used, sold, and offered to sell its SAP Netweaver systems. In addition, Defendant SAP induced infringement and/or contributed to the infringement of one or more of the claims of the '913 Patent by its customers' use of its SAP Netweaver systems. Defendant SAP is thus liable for infringement of the '913 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

43. Upon information and belief, Defendant SAS directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringed one or more claims of the '913 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell systems that provide communication between an application source located on a first side of a firewall and a network element located on a second side of the firewall. The application source is provided with an applet to drive a user request, where the applet is provided by a web server on the first side of the firewall. A hypertext transfer protocol-simple object access protocol packet is created, and the hypertext transfer protocol portion is removed to produce a simple object access protocol message. The user request including the simple object access protocol message is sent to a read/write server provided on the second side

of the firewall. The simple object access protocol message is transmitted to a network management agent server provided on the second side of the firewall. A nodal model of the user request, including simple object access protocol message, is built in the network management agent server provided on the second side of the firewall. Simple object access protocol encoded requests are sent from the network management agent server on the second side of the firewall to a network element agent provided on the second side of the firewall. Simple object access protocol encoded requests received by the network management agent server are parsed in the network element agent, which encompasses data needed to complete a single nodal transaction. The simple object access protocol message is encoded in the network element agent to produce simple object access protocol packets, and those packets are transmitted to a translator box associated with a network element on the second side of the firewall. The translator box is also located on the second side of the firewall. The simple object access protocol packets are translated into an appropriate command for the network element, and the command is transmitted to the network element. For example, and without limitation, Defendant SAS marketed, distributed, used, sold, and offered to sell its Business Intelligence systems. In addition, Defendant SAS induced infringement and/or contributed to the infringement of one or more of the claims of the '913 Patent by its customers' use of its Business Intelligence systems. Defendant SAS is thus liable for infringement of the '913 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

44. Upon information and belief, Defendant Schwab directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringed one or more claims of the '913 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell systems that provide communication between an application source located on a first side of a firewall and a network element located on a second side of the firewall. The application source is provided with an applet to drive a user request, where the applet is provided by a web server on the first side of the firewall. A hypertext transfer protocol-simple object access protocol packet is created, and the hypertext transfer protocol portion is removed to produce a simple object access protocol message. The user request including the simple object access protocol message is sent to a read/write server provided on the second side of the firewall. The simple object access protocol message is

transmitted to a network management agent server provided on the second side of the firewall. A nodal model of the user request, including simple object access protocol message, is built in the network management agent server provided on the second side of the firewall. Simple object access protocol encoded requests are sent from the network management agent server on the second side of the firewall to a network element agent provided on the second side of the firewall. Simple object access protocol encoded requests received by the network management agent server are parsed in the network element agent, which encompasses data needed to complete a single nodal transaction. The simple object access protocol message is encoded in the network element agent to produce simple object access protocol packets, and those packets are transmitted to a translator box associated with a network element on the second side of the firewall. The translator box is also located on the second side of the firewall. The simple object access protocol packets are translated into an appropriate command for the network element, and the command is transmitted to the network element. For example, and without limitation, Defendant Schwab marketed, distributed, used, sold, and offered to sell its Online and Web Trading systems. In addition, Defendant Schwab induced infringement and/or contributed to the infringement of one or more of the claims of the '913 Patent by its customers' use of its Online and Web Trading systems. Defendant Schwab is thus liable for infringement of the '913 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

45. Upon information and belief, Defendant Scottrade directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringed one or more claims of the '913 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell systems that provide communication between an application source located on a first side of a firewall and a network element located on a second side of the firewall. The application source is provided with an applet to drive a user request, where the applet is provided by a web server on the first side of the firewall. A hypertext transfer protocol-simple object access protocol packet is created, and the hypertext transfer protocol portion is removed to produce a simple object access protocol message. The user request including the simple object access protocol message is sent to a read/write server provided on the second side of the firewall. The simple object access protocol message is transmitted to a network management agent server provided on the second side of the firewall.

A nodal model of the user request, including simple object access protocol message, is built in the network management agent server provided on the second side of the firewall. Simple object access protocol encoded requests are sent from the network management agent server on the second side of the firewall to a network element agent provided on the second side of the firewall. Simple object access protocol encoded requests received by the network management agent server are parsed in the network element agent, which encompasses data needed to complete a single nodal transaction. The simple object access protocol message is encoded in the network element agent to produce simple object access protocol packets, and those packets are transmitted to a translator box associated with a network element on the second side of the firewall. The translator box is also located on the second side of the firewall. The simple object access protocol packets are translated into an appropriate command for the network element, and the command is transmitted to the network element. For example, and without limitation, Defendant Scottrade marketed, distributed, used, sold, and offered to sell its Options First, Scottrade Trading Website, Scottrade Mobile and ScottradeELITE systems. In addition, Defendant Scottrade induced infringement and/or contributed to the infringement of one or more of the claims of the '913 Patent by its customers' use of its Options First, Scottrade Trading Website, Scottrade Mobile and ScottradeELITE systems. Defendant Scottrade is thus liable for infringement of the '913 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

46. Upon information and belief, Defendant TDA directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringed one or more claims of the '913 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell systems that provide communication between an application source located on a first side of a firewall and a network element located on a second side of the firewall. The application source is provided with an applet to drive a user request, where the applet is provided by a web server on the first side of the firewall. A hypertext transfer protocol-simple object access protocol packet is created, and the hypertext transfer protocol portion is removed to produce a simple object access protocol message. The user request including the simple object access protocol message is sent to a read/write server provided on the second side of the firewall. The simple object access protocol message is transmitted to a network management agent server provided on the second side of the firewall. A nodal model of the user

request, including simple object access protocol message, is built in the network management agent server provided on the second side of the firewall. Simple object access protocol encoded requests are sent from the network management agent server on the second side of the firewall to a network element agent provided on the second side of the firewall. Simple object access protocol encoded requests received by the network management agent server are parsed in the network element agent, which encompasses data needed to complete a single nodal transaction. The simple object access protocol message is encoded in the network element agent to produce simple object access protocol packets, and those packets are transmitted to a translator box associated with a network element on the second side of the firewall. The translator box is also located on the second side of the firewall. The simple object access protocol packets are translated into an appropriate command for the network element, and the command is transmitted to the network element. For example, and without limitation, Defendant TDA marketed, distributed, used, sold, and offered to sell its Mobile and Online Trading systems. In addition, Defendant TDA induced infringement and/or contributed to the infringement of one or more of the claims of the '913 Patent by its customers' use of its Mobile and Online Trading systems. Defendant TDA is thus liable for infringement of the '913 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

47. Upon information and belief, Defendant Unicoi directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringed one or more claims of the '913 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell systems that provide communication between an application source located on a first side of a firewall and a network element located on a second side of the firewall. The application source is provided with an applet to drive a user request, where the applet is provided by a web server on the first side of the firewall. A hypertext transfer protocol-simple object access protocol packet is created, and the hypertext transfer protocol portion is removed to produce a simple object access protocol message. The user request including the simple object access protocol message is sent to a read/write server provided on the second side of the firewall. The simple object access protocol message is transmitted to a network management agent server provided on the second side of the firewall. A nodal model of the user request, including simple object access protocol message, is built in

the network management agent server provided on the second side of the firewall. Simple object access protocol encoded requests are sent from the network management agent server on the second side of the firewall to a network element agent provided on the second side of the firewall. Simple object access protocol encoded requests received by the network management agent server are parsed in the network element agent, which encompasses data needed to complete a single nodal transaction. The simple object access protocol message is encoded in the network element agent to produce simple object access protocol packets, and those packets are transmitted to a translator box associated with a network element on the second side of the firewall. The translator box is also located on the second side of the firewall. The simple object access protocol packets are translated into an appropriate command for the network element, and the command is transmitted to the network element. For example, and without limitation, Defendant Unicoi marketed, distributed, used, sold, and offered to sell its Fusion SOAP Client & Server systems. In addition, Defendant Unicoi induced infringement and/or contributed to the infringement of one or more of the claims of the '913 Patent by its customers' use of its Fusion SOAP Client & Server systems. Defendant Unicoi is thus liable for infringement of the '913 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

48. Upon information and belief, Defendant Xerox directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringed one or more claims of the '913 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell systems that provide communication between an application source located on a first side of a firewall and a network element located on a second side of the firewall. The application source is provided with an applet to drive a user request, where the applet is provided by a web server on the first side of the firewall. A hypertext transfer protocol-simple object access protocol packet is created, and the hypertext transfer protocol portion is removed to produce a simple object access protocol message. The user request including the simple object access protocol message is sent to a read/write server provided on the second side of the firewall. The simple object access protocol message is transmitted to a network management agent server provided on the second side of the firewall. A nodal model of the user request, including simple object access protocol message, is built in the network management agent server provided on the second side of the firewall. Simple object access protocol encoded

requests are sent from the network management agent server on the second side of the firewall to a network element agent provided on the second side of the firewall. Simple object access protocol encoded requests received by the network management agent server are parsed in the network element agent, which encompasses data needed to complete a single nodal transaction. The simple object access protocol message is encoded in the network element agent to produce simple object access protocol packets, and those packets are transmitted to a translator box associated with a network element on the second side of the firewall. The translator box is also located on the second side of the firewall. The simple object access protocol packets are translated into an appropriate command for the network element, and the command is transmitted to the network element. For example, and without limitation, Defendant Xerox marketed, distributed, used, sold, and offered to sell its Docushare systems. In addition, Defendant Xerox induced infringement and/or contributed to the infringement of one or more of the claims of the '913 Patent by its customers' use of its Docushare systems. Defendant Xerox is thus liable for infringement of the '913 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

49. Upon information and belief, Defendant Adobe directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringed one or more claims of the '913 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell systems that provide communication between an application source located on a first side of a firewall and a network element located on a second side of the firewall. The application source is provided with an applet to drive a user request, where the applet is provided by a web server on the first side of the firewall. A hypertext transfer protocol-simple object access protocol packet is created, and the hypertext transfer protocol portion is removed to produce a simple object access protocol message. The user request including the simple object access protocol message is sent to a read/write server provided on the second side of the firewall. The simple object access protocol message is transmitted to a network management agent server provided on the second side of the firewall. A nodal model of the user request, including simple object access protocol message, is built in the network management agent server provided on the second side of the firewall. Simple object access protocol encoded requests are sent from the network management agent server on the second side of the firewall to a network element agent provided on the second side of the firewall. Simple object access

protocol encoded requests received by the network management agent server are parsed in the network element agent, which encompasses data needed to complete a single nodal transaction. The simple object access protocol message is encoded in the network element agent to produce simple object access protocol packets, and those packets are transmitted to a translator box associated with a network element on the second side of the firewall. The translator box is also located on the second side of the firewall. The simple object access protocol packets are translated into an appropriate command for the network element, and the command is transmitted to the network element. For example, and without limitation, Defendant Adobe marketed, distributed, used, sold, and offered to sell its Creative Suite 5, Flash Platform, ColdFusion, LiveCycle ES, and Scene7 systems. In addition, Defendant Adobe induced infringement and/or contributed to the infringement of one or more of the claims of the '913 Patent by its customers' use of its Creative Suite 5, Flash Platform, ColdFusion, LiveCycle ES, and Scene7 systems. Defendant Adobe is thus liable for infringement of the '913 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

50. Upon information and belief, Defendant AOL directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringed one or more claims of the '913 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell systems that provide communication between an application source located on a first side of a firewall and a network element located on a second side of the firewall. The application source is provided with an applet to drive a user request, where the applet is provided by a web server on the first side of the firewall. A hypertext transfer protocol-simple object access protocol packet is created, and the hypertext transfer protocol portion is removed to produce a simple object access protocol message. The user request including the simple object access protocol message is sent to a read/write server provided on the second side of the firewall. The simple object access protocol message is transmitted to a network management agent server provided on the second side of the firewall. A nodal model of the user request, including simple object access protocol message, is built in the network management agent server provided on the second side of the firewall. Simple object access protocol encoded requests are sent from the network management agent server on the second side of the firewall to a network element agent provided on the second side of the firewall. Simple object access

protocol encoded requests received by the network management agent server are parsed in the network element agent, which encompasses data needed to complete a single nodal transaction. The simple object access protocol message is encoded in the network element agent to produce simple object access protocol packets, and those packets are transmitted to a translator box associated with a network element on the second side of the firewall. The translator box is also located on the second side of the firewall. The simple object access protocol packets are translated into an appropriate command for the network element, and the command is transmitted to the network element. For example, and without limitation, Defendant AOL marketed, distributed, used, sold, and offered to sell its AOL version 9 systems. In addition, Defendant AOL induced infringement and/or contributed to the infringement of one or more of the claims of the '913 Patent by its customers' use of its AOL version 9 systems. Defendant AOL is thus liable for infringement of the '913 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

51. Upon information and belief, Defendant Apple directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringed one or more claims of the '913 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell systems that provide communication between an application source located on a first side of a firewall and a network element located on a second side of the firewall. The application source is provided with an applet to drive a user request, where the applet is provided by a web server on the first side of the firewall. A hypertext transfer protocol-simple object access protocol packet is created, and the hypertext transfer protocol portion is removed to produce a simple object access protocol message. The user request including the simple object access protocol message is sent to a read/write server provided on the second side of the firewall. The simple object access protocol message is transmitted to a network management agent server provided on the second side of the firewall. A nodal model of the user request, including simple object access protocol message, is built in the network management agent server provided on the second side of the firewall. Simple object access protocol encoded requests are sent from the network management agent server on the second side of the firewall to a network element agent provided on the second side of the firewall. Simple object access protocol encoded requests received by the network management agent server are parsed in the network element agent, which encompasses data needed to complete a single nodal transaction.

The simple object access protocol message is encoded in the network element agent to produce simple object access protocol packets, and those packets are transmitted to a translator box associated with a network element on the second side of the firewall. The translator box is also located on the second side of the firewall. The simple object access protocol packets are translated into an appropriate command for the network element, and the command is transmitted to the network element. For example, and without limitation, Defendant Apple marketed, distributed, used, sold, and offered to sell its MAC OS X Server and CocoaSOAP systems. In addition, Defendant Apple induced infringement and/or contributed to the infringement of one or more of the claims of the '913 Patent by its customers' use of its MAC OS X Server and CocoaSOAP systems. Defendant Apple is thus liable for infringement of the '913 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

52. Upon information and belief, Defendant Dish directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringed one or more claims of the '913 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell systems that provide communication between an application source located on a first side of a firewall and a network element located on a second side of the firewall. The application source is provided with an applet to drive a user request, where the applet is provided by a web server on the first side of the firewall. A hypertext transfer protocol-simple object access protocol packet is created, and the hypertext transfer protocol portion is removed to produce a simple object access protocol message. The user request including the simple object access protocol message is sent to a read/write server provided on the second side of the firewall. The simple object access protocol message is transmitted to a network management agent server provided on the second side of the firewall. A nodal model of the user request, including simple object access protocol message, is built in the network management agent server provided on the second side of the firewall. Simple object access protocol encoded requests are sent from the network management agent server on the second side of the firewall to a network element agent provided on the second side of the firewall. Simple object access protocol encoded requests received by the network management agent server are parsed in the network element agent, which encompasses data needed to complete a single nodal transaction. The simple object access protocol message is encoded in the network element agent to produce

simple object access protocol packets, and those packets are transmitted to a translator box associated with a network element on the second side of the firewall. The translator box is also located on the second side of the firewall. The simple object access protocol packets are translated into an appropriate command for the network element, and the command is transmitted to the network element. For example, and without limitation, Defendant Dish marketed, distributed, used, sold, and offered to sell its Dish Portal online services. In addition, Defendant Dish induced infringement and/or contributed to the infringement of one or more of the claims of the '913 Patent by its customers' use of its Dish Portal online services. Defendant Dish is thus liable for infringement of the '913 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

53. Upon information and belief, Defendant E*TRADE directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringed one or more claims of the '913 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell systems that provide communication between an application source located on a first side of a firewall and a network element located on a second side of the firewall. The application source is provided with an applet to drive a user request, where the applet is provided by a web server on the first side of the firewall. A hypertext transfer protocol-simple object access protocol packet is created, and the hypertext transfer protocol portion is removed to produce a simple object access protocol message. The user request including the simple object access protocol message is sent to a read/write server provided on the second side of the firewall. The simple object access protocol message is transmitted to a network management agent server provided on the second side of the firewall. A nodal model of the user request, including simple object access protocol message, is built in the network management agent server provided on the second side of the firewall. Simple object access protocol encoded requests are sent from the network management agent server on the second side of the firewall to a network element agent provided on the second side of the firewall. Simple object access protocol encoded requests received by the network management agent server are parsed in the network element agent, which encompasses data needed to complete a single nodal transaction. The simple object access protocol message is encoded in the network element agent to produce simple object access protocol packets, and those packets are transmitted to a translator box associated with a network element on the second side of the

firewall. The translator box is also located on the second side of the firewall. The simple object access protocol packets are translated into an appropriate command for the network element, and the command is transmitted to the network element. For example, and without limitation, Defendant E*TRADE marketed, distributed, used, sold, and offered to sell its Mobile Pro, Website Trading, MarketTrader, and E*TRADE API Platform systems. In addition, Defendant E*TRADE induced infringement and/or contributed to the infringement of one or more of the claims of the '913 Patent by its customers' use of its Mobile Pro, Website Trading, MarketTrader, and E*TRADE API Platform systems. Defendant E*TRADE is thus liable for infringement of the '913 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

54. Upon information and belief, Defendant Fidelity directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringed one or more claims of the '913 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell systems that provide communication between an application source located on a first side of a firewall and a network element located on a second side of the firewall. The application source is provided with an applet to drive a user request, where the applet is provided by a web server on the first side of the firewall. A hypertext transfer protocol-simple object access protocol packet is created, and the hypertext transfer protocol portion is removed to produce a simple object access protocol message. The user request including the simple object access protocol message is sent to a read/write server provided on the second side of the firewall. The simple object access protocol message is transmitted to a network management agent server provided on the second side of the firewall. A nodal model of the user request, including simple object access protocol message, is built in the network management agent server provided on the second side of the firewall. Simple object access protocol encoded requests are sent from the network management agent server on the second side of the firewall to a network element agent provided on the second side of the firewall. Simple object access protocol encoded requests received by the network management agent server are parsed in the network element agent, which encompasses data needed to complete a single nodal transaction. The simple object access protocol message is encoded in the network element agent to produce simple object access protocol packets, and those packets are transmitted to a translator box associated with a network element on the second side of the

firewall. The translator box is also located on the second side of the firewall. The simple object access protocol packets are translated into an appropriate command for the network element, and the command is transmitted to the network element. For example, and without limitation, Defendant Fidelity marketed, distributed, used, sold, and offered to sell its Streetscape systems. In addition, Defendant Fidelity induced infringement and/or contributed to the infringement of one or more of the claims of the '913 Patent by its customers' use of its Streetscape systems. Defendant Fidelity is thus liable for infringement of the '913 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

55. Upon information and belief, Defendant HP directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringed one or more claims of the '913 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell systems that provide communication between an application source located on a first side of a firewall and a network element located on a second side of the firewall. The application source is provided with an applet to drive a user request, where the applet is provided by a web server on the first side of the firewall. A hypertext transfer protocol-simple object access protocol packet is created, and the hypertext transfer protocol portion is removed to produce a simple object access protocol message. The user request including the simple object access protocol message is sent to a read/write server provided on the second side of the firewall. The simple object access protocol message is transmitted to a network management agent server provided on the second side of the firewall. A nodal model of the user request, including simple object access protocol message, is built in the network management agent server provided on the second side of the firewall. Simple object access protocol encoded requests are sent from the network management agent server on the second side of the firewall to a network element agent provided on the second side of the firewall. Simple object access protocol encoded requests received by the network management agent server are parsed in the network element agent, which encompasses data needed to complete a single nodal transaction. The simple object access protocol message is encoded in the network element agent to produce simple object access protocol packets, and those packets are transmitted to a translator box associated with a network element on the second side of the firewall. The translator box is also located on the second side of the firewall. The simple object access protocol packets are

translated into an appropriate command for the network element, and the command is transmitted to the network element. For example, and without limitation, Defendant HP marketed, distributed, used, sold, and offered to sell its HP Operations Manger, HP Smart Plug-in for SOAP, and HP Smart Plug-in for Sun ONE Web Services systems. In addition, Defendant HP induced infringement and/or contributed to the infringement of one or more of the claims of the '913 Patent by its customers' use of its HP Operations Manger, HP Smart Plug-in for SOAP, and HP Smart Plug-in for Sun ONE Web Services systems. Defendant HP is thus liable for infringement of the '913 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

56. Upon information and belief, Defendant IBM directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringed one or more claims of the '913 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell systems that provide communication between an application source located on a first side of a firewall and a network element located on a second side of the firewall. The application source is provided with an applet to drive a user request, where the applet is provided by a web server on the first side of the firewall. A hypertext transfer protocol-simple object access protocol packet is created, and the hypertext transfer protocol portion is removed to produce a simple object access protocol message. The user request including the simple object access protocol message is sent to a read/write server provided on the second side of the firewall. The simple object access protocol message is transmitted to a network management agent server provided on the second side of the firewall. A nodal model of the user request, including simple object access protocol message, is built in the network management agent server provided on the second side of the firewall. Simple object access protocol encoded requests are sent from the network management agent server on the second side of the firewall to a network element agent provided on the second side of the firewall. Simple object access protocol encoded requests received by the network management agent server are parsed in the network element agent, which encompasses data needed to complete a single nodal transaction. The simple object access protocol message is encoded in the network element agent to produce simple object access protocol packets, and those packets are transmitted to a translator box associated with a network element on the second side of the firewall. The translator box is also located on the second side of the firewall. The simple object access protocol packets are

translated into an appropriate command for the network element, and the command is transmitted to the network element. For example, and without limitation, Defendant IBM marketed, distributed, used, sold, and offered to sell its Tivoli software systems. In addition, Defendant IBM induced infringement and/or contributed to the infringement of one or more of the claims of the '913 Patent by its customers' use of its Tivoli software systems. Defendant IBM is thus liable for infringement of the '913 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

57. Upon information and belief, Defendant JPMorgan directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringed one or more claims of the '913 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell systems that provide communication between an application source located on a first side of a firewall and a network element located on a second side of the firewall. The application source is provided with an applet to drive a user request, where the applet is provided by a web server on the first side of the firewall. A hypertext transfer protocol-simple object access protocol packet is created, and the hypertext transfer protocol portion is removed to produce a simple object access protocol message. The user request including the simple object access protocol message is sent to a read/write server provided on the second side of the firewall. The simple object access protocol message is transmitted to a network management agent server provided on the second side of the firewall. A nodal model of the user request, including simple object access protocol message, is built in the network management agent server provided on the second side of the firewall. Simple object access protocol encoded requests are sent from the network management agent server on the second side of the firewall to a network element agent provided on the second side of the firewall. Simple object access protocol encoded requests received by the network management agent server are parsed in the network element agent, which encompasses data needed to complete a single nodal transaction. The simple object access protocol message is encoded in the network element agent to produce simple object access protocol packets, and those packets are transmitted to a translator box associated with a network element on the second side of the firewall. The translator box is also located on the second side of the firewall. The simple object access protocol packets are translated into an appropriate command for the network element, and the command is transmitted to the network element. For example, and without limitation,

Defendant JPMorgan marketed, distributed, used, sold, and offered to sell its Global Financial Database, Online Bill Pay and Overnight Check systems. In addition, Defendant JPMorgan induced infringement and/or contributed to the infringement of one or more of the claims of the ‘913 Patent by its customers’ use of its Global Financial Database, Online Bill Pay and Overnight Check systems. Defendant JPMorgan is thus liable for infringement of the ‘913 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

COUNT II
INFRINGEMENT OF U.S. PATENT NO. 7,325,053

58. Plaintiff is the owner by assignment of United States Patent No. 7,325,053 (“the ‘053 Patent”) entitled “Object oriented communication among platform-independent systems over networks using SOAP” – including all rights to recover for past and future acts of infringement. The ‘053 Patent issued on January 29, 2008. A true and correct copy of the ‘053 Patent is attached as Exhibit B.

59. Upon information and belief, Defendant Sabre directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringed one or more claims of the ‘053 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell systems that provide for communicating messages between an application source located at a first side of a firewall and a network element located at a second side of the firewall. These systems have a read/write routine provided in a read/write server at the second side of the firewall, wherein the read/write routine receives a simple object access protocol message from an underlying communication protocol server compatible with web communication. The simple object access protocol message includes a simple object access protocol envelope over an underlying expanding messaging communication protocol of a user request. A network management application routine is provided in a network management agent server at the second side of the firewall, receiving the simple object access protocol message from the read/write routine. A translator routine is provided in a translator box at the second side of the firewall. The translator box receives the simple object access protocol message and translates it into a command or data, or combination of command and data, for the network element. A network element agent routine is provided in a network element agent server at the

second side of the firewall. It parses the simple object access protocol message to produce simple object access protocol packets received from the network management application routine and sends those packets to the translator routine. For example, and without limitation, Defendant Sabre marketed, distributed, used, sold, and offered to sell its Sabre AirVision, SabreSonic, Sabre AirCentre, Travelocity, Central Reservation, Global Distribution, Booking Engine and Call Center systems. In addition, Defendant Sabre induced infringement and/or contributed to the infringement of one or more of the claims of the '053 Patent by its customers' use of its Sabre AirVision, SabreSonic, Sabre AirCentre, Travelocity, Central Reservation, Global Distribution, Booking Engine and Call Center systems. Defendant Sabre is thus liable for infringement of the '053 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

60. Upon information and belief, Defendant SAP directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringed one or more claims of the '053 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell systems that provide for communicating messages between an application source located at a first side of a firewall and a network element located at a second side of the firewall. These systems have a read/write routine provided in a read/write server at the second side of the firewall, wherein the read/write routine receives a simple object access protocol message from an underlying communication protocol server compatible with web communication. The simple object access protocol message includes a simple object access protocol envelope over an underlying expanding messaging communication protocol of a user request. A network management application routine is provided in a network management agent server at the second side of the firewall, receiving the simple object access protocol message from the read/write routine. A translator routine is provided in a translator box at the second side of the firewall. The translator box receives the simple object access protocol message and translates it into a command or data, or combination of command and data, for the network element. A network element agent routine is provided in a network element agent server at the second side of the firewall. It parses the simple object access protocol message to produce simple object access protocol packets received from the network management application routine and sends those packets to the translator routine. For example, and without limitation, Defendant SAP marketed, distributed, used, sold, and offered to sell its SAP Netweaver systems. In

addition, Defendant SAP induced infringement and/or contributed to the infringement of one or more of the claims of the '053 Patent by its customers' use of its SAP Netweaver systems. Defendant SAP is thus liable for infringement of the '053 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

61. Upon information and belief, Defendant SAS directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringed one or more claims of the '053 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell systems that provide for communicating messages between an application source located at a first side of a firewall and a network element located at a second side of the firewall. These systems have a read/write routine provided in a read/write server at the second side of the firewall, wherein the read/write routine receives a simple object access protocol message from an underlying communication protocol server compatible with web communication. The simple object access protocol message includes a simple object access protocol envelope over an underlying expanding messaging communication protocol of a user request. A network management application routine is provided in a network management agent server at the second side of the firewall, receiving the simple object access protocol message from the read/write routine. A translator routine is provided in a translator box at the second side of the firewall. The translator box receives the simple object access protocol message and translates it into a command or data, or combination of command and data, for the network element. A network element agent routine is provided in a network element agent server at the second side of the firewall. It parses the simple object access protocol message to produce simple object access protocol packets received from the network management application routine and sends those packets to the translator routine. For example, and without limitation, Defendant SAS marketed, distributed, used, sold, and offered to sell its Business Intelligence systems. In addition, Defendant SAS induced infringement and/or contributed to the infringement of one or more of the claims of the '053 Patent by its customers' use of its Business Intelligence systems. Defendant SAS is thus liable for infringement of the '053 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

62. Upon information and belief, Defendant Schwab directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold,

and/or offered for sale products and/or systems that infringed one or more claims of the '053 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell systems that provide for communicating messages between an application source located at a first side of a firewall and a network element located at a second side of the firewall. These systems have a read/write routine provided in a read/write server at the second side of the firewall, wherein the read/write routine receives a simple object access protocol message from an underlying communication protocol server compatible with web communication. The simple object access protocol message includes a simple object access protocol envelope over an underlying expanding messaging communication protocol of a user request. A network management application routine is provided in a network management agent server at the second side of the firewall, receiving the simple object access protocol message from the read/write routine. A translator routine is provided in a translator box at the second side of the firewall. The translator box receives the simple object access protocol message and translates it into a command or data, or combination of command and data, for the network element. A network element agent routine is provided in a network element agent server at the second side of the firewall. It parses the simple object access protocol message to produce simple object access protocol packets received from the network management application routine and sends those packets to the translator routine. For example, and without limitation, Defendant Schwab marketed, distributed, used, sold, and offered to sell its Online and Web Trading systems. In addition, Defendant Schwab induced infringement and/or contributed to the infringement of one or more of the claims of the '053 Patent by its customers' use of its Online and Web Trading systems. Defendant Schwab is thus liable for infringement of the '053 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

63. Upon information and belief, Defendant Scottrade directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringed one or more claims of the '053 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell systems that provide for communicating messages between an application source located at a first side of a firewall and a network element located at a second side of the firewall. These systems have a read/write routine provided in a read/write server at the second side of the firewall, wherein the read/write routine

receives a simple object access protocol message from an underlying communication protocol server compatible with web communication. The simple object access protocol message includes a simple object access protocol envelope over an underlying expanding messaging communication protocol of a user request. A network management application routine is provided in a network management agent server at the second side of the firewall, receiving the simple object access protocol message from the read/write routine. A translator routine is provided in a translator box at the second side of the firewall. The translator box receives the simple object access protocol message and translates it into a command or data, or combination of command and data, for the network element. A network element agent routine is provided in a network element agent server at the second side of the firewall. It parses the simple object access protocol message to produce simple object access protocol packets received from the network management application routine and sends those packets to the translator routine. For example, and without limitation, Defendant Scottrade marketed, distributed, used, sold, and offered to sell its Options First, Scottrade Trading Website, Scottrade Mobile and ScottradeELITE systems. In addition, Defendant Scottrade induced infringement and/or contributed to the infringement of one or more of the claims of the '053 Patent by its customers' use of its Options First, Scottrade Trading Website, Scottrade Mobile and ScottradeELITE systems. Defendant Scottrade is thus liable for infringement of the '053 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

64. Upon information and belief, Defendant TDA directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringed one or more claims of the '053 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell systems that provide for communicating messages between an application source located at a first side of a firewall and a network element located at a second side of the firewall. These systems have a read/write routine provided in a read/write server at the second side of the firewall, wherein the read/write routine receives a simple object access protocol message from an underlying communication protocol server compatible with web communication. The simple object access protocol message includes a simple object access protocol envelope over an underlying expanding messaging communication protocol of a user request. A network management application routine is provided in a network management agent

server at the second side of the firewall, receiving the simple object access protocol message from the read/write routine. A translator routine is provided in a translator box at the second side of the firewall. The translator box receives the simple object access protocol message and translates it into a command or data, or combination of command and data, for the network element. A network element agent routine is provided in a network element agent server at the second side of the firewall. It parses the simple object access protocol message to produce simple object access protocol packets received from the network management application routine and sends those packets to the translator routine. For example, and without limitation, Defendant TDA marketed, distributed, used, sold, and offered to sell its Mobile and Online Trading systems. In addition, Defendant TDA induced infringement and/or contributed to the infringement of one or more of the claims of the '053 Patent by its customers' use of its Mobile and Online Trading systems. Defendant TDA is thus liable for infringement of the '053 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

65. Upon information and belief, Defendant Unicoi directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringed one or more claims of the '053 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell systems that provide for communicating messages between an application source located at a first side of a firewall and a network element located at a second side of the firewall. These systems have a read/write routine provided in a read/write server at the second side of the firewall, wherein the read/write routine receives a simple object access protocol message from an underlying communication protocol server compatible with web communication. The simple object access protocol message includes a simple object access protocol envelope over an underlying expanding messaging communication protocol of a user request. A network management application routine is provided in a network management agent server at the second side of the firewall, receiving the simple object access protocol message from the read/write routine. A translator routine is provided in a translator box at the second side of the firewall. The translator box receives the simple object access protocol message and translates it into a command or data, or combination of command and data, for the network element. A network element agent routine is provided in a network element agent server at the second side of the firewall. It parses the simple object

access protocol message to produce simple object access protocol packets received from the network management application routine and sends those packets to the translator routine. For example, and without limitation, Defendant Unicoi marketed, distributed, used, sold, and offered to sell its Fusion SOAP Client & Server systems. In addition, Defendant Unicoi induced infringement and/or contributed to the infringement of one or more of the claims of the '053 Patent by its customers' use of its Fusion SOAP Client & Server systems. Defendant Unicoi is thus liable for infringement of the '053 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

66. Upon information and belief, Defendant Xerox directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringed one or more claims of the '053 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell systems that provide for communicating messages between an application source located at a first side of a firewall and a network element located at a second side of the firewall. These systems have a read/write routine provided in a read/write server at the second side of the firewall, wherein the read/write routine receives a simple object access protocol message from an underlying communication protocol server compatible with web communication. The simple object access protocol message includes a simple object access protocol envelope over an underlying expanding messaging communication protocol of a user request. A network management application routine is provided in a network management agent server at the second side of the firewall, receiving the simple object access protocol message from the read/write routine. A translator routine is provided in a translator box at the second side of the firewall. The translator box receives the simple object access protocol message and translates it into a command or data, or combination of command and data, for the network element. A network element agent routine is provided in a network element agent server at the second side of the firewall. It parses the simple object access protocol message to produce simple object access protocol packets received from the network management application routine and sends those packets to the translator routine. For example, and without limitation, Defendant Xerox marketed, distributed, used, sold, and offered to sell its Docushare systems. In addition, Defendant Xerox induced infringement and/or contributed to the infringement of one or more of the claims of the '053 Patent by its customers' use of its Docushare systems. Defendant Xerox is thus liable for infringement of the '053 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

67. Upon information and belief, Defendant Adobe directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringed one or more claims of the '053 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell systems that provide for communicating messages between an application source located at a first side of a firewall and a network element located at a second side of the firewall. These systems have a read/write routine provided in a read/write server at the second side of the firewall, wherein the read/write routine receives a simple object access protocol message from an underlying communication protocol server compatible with web communication. The simple object access protocol message includes a simple object access protocol envelope over an underlying expanding messaging communication protocol of a user request. A network management application routine is provided in a network management agent server at the second side of the firewall, receiving the simple object access protocol message from the read/write routine. A translator routine is provided in a translator box at the second side of the firewall. The translator box receives the simple object access protocol message and translates it into a command or data, or combination of command and data, for the network element. A network element agent routine is provided in a network element agent server at the second side of the firewall. It parses the simple object access protocol message to produce simple object access protocol packets received from the network management application routine and sends those packets to the translator routine. For example, and without limitation, Defendant Adobe marketed, distributed, used, sold, and offered to sell its Creative Suite 5, Flash Platform, ColdFusion, LiveCycle ES, and Scene7 systems. In addition, Defendant Adobe induced infringement and/or contributed to the infringement of one or more of the claims of the '053 Patent by its customers' use of its Creative Suite 5, Flash Platform, ColdFusion, LiveCycle ES, and Scene7 systems. Defendant Adobe is thus liable for infringement of the '053 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

68. Upon information and belief, Defendant AOL directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringed one or more claims of the '053 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell systems that provide for communicating messages between an

application source located at a first side of a firewall and a network element located at a second side of the firewall. These systems have a read/write routine provided in a read/write server at the second side of the firewall, wherein the read/write routine receives a simple object access protocol message from an underlying communication protocol server compatible with web communication. The simple object access protocol message includes a simple object access protocol envelope over an underlying expanding messaging communication protocol of a user request. A network management application routine is provided in a network management agent server at the second side of the firewall, receiving the simple object access protocol message from the read/write routine. A translator routine is provided in a translator box at the second side of the firewall. The translator box receives the simple object access protocol message and translates it into a command or data, or combination of command and data, for the network element. A network element agent routine is provided in a network element agent server at the second side of the firewall. It parses the simple object access protocol message to produce simple object access protocol packets received from the network management application routine and sends those packets to the translator routine. For example, and without limitation, Defendant AOL marketed, distributed, used, sold, and offered to sell its AOL version 9 systems. In addition, Defendant AOL induced infringement and/or contributed to the infringement of one or more of the claims of the '053 Patent by its customers' use of its AOL version 9 systems. Defendant AOL is thus liable for infringement of the '053 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

69. Upon information and belief, Defendant Apple directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringed one or more claims of the '053 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell systems that provide for communicating messages between an application source located at a first side of a firewall and a network element located at a second side of the firewall. These systems have a read/write routine provided in a read/write server at the second side of the firewall, wherein the read/write routine receives a simple object access protocol message from an underlying communication protocol server compatible with web communication. The simple object access protocol message includes a simple object access protocol envelope over an underlying expanding messaging communication protocol of a user

request. A network management application routine is provided in a network management agent server at the second side of the firewall, receiving the simple object access protocol message from the read/write routine. A translator routine is provided in a translator box at the second side of the firewall. The translator box receives the simple object access protocol message and translates it into a command or data, or combination of command and data, for the network element. A network element agent routine is provided in a network element agent server at the second side of the firewall. It parses the simple object access protocol message to produce simple object access protocol packets received from the network management application routine and sends those packets to the translator routine. For example, and without limitation, Defendant Apple marketed, distributed, used, sold, and offered to sell its MAC OS X Server and CocoaSOAP systems. In addition, Defendant Apple induced infringement and/or contributed to the infringement of one or more of the claims of the '053 Patent by its customers' use of its MAC OS X Server and CocoaSOAP systems. Defendant Apple is thus liable for infringement of the '053 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

70. Upon information and belief, Defendant Dish directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringed one or more claims of the '053 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell systems that provide for communicating messages between an application source located at a first side of a firewall and a network element located at a second side of the firewall. These systems have a read/write routine provided in a read/write server at the second side of the firewall, wherein the read/write routine receives a simple object access protocol message from an underlying communication protocol server compatible with web communication. The simple object access protocol message includes a simple object access protocol envelope over an underlying expanding messaging communication protocol of a user request. A network management application routine is provided in a network management agent server at the second side of the firewall, receiving the simple object access protocol message from the read/write routine. A translator routine is provided in a translator box at the second side of the firewall. The translator box receives the simple object access protocol message and translates it into a command or data, or combination of command and data, for the network element. A network element agent routine is provided in a network element agent server at the

second side of the firewall. It parses the simple object access protocol message to produce simple object access protocol packets received from the network management application routine and sends those packets to the translator routine. For example, and without limitation, Defendant Dish marketed, distributed, used, sold, and offered to sell its Dish Portal online services . In addition, Defendant Dish induced infringement and/or contributed to the infringement of one or more of the claims of the '053 Patent by its customers' use of its Dish Portal online services. Defendant Dish is thus liable for infringement of the '053 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

71. Upon information and belief, Defendant E*TRADE directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringed one or more claims of the '053 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell systems that provide for communicating messages between an application source located at a first side of a firewall and a network element located at a second side of the firewall. These systems have a read/write routine provided in a read/write server at the second side of the firewall, wherein the read/write routine receives a simple object access protocol message from an underlying communication protocol server compatible with web communication. The simple object access protocol message includes a simple object access protocol envelope over an underlying expanding messaging communication protocol of a user request. A network management application routine is provided in a network management agent server at the second side of the firewall, receiving the simple object access protocol message from the read/write routine. A translator routine is provided in a translator box at the second side of the firewall. The translator box receives the simple object access protocol message and translates it into a command or data, or combination of command and data, for the network element. A network element agent routine is provided in a network element agent server at the second side of the firewall. It parses the simple object access protocol message to produce simple object access protocol packets received from the network management application routine and sends those packets to the translator routine. For example, and without limitation, Defendant E*TRADE marketed, distributed, used, sold, and offered to sell its Mobile Pro, Website Trading, MarketTrader, and E*TRADE API Platform systems. In addition, Defendant E*TRADE induced infringement and/or contributed to the

infringement of one or more of the claims of the '053 Patent by its customers' use of its Mobile Pro, Website Trading, MarketTrader, and E*TRADE API Platform systems. Defendant E*TRADE is thus liable for infringement of the '053 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

72. Upon information and belief, Defendant Fidelity directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringed one or more claims of the '053 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell systems that provide for communicating messages between an application source located at a first side of a firewall and a network element located at a second side of the firewall. These systems have a read/write routine provided in a read/write server at the second side of the firewall, wherein the read/write routine receives a simple object access protocol message from an underlying communication protocol server compatible with web communication. The simple object access protocol message includes a simple object access protocol envelope over an underlying expanding messaging communication protocol of a user request. A network management application routine is provided in a network management agent server at the second side of the firewall, receiving the simple object access protocol message from the read/write routine. A translator routine is provided in a translator box at the second side of the firewall. The translator box receives the simple object access protocol message and translates it into a command or data, or combination of command and data, for the network element. A network element agent routine is provided in a network element agent server at the second side of the firewall. It parses the simple object access protocol message to produce simple object access protocol packets received from the network management application routine and sends those packets to the translator routine. For example, and without limitation, Defendant Fidelity marketed, distributed, used, sold, and offered to sell its Streetscape systems. In addition, Defendant Fidelity induced infringement and/or contributed to the infringement of one or more of the claims of the '053 Patent by its customers' use of its Streetscape systems. Defendant Fidelity is thus liable for infringement of the '053 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

73. Upon information and belief, Defendant HP directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered

for sale products and/or systems that infringed one or more claims of the '053 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell systems that provide for communicating messages between an application source located at a first side of a firewall and a network element located at a second side of the firewall. These systems have a read/write routine provided in a read/write server at the second side of the firewall, wherein the read/write routine receives a simple object access protocol message from an underlying communication protocol server compatible with web communication. The simple object access protocol message includes a simple object access protocol envelope over an underlying expanding messaging communication protocol of a user request. A network management application routine is provided in a network management agent server at the second side of the firewall, receiving the simple object access protocol message from the read/write routine. A translator routine is provided in a translator box at the second side of the firewall. The translator box receives the simple object access protocol message and translates it into a command or data, or combination of command and data, for the network element. A network element agent routine is provided in a network element agent server at the second side of the firewall. It parses the simple object access protocol message to produce simple object access protocol packets received from the network management application routine and sends those packets to the translator routine. For example, and without limitation, Defendant HP marketed, distributed, used, sold, and offered to sell its HP Operations Manger, HP Smart Plug-in for SOAP, and HP Smart Plug-in for Sun ONE Web Services systems. In addition, Defendant HP induced infringement and/or contributed to the infringement of one or more of the claims of the '053 Patent by its customers' use of its HP Operations Manger, HP Smart Plug-in for SOAP, and HP Smart Plug-in for Sun ONE Web Services systems. Defendant HP is thus liable for infringement of the '053 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

74. Upon information and belief, Defendant IBM directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringed one or more claims of the '053 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell systems that provide for communicating messages between an application source located at a first side of a firewall and a network element located at a second side of the firewall. These systems have a read/write routine provided in a read/write server at

the second side of the firewall, wherein the read/write routine receives a simple object access protocol message from an underlying communication protocol server compatible with web communication. The simple object access protocol message includes a simple object access protocol envelope over an underlying expanding messaging communication protocol of a user request. A network management application routine is provided in a network management agent server at the second side of the firewall, receiving the simple object access protocol message from the read/write routine. A translator routine is provided in a translator box at the second side of the firewall. The translator box receives the simple object access protocol message and translates it into a command or data, or combination of command and data, for the network element. A network element agent routine is provided in a network element agent server at the second side of the firewall. It parses the simple object access protocol message to produce simple object access protocol packets received from the network management application routine and sends those packets to the translator routine. For example, and without limitation, Defendant IBM marketed, distributed, used, sold, and offered to sell its Tivoli software systems. In addition, Defendant IBM induced infringement and/or contributed to the infringement of one or more of the claims of the '053 Patent by its customers' use of its Tivoli software systems. Defendant IBM is thus liable for infringement of the '053 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

75. Upon information and belief, Defendant JPMorgan directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringed one or more claims of the '053 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell systems that provide for communicating messages between an application source located at a first side of a firewall and a network element located at a second side of the firewall. These systems have a read/write routine provided in a read/write server at the second side of the firewall, wherein the read/write routine receives a simple object access protocol message from an underlying communication protocol server compatible with web communication. The simple object access protocol message includes a simple object access protocol envelope over an underlying expanding messaging communication protocol of a user request. A network management application routine is provided in a network management agent server at the second side of the firewall, receiving the

simple object access protocol message from the read/write routine. A translator routine is provided in a translator box at the second side of the firewall. The translator box receives the simple object access protocol message and translates it into a command or data, or combination of command and data, for the network element. A network element agent routine is provided in a network element agent server at the second side of the firewall. It parses the simple object access protocol message to produce simple object access protocol packets received from the network management application routine and sends those packets to the translator routine. For example, and without limitation, Defendant JPMorgan marketed, distributed, used, sold, and offered to sell its Global Financial Database, Online Bill Pay and Overnight Check systems. In addition, Defendant JPMorgan induced infringement and/or contributed to the infringement of one or more of the claims of the '053 Patent by its customers' use of its Global Financial Database, Online Bill Pay and Overnight Check systems. Defendant JPMorgan is thus liable for infringement of the '053 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

COUNT III

INFRINGEMENT OF U.S. PATENT NO. 7,734,756

76. Plaintiff is the owner by assignment of United States Patent No. 7,734,756 ("the '756 Patent") entitled "Object oriented communication among platform independent systems over networks using soap" – including all rights to recover for past and future acts of infringement. The '756 Patent issued on June 8, 2010. A true and correct copy of the '756 Patent is attached as Exhibit C.

77. Upon information and belief, Defendant Sabre directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringed one or more claims of the '756 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell systems that provide for communicating messages from an application source to a network element located across a firewall. The systems provide a routine in the application source at a first side of the firewall for building a simple object access protocol envelope over an underlying expanding messaging communication protocol of a user request. A routine is provided in the application source for providing the simple object access protocol envelope over the underlying expanding messaging communication protocol to an underlying

communication protocol server compatible with web communication at the first side of the firewall. A routine is provided in a network element agent server for receiving the simple object access protocol envelope over the underlying expanding messaging communication protocol from the underlying communication protocol server. A routine sends a simple object access protocol message from the simple object access protocol envelope over the underlying expanding messaging communication protocol, by parsing the simple object access protocol portion of the simple object access protocol envelope over the underlying expanding messaging communication protocol to produce the simple object access protocol message. This is done in a format suitable for transmission across the firewall, including commands parsable by a network management application routine that receives the transmission across the firewall to translate the simple object access protocol message into a command and/or data for the network element, and permits a network element agent routine provided at the second side of the firewall to parse the simple object access protocol message to produce simple object access protocol packets received from the network management application. A network element discovery routine receives the simple object access protocol message from the network management application provided at the second side of the firewall. The simple object access protocol message includes network configuration data. For example, and without limitation, Defendant Sabre marketed, distributed, used, sold, and offered to sell its Sabre AirVision, SabreSonic, Sabre AirCentre, Travelocity, Central Reservation, Global Distribution, Booking Engine and Call Center systems. In addition, Defendant Sabre induced infringement and/or contributed to the infringement of one or more of the claims of the '756 Patent by its customers' use of its Sabre AirVision, SabreSonic, Sabre AirCentre, Travelocity, Central Reservation, Global Distribution, Booking Engine and Call Center systems. Defendant Sabre is thus liable for infringement of the '756 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

78. Upon information and belief, Defendant SAP directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringed one or more claims of the '756 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell systems that provide for communicating messages from an application source to a network element located across a firewall. The systems provide a routine in the application source at a first side of the firewall for building a simple object access protocol

envelope over an underlying expanding messaging communication protocol of a user request. A routine is provided in the application source for providing the simple object access protocol envelope over the underlying expanding messaging communication protocol to an underlying communication protocol server compatible with web communication at the first side of the firewall. A routine is provided in a network element agent server for receiving the simple object access protocol envelope over the underlying expanding messaging communication protocol from the underlying communication protocol server. A routine sends a simple object access protocol message from the simple object access protocol envelope over the underlying expanding messaging communication protocol, by parsing the simple object access protocol portion of the simple object access protocol envelope over the underlying expanding messaging communication protocol to produce the simple object access protocol message. This is done in a format suitable for transmission across the firewall, including commands parsable by a network management application routine that receives the transmission across the firewall to translate the simple object access protocol message into a command and/or data for the network element, and permits a network element agent routine provided at the second side of the firewall to parse the simple object access protocol message to produce simple object access protocol packets received from the network management application. A network element discovery routine receives the simple object access protocol message from the network management application provided at the second side of the firewall. The simple object access protocol message includes network configuration data. For example, and without limitation, Defendant SAP marketed, distributed, used, sold, and offered to sell its SAP Netweaver systems. In addition, Defendant SAP induced infringement and/or contributed to the infringement of one or more of the claims of the '756 Patent by its customers' use of its SAP Netweaver systems. Defendant SAP is thus liable for infringement of the '756 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

79. Upon information and belief, Defendant SAS directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringed one or more claims of the '756 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell systems that provide for communicating messages from an application source to a network element located across a firewall. The systems provide a routine in the application source at a first side of the firewall for building a simple object access protocol

envelope over an underlying expanding messaging communication protocol of a user request. A routine is provided in the application source for providing the simple object access protocol envelope over the underlying expanding messaging communication protocol to an underlying communication protocol server compatible with web communication at the first side of the firewall. A routine is provided in a network element agent server for receiving the simple object access protocol envelope over the underlying expanding messaging communication protocol from the underlying communication protocol server. A routine sends a simple object access protocol message from the simple object access protocol envelope over the underlying expanding messaging communication protocol, by parsing the simple object access protocol portion of the simple object access protocol envelope over the underlying expanding messaging communication protocol to produce the simple object access protocol message. This is done in a format suitable for transmission across the firewall, including commands parsable by a network management application routine that receives the transmission across the firewall to translate the simple object access protocol message into a command and/or data for the network element, and permits a network element agent routine provided at the second side of the firewall to parse the simple object access protocol message to produce simple object access protocol packets received from the network management application. A network element discovery routine receives the simple object access protocol message from the network management application provided at the second side of the firewall. The simple object access protocol message includes network configuration data. For example, and without limitation, Defendant SAS marketed, distributed, used, sold, and offered to sell its Business Intelligence systems. In addition, Defendant SAS induced infringement and/or contributed to the infringement of one or more of the claims of the ‘756 Patent by its customers’ use of its Business Intelligence systems. Defendant SAS is thus liable for infringement of the ‘756 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

80. Upon information and belief, Defendant Schwab directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringed one or more claims of the ‘756 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell systems that provide for communicating messages from an application source to a network element located across a firewall. The systems provide a routine in the application source at a first side of the firewall for building a

simple object access protocol envelope over an underlying expanding messaging communication protocol of a user request. A routine is provided in the application source for providing the simple object access protocol envelope over the underlying expanding messaging communication protocol to an underlying communication protocol server compatible with web communication at the first side of the firewall. A routine is provided in a network element agent server for receiving the simple object access protocol envelope over the underlying expanding messaging communication protocol from the underlying communication protocol server. A routine sends a simple object access protocol message from the simple object access protocol envelope over the underlying expanding messaging communication protocol, by parsing the simple object access protocol portion of the simple object access protocol envelope over the underlying expanding messaging communication protocol to produce the simple object access protocol message. This is done in a format suitable for transmission across the firewall, including commands parsable by a network management application routine that receives the transmission across the firewall to translate the simple object access protocol message into a command and/or data for the network element, and permits a network element agent routine provided at the second side of the firewall to parse the simple object access protocol message to produce simple object access protocol packets received from the network management application. A network element discovery routine receives the simple object access protocol message from the network management application provided at the second side of the firewall. The simple object access protocol message includes network configuration data. For example, and without limitation, Defendant Schwab marketed, distributed, used, sold, and offered to sell its Online and Web Trading systems. In addition, Defendant Schwab induced infringement and/or contributed to the infringement of one or more of the claims of the '756 Patent by its customers' use of its Online and Web Trading systems. Defendant Schwab is thus liable for infringement of the '756 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

81. Upon information and belief, Defendant Scottrade directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringed one or more claims of the '756 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell systems that provide for communicating messages from an application source to a network element located across a firewall. The

systems provide a routine in the application source at a first side of the firewall for building a simple object access protocol envelope over an underlying expanding messaging communication protocol of a user request. A routine is provided in the application source for providing the simple object access protocol envelope over the underlying expanding messaging communication protocol to an underlying communication protocol server compatible with web communication at the first side of the firewall. A routine is provided in a network element agent server for receiving the simple object access protocol envelope over the underlying expanding messaging communication protocol from the underlying communication protocol server. A routine sends a simple object access protocol message from the simple object access protocol envelope over the underlying expanding messaging communication protocol, by parsing the simple object access protocol portion of the simple object access protocol envelope over the underlying expanding messaging communication protocol to produce the simple object access protocol message. This is done in a format suitable for transmission across the firewall, including commands parsible by a network management application routine that receives the transmission across the firewall to translate the simple object access protocol message into a command and/or data for the network element, and permits a network element agent routine provided at the second side of the firewall to parse the simple object access protocol message to produce simple object access protocol packets received from the network management application. A network element discovery routine receives the simple object access protocol message from the network management application provided at the second side of the firewall. The simple object access protocol message includes network configuration data. For example, and without limitation, Defendant Scottrade marketed, distributed, used, sold, and offered to sell its Options First, Scottrade Trading Website, Scottrade Mobile and ScottradeELITE systems. In addition, Defendant Scottrade induced infringement and/or contributed to the infringement of one or more of the claims of the '756 Patent by its customers' use of its Options First, Scottrade Trading Website, Scottrade Mobile and ScottradeELITE systems. Defendant Scottrade is thus liable for infringement of the '756 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

82. Upon information and belief, Defendant TDA directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringed one or more claims of the '756 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things,

using, selling and offering to sell systems that provide for communicating messages from an application source to a network element located across a firewall. The systems provide a routine in the application source at a first side of the firewall for building a simple object access protocol envelope over an underlying expanding messaging communication protocol of a user request. A routine is provided in the application source for providing the simple object access protocol envelope over the underlying expanding messaging communication protocol to an underlying communication protocol server compatible with web communication at the first side of the firewall. A routine is provided in a network element agent server for receiving the simple object access protocol envelope over the underlying expanding messaging communication protocol from the underlying communication protocol server. A routine sends a simple object access protocol message from the simple object access protocol envelope over the underlying expanding messaging communication protocol, by parsing the simple object access protocol portion of the simple object access protocol envelope over the underlying expanding messaging communication protocol to produce the simple object access protocol message. This is done in a format suitable for transmission across the firewall, including commands parsible by a network management application routine that receives the transmission across the firewall to translate the simple object access protocol message into a command and/or data for the network element, and permits a network element agent routine provided at the second side of the firewall to parse the simple object access protocol message to produce simple object access protocol packets received from the network management application. A network element discovery routine receives the simple object access protocol message from the network management application provided at the second side of the firewall. The simple object access protocol message includes network configuration data. For example, and without limitation, Defendant TDA marketed, distributed, used, sold, and offered to sell its Mobile and Online Trading systems. In addition, Defendant TDA induced infringement and/or contributed to the infringement of one or more of the claims of the '756 Patent by its customers' use of its Mobile and Online Trading systems. Defendant TDA is thus liable for infringement of the '756 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

83. Upon information and belief, Defendant Unicoi directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringed one or more claims of the '756 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by,

among other things, using, selling and offering to sell systems that provide for communicating messages from an application source to a network element located across a firewall. The systems provide a routine in the application source at a first side of the firewall for building a simple object access protocol envelope over an underlying expanding messaging communication protocol of a user request. A routine is provided in the application source for providing the simple object access protocol envelope over the underlying expanding messaging communication protocol to an underlying communication protocol server compatible with web communication at the first side of the firewall. A routine is provided in a network element agent server for receiving the simple object access protocol envelope over the underlying expanding messaging communication protocol from the underlying communication protocol server. A routine sends a simple object access protocol message from the simple object access protocol envelope over the underlying expanding messaging communication protocol, by parsing the simple object access protocol portion of the simple object access protocol envelope over the underlying expanding messaging communication protocol to produce the simple object access protocol message. This is done in a format suitable for transmission across the firewall, including commands parsible by a network management application routine that receives the transmission across the firewall to translate the simple object access protocol message into a command and/or data for the network element, and permits a network element agent routine provided at the second side of the firewall to parse the simple object access protocol message to produce simple object access protocol packets received from the network management application. A network element discovery routine receives the simple object access protocol message from the network management application provided at the second side of the firewall. The simple object access protocol message includes network configuration data. For example, and without limitation, Defendant Unicoi marketed, distributed, used, sold, and offered to sell its Fusion SOAP Client & Server systems. In addition, Defendant Unicoi induced infringement and/or contributed to the infringement of one or more of the claims of the '756 Patent by its customers' use of its Fusion SOAP Client & Server systems. Defendant Unicoi is thus liable for infringement of the '756 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

84. Upon information and belief, Defendant Xerox directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringed one or more claims of the '756 Patent in the State

of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell systems that provide for communicating messages from an application source to a network element located across a firewall. The systems provide a routine in the application source at a first side of the firewall for building a simple object access protocol envelope over an underlying expanding messaging communication protocol of a user request. A routine is provided in the application source for providing the simple object access protocol envelope over the underlying expanding messaging communication protocol to an underlying communication protocol server compatible with web communication at the first side of the firewall. A routine is provided in a network element agent server for receiving the simple object access protocol envelope over the underlying expanding messaging communication protocol from the underlying communication protocol server. A routine sends a simple object access protocol message from the simple object access protocol envelope over the underlying expanding messaging communication protocol, by parsing the simple object access protocol portion of the simple object access protocol envelope over the underlying expanding messaging communication protocol to produce the simple object access protocol message. This is done in a format suitable for transmission across the firewall, including commands parsable by a network management application routine that receives the transmission across the firewall to translate the simple object access protocol message into a command and/or data for the network element, and permits a network element agent routine provided at the second side of the firewall to parse the simple object access protocol message to produce simple object access protocol packets received from the network management application. A network element discovery routine receives the simple object access protocol message from the network management application provided at the second side of the firewall. The simple object access protocol message includes network configuration data. For example, and without limitation, Defendant Xerox marketed, distributed, used, sold, and offered to sell its Docushare systems. In addition, Defendant Xerox induced infringement and/or contributed to the infringement of one or more of the claims of the '756 Patent by its customers' use of its Docushare systems. Defendant Xerox is thus liable for infringement of the '756 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

85. Upon information and belief, Defendant Adobe directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringed one or more claims of the '756 Patent in the State

of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell systems that provide for communicating messages from an application source to a network element located across a firewall. The systems provide a routine in the application source at a first side of the firewall for building a simple object access protocol envelope over an underlying expanding messaging communication protocol of a user request. A routine is provided in the application source for providing the simple object access protocol envelope over the underlying expanding messaging communication protocol to an underlying communication protocol server compatible with web communication at the first side of the firewall. A routine is provided in a network element agent server for receiving the simple object access protocol envelope over the underlying expanding messaging communication protocol from the underlying communication protocol server. A routine sends a simple object access protocol message from the simple object access protocol envelope over the underlying expanding messaging communication protocol, by parsing the simple object access protocol portion of the simple object access protocol envelope over the underlying expanding messaging communication protocol to produce the simple object access protocol message. This is done in a format suitable for transmission across the firewall, including commands parsable by a network management application routine that receives the transmission across the firewall to translate the simple object access protocol message into a command and/or data for the network element, and permits a network element agent routine provided at the second side of the firewall to parse the simple object access protocol message to produce simple object access protocol packets received from the network management application. A network element discovery routine receives the simple object access protocol message from the network management application provided at the second side of the firewall. The simple object access protocol message includes network configuration data. For example, and without limitation, Defendant Adobe marketed, distributed, used, sold, and offered to sell its Creative Suite 5, Flash Platform, ColdFusion, LiveCycle ES, and Scene7 systems. In addition, Defendant Adobe induced infringement and/or contributed to the infringement of one or more of the claims of the '756 Patent by its customers' use of its Creative Suite 5, Flash Platform, ColdFusion, LiveCycle ES, and Scene7 systems. Defendant Adobe is thus liable for infringement of the '756 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

86. Upon information and belief, Defendant AOL directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringed one or more claims of the '756 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell systems that provide for communicating messages from an application source to a network element located across a firewall. The systems provide a routine in the application source at a first side of the firewall for building a simple object access protocol envelope over an underlying expanding messaging communication protocol of a user request. A routine is provided in the application source for providing the simple object access protocol envelope over the underlying expanding messaging communication protocol to an underlying communication protocol server compatible with web communication at the first side of the firewall. A routine is provided in a network element agent server for receiving the simple object access protocol envelope over the underlying expanding messaging communication protocol from the underlying communication protocol server. A routine sends a simple object access protocol message from the simple object access protocol envelope over the underlying expanding messaging communication protocol, by parsing the simple object access protocol portion of the simple object access protocol envelope over the underlying expanding messaging communication protocol to produce the simple object access protocol message. This is done in a format suitable for transmission across the firewall, including commands parsible by a network management application routine that receives the transmission across the firewall to translate the simple object access protocol message into a command and/or data for the network element, and permits a network element agent routine provided at the second side of the firewall to parse the simple object access protocol message to produce simple object access protocol packets received from the network management application. A network element discovery routine receives the simple object access protocol message from the network management application provided at the second side of the firewall. The simple object access protocol message includes network configuration data. For example, and without limitation, Defendant AOL marketed, distributed, used, sold, and offered to sell its AOL version 9 systems. In addition, Defendant AOL induced infringement and/or contributed to the infringement of one or more of the claims of the '756 Patent by its customers' use of its AOL version 9 systems. Defendant AOL is thus liable for infringement of the '756 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

87. Upon information and belief, Defendant Apple directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringed one or more claims of the '756 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell systems that provide for communicating messages from an application source to a network element located across a firewall. The systems provide a routine in the application source at a first side of the firewall for building a simple object access protocol envelope over an underlying expanding messaging communication protocol of a user request. A routine is provided in the application source for providing the simple object access protocol envelope over the underlying expanding messaging communication protocol to an underlying communication protocol server compatible with web communication at the first side of the firewall. A routine is provided in a network element agent server for receiving the simple object access protocol envelope over the underlying expanding messaging communication protocol from the underlying communication protocol server. A routine sends a simple object access protocol message from the simple object access protocol envelope over the underlying expanding messaging communication protocol, by parsing the simple object access protocol portion of the simple object access protocol envelope over the underlying expanding messaging communication protocol to produce the simple object access protocol message. This is done in a format suitable for transmission across the firewall, including commands parsible by a network management application routine that receives the transmission across the firewall to translate the simple object access protocol message into a command and/or data for the network element, and permits a network element agent routine provided at the second side of the firewall to parse the simple object access protocol message to produce simple object access protocol packets received from the network management application. A network element discovery routine receives the simple object access protocol message from the network management application provided at the second side of the firewall. The simple object access protocol message includes network configuration data. For example, and without limitation, Defendant Apple marketed, distributed, used, sold, and offered to sell its MAC OS X Server and CocoaSOAP systems. In addition, Defendant Apple induced infringement and/or contributed to the infringement of one or more of the claims of the '756 Patent by its customers' use of its MAC OS X Server and CocoaSOAP

systems. Defendant Apple is thus liable for infringement of the '756 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

88. Upon information and belief, Defendant Dish directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringed one or more claims of the '756 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell systems that provide for communicating messages from an application source to a network element located across a firewall. The systems provide a routine in the application source at a first side of the firewall for building a simple object access protocol envelope over an underlying expanding messaging communication protocol of a user request. A routine is provided in the application source for providing the simple object access protocol envelope over the underlying expanding messaging communication protocol to an underlying communication protocol server compatible with web communication at the first side of the firewall. A routine is provided in a network element agent server for receiving the simple object access protocol envelope over the underlying expanding messaging communication protocol from the underlying communication protocol server. A routine sends a simple object access protocol message from the simple object access protocol envelope over the underlying expanding messaging communication protocol, by parsing the simple object access protocol portion of the simple object access protocol envelope over the underlying expanding messaging communication protocol to produce the simple object access protocol message. This is done in a format suitable for transmission across the firewall, including commands parsable by a network management application routine that receives the transmission across the firewall to translate the simple object access protocol message into a command and/or data for the network element, and permits a network element agent routine provided at the second side of the firewall to parse the simple object access protocol message to produce simple object access protocol packets received from the network management application. A network element discovery routine receives the simple object access protocol message from the network management application provided at the second side of the firewall. The simple object access protocol message includes network configuration data. For example, and without limitation, Defendant Dish marketed, distributed, used, sold, and offered to sell its Dish Portal online services. In addition, Defendant Dish induced infringement and/or contributed to the infringement of one or more of the claims of the

‘756 Patent by its customers’ use of its Dish Portal online services. Defendant Dish is thus liable for infringement of the ‘756 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

89. Upon information and belief, Defendant E*TRADE directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringed one or more claims of the ‘756 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell systems that provide for communicating messages from an application source to a network element located across a firewall. The systems provide a routine in the application source at a first side of the firewall for building a simple object access protocol envelope over an underlying expanding messaging communication protocol of a user request. A routine is provided in the application source for providing the simple object access protocol envelope over the underlying expanding messaging communication protocol to an underlying communication protocol server compatible with web communication at the first side of the firewall. A routine is provided in a network element agent server for receiving the simple object access protocol envelope over the underlying expanding messaging communication protocol from the underlying communication protocol server. A routine sends a simple object access protocol message from the simple object access protocol envelope over the underlying expanding messaging communication protocol, by parsing the simple object access protocol portion of the simple object access protocol envelope over the underlying expanding messaging communication protocol to produce the simple object access protocol message. This is done in a format suitable for transmission across the firewall, including commands parsible by a network management application routine that receives the transmission across the firewall to translate the simple object access protocol message into a command and/or data for the network element, and permits a network element agent routine provided at the second side of the firewall to parse the simple object access protocol message to produce simple object access protocol packets received from the network management application. A network element discovery routine receives the simple object access protocol message from the network management application provided at the second side of the firewall. The simple object access protocol message includes network configuration data. For example, and without limitation, Defendant E*TRADE marketed, distributed, used, sold, and offered to sell its Mobile Pro, Website Trading, MarketTrader, and E*TRADE API Platform systems. In

addition, Defendant E*TRADE induced infringement and/or contributed to the infringement of one or more of the claims of the '756 Patent by its customers' use of its Mobile Pro, Website Trading, MarketTrader, and E*TRADE API Platform systems. Defendant E*TRADE is thus liable for infringement of the '756 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

90. Upon information and belief, Defendant Fidelity directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringed one or more claims of the '756 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell systems that provide for communicating messages from an application source to a network element located across a firewall. The systems provide a routine in the application source at a first side of the firewall for building a simple object access protocol envelope over an underlying expanding messaging communication protocol of a user request. A routine is provided in the application source for providing the simple object access protocol envelope over the underlying expanding messaging communication protocol to an underlying communication protocol server compatible with web communication at the first side of the firewall. A routine is provided in a network element agent server for receiving the simple object access protocol envelope over the underlying expanding messaging communication protocol from the underlying communication protocol server. A routine sends a simple object access protocol message from the simple object access protocol envelope over the underlying expanding messaging communication protocol, by parsing the simple object access protocol portion of the simple object access protocol envelope over the underlying expanding messaging communication protocol to produce the simple object access protocol message. This is done in a format suitable for transmission across the firewall, including commands parsible by a network management application routine that receives the transmission across the firewall to translate the simple object access protocol message into a command and/or data for the network element, and permits a network element agent routine provided at the second side of the firewall to parse the simple object access protocol message to produce simple object access protocol packets received from the network management application. A network element discovery routine receives the simple object access protocol message from the network management application provided at the second side of the firewall. The simple object access protocol message includes network configuration data. For example,

and without limitation, Defendant Fidelity marketed, distributed, used, sold, and offered to sell its Streetscape systems. In addition, Defendant Fidelity induced infringement and/or contributed to the infringement of one or more of the claims of the '756 Patent by its customers' use of its Streetscape systems. Defendant Fidelity is thus liable for infringement of the '756 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

91. Upon information and belief, Defendant HP directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringed one or more claims of the '756 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell systems that provide for communicating messages from an application source to a network element located across a firewall. The systems provide a routine in the application source at a first side of the firewall for building a simple object access protocol envelope over an underlying expanding messaging communication protocol of a user request. A routine is provided in the application source for providing the simple object access protocol envelope over the underlying expanding messaging communication protocol to an underlying communication protocol server compatible with web communication at the first side of the firewall. A routine is provided in a network element agent server for receiving the simple object access protocol envelope over the underlying expanding messaging communication protocol from the underlying communication protocol server. A routine sends a simple object access protocol message from the simple object access protocol envelope over the underlying expanding messaging communication protocol, by parsing the simple object access protocol portion of the simple object access protocol envelope over the underlying expanding messaging communication protocol to produce the simple object access protocol message. This is done in a format suitable for transmission across the firewall, including commands parsible by a network management application routine that receives the transmission across the firewall to translate the simple object access protocol message into a command and/or data for the network element, and permits a network element agent routine provided at the second side of the firewall to parse the simple object access protocol message to produce simple object access protocol packets received from the network management application. A network element discovery routine receives the simple object access protocol message from the network management application provided at the second side of the firewall. The simple object access protocol message includes network

configuration data. For example, and without limitation, Defendant HP marketed, distributed, used, sold, and offered to sell its HP Operations Manger, HP Smart Plug-in for SOAP, and HP Smart Plug-in for Sun ONE Web Services systems. In addition, Defendant HP induced infringement and/or contributed to the infringement of one or more of the claims of the '756 Patent by its customers' use of its HP Operations Manger, HP Smart Plug-in for SOAP, and HP Smart Plug-in for Sun ONE Web Services systems. Defendant HP is thus liable for infringement of the '756 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

92. Upon information and belief, Defendant IBM directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringed one or more claims of the '756 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell systems that provide for communicating messages from an application source to a network element located across a firewall. The systems provide a routine in the application source at a first side of the firewall for building a simple object access protocol envelope over an underlying expanding messaging communication protocol of a user request. A routine is provided in the application source for providing the simple object access protocol envelope over the underlying expanding messaging communication protocol to an underlying communication protocol server compatible with web communication at the first side of the firewall. A routine is provided in a network element agent server for receiving the simple object access protocol envelope over the underlying expanding messaging communication protocol from the underlying communication protocol server. A routine sends a simple object access protocol message from the simple object access protocol envelope over the underlying expanding messaging communication protocol, by parsing the simple object access protocol portion of the simple object access protocol envelope over the underlying expanding messaging communication protocol to produce the simple object access protocol message. This is done in a format suitable for transmission across the firewall, including commands parsible by a network management application routine that receives the transmission across the firewall to translate the simple object access protocol message into a command and/or data for the network element, and permits a network element agent routine provided at the second side of the firewall to parse the simple object access protocol message to produce simple object access protocol packets received from the network management application. A network element discovery routine receives the

simple object access protocol message from the network management application provided at the second side of the firewall. The simple object access protocol message includes network configuration data. For example, and without limitation, Defendant IBM marketed, distributed, used, sold, and offered to sell its Tivoli software systems. In addition, Defendant IBM induced infringement and/or contributed to the infringement of one or more of the claims of the '756 Patent by its customers' use of its Tivoli software systems. Defendant IBM is thus liable for infringement of the '756 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

93. Upon information and belief, Defendant JPMorgan directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringed one or more claims of the '756 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell systems that provide for communicating messages from an application source to a network element located across a firewall. The systems provide a routine in the application source at a first side of the firewall for building a simple object access protocol envelope over an underlying expanding messaging communication protocol of a user request. A routine is provided in the application source for providing the simple object access protocol envelope over the underlying expanding messaging communication protocol to an underlying communication protocol server compatible with web communication at the first side of the firewall. A routine is provided in a network element agent server for receiving the simple object access protocol envelope over the underlying expanding messaging communication protocol from the underlying communication protocol server. A routine sends a simple object access protocol message from the simple object access protocol envelope over the underlying expanding messaging communication protocol, by parsing the simple object access protocol portion of the simple object access protocol envelope over the underlying expanding messaging communication protocol to produce the simple object access protocol message. This is done in a format suitable for transmission across the firewall, including commands parsible by a network management application routine that receives the transmission across the firewall to translate the simple object access protocol message into a command and/or data for the network element, and permits a network element agent routine provided at the second side of the firewall to parse the simple object access protocol message to produce simple object access protocol packets received from the network management

application. A network element discovery routine receives the simple object access protocol message from the network management application provided at the second side of the firewall. The simple object access protocol message includes network configuration data. For example, and without limitation, Defendant JPMorgan marketed, distributed, used, sold, and offered to sell its Global Financial Database, Online Bill Pay and Overnight Check systems. In addition, Defendant JPMorgan induced infringement and/or contributed to the infringement of one or more of the claims of the '756 Patent by its customers' use of its Global Financial Database, Online Bill Pay and Overnight Check systems. Defendant JPMorgan is thus liable for infringement of the '756 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

COUNT IV
INFRINGEMENT OF U.S. PATENT NO. 7,007,094

94. Plaintiff is the owner by assignment of United States Patent No. 7,007,094 ("the '094 Patent") entitled "Object oriented communications system over the internet" – including all rights to recover for past and future acts of infringement. The '094 Patent issued on February 28, 2006. A true and correct copy of the '094 Patent is attached as Exhibit D.

95. Upon information and belief, Defendant Sabre directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringed one or more claims of the '094 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell systems that provide for communicating between a web browser located on a first side of a firewall and a network element located on a second side of the firewall, where the web browser is provided with an applet to drive a user request, and the applet is provided by a web server included on the first side of the firewall. The user request is sent to a read/write server provided on the second side of the firewall, and a hypertext transfer protocol-simple object access protocol (HTTP-SOAP) version of the user request is created. The HTTP-SOAP version is transmitted to a network management application server on the second side of the firewall. An appropriate nodal model of the user request is built in the network management application server; and SOAP encoded requests are sent from the network management application server to a network element agent provided on the second side of the firewall. The SOAP encoded requests received by the network management application server

are parsed in the network element agent, which encompasses data needed to complete a single nodal transaction. SOAP packets are encoded in the network element agent; and transmitted to a translator box associated with the network element. The translator box located on the second side of the firewall. The SOAP packets are translated into the appropriate native console command for the network element; and the native console command is transmitted to the network element located on the second side of the firewall. For example, and without limitation, Defendant Sabre marketed, distributed, used, sold, and offered to sell its Sabre AirVision, SabreSonic, Sabre AirCentre, Travelocity, Central Reservation, Global Distribution, Booking Engine and Call Center systems. In addition, Defendant Sabre induced infringement and/or contributed to the infringement of one or more of the claims of the '094 Patent by its customers' use of its Sabre AirVision, SabreSonic, Sabre AirCentre, Travelocity, Central Reservation, Global Distribution, Booking Engine and Call Center systems. Defendant Sabre is thus liable for infringement of the '094 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

96. Upon information and belief, Defendant SAP directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringed one or more claims of the '094 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell systems that provide for communicating between a web browser located on a first side of a firewall and a network element located on a second side of the firewall, where the web browser is provided with an applet to drive a user request, and the applet is provided by a web server included on the first side of the firewall. The user request is sent to a read/write server provided on the second side of the firewall, and a hypertext transfer protocol-simple object access protocol (HTTP-SOAP) version of the user request is created. The HTTP-SOAP version is transmitted to a network management application server on the second side of the firewall. An appropriate nodal model of the user request is built in the network management application server; and SOAP encoded requests are sent from the network management application server to a network element agent provided on the second side of the firewall. The SOAP encoded requests received by the network management application server are parsed in the network element agent, which encompasses data needed to complete a single nodal transaction. SOAP packets are encoded in the network element agent; and transmitted to a translator box associated with the network element. The translator box located on the second

side of the firewall. The SOAP packets are translated into the appropriate native console command for the network element; and the native console command is transmitted to the network element located on the second side of the firewall. For example, and without limitation, Defendant SAP marketed, distributed, used, sold, and offered to sell its SAP Netweaver systems. In addition, Defendant SAP induced infringement and/or contributed to the infringement of one or more of the claims of the '094 Patent by its customers' use of its SAP Netweaver systems. Defendant SAP is thus liable for infringement of the '094 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

97. Upon information and belief, Defendant SAS directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringed one or more claims of the '094 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell systems that provide for communicating between a web browser located on a first side of a firewall and a network element located on a second side of the firewall, where the web browser is provided with an applet to drive a user request, and the applet is provided by a web server included on the first side of the firewall. The user request is sent to a read/write server provided on the second side of the firewall, and a hypertext transfer protocol-simple object access protocol (HTTP-SOAP) version of the user request is created. The HTTP-SOAP version is transmitted to a network management application server on the second side of the firewall. An appropriate nodal model of the user request is built in the network management application server; and SOAP encoded requests are sent from the network management application server to a network element agent provided on the second side of the firewall. The SOAP encoded requests received by the network management application server are parsed in the network element agent, which encompasses data needed to complete a single nodal transaction. SOAP packets are encoded in the network element agent; and transmitted to a translator box associated with the network element. The translator box located on the second side of the firewall. The SOAP packets are translated into the appropriate native console command for the network element; and the native console command is transmitted to the network element located on the second side of the firewall. For example, and without limitation, Defendant SAS marketed, distributed, used, sold, and offered to sell its Business Intelligence systems. In addition, Defendant SAS induced infringement and/or contributed to the

infringement of one or more of the claims of the '094 Patent by its customers' use of its Business Intelligence systems. Defendant SAS is thus liable for infringement of the '094 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

98. Upon information and belief, Defendant Schwab directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringed one or more claims of the '094 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell systems that provide for communicating between a web browser located on a first side of a firewall and a network element located on a second side of the firewall, where the web browser is provided with an applet to drive a user request, and the applet is provided by a web server included on the first side of the firewall. The user request is sent to a read/write server provided on the second side of the firewall, and a hypertext transfer protocol-simple object access protocol (HTTP-SOAP) version of the user request is created. The HTTP-SOAP version is transmitted to a network management application server on the second side of the firewall. An appropriate nodal model of the user request is built in the network management application server; and SOAP encoded requests are sent from the network management application server to a network element agent provided on the second side of the firewall. The SOAP encoded requests received by the network management application server are parsed in the network element agent, which encompasses data needed to complete a single nodal transaction. SOAP packets are encoded in the network element agent; and transmitted to a translator box associated with the network element. The translator box located on the second side of the firewall. The SOAP packets are translated into the appropriate native console command for the network element; and the native console command is transmitted to the network element located on the second side of the firewall. For example, and without limitation, Defendant Schwab marketed, distributed, used, sold, and offered to sell its Online and Web Trading systems. In addition, Defendant Schwab induced infringement and/or contributed to the infringement of one or more of the claims of the '094 Patent by its customers' use of its Online and Web Trading systems. Defendant Schwab is thus liable for infringement of the '094 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

99. Upon information and belief, Defendant Scottrade directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold,

and/or offered for sale products and/or systems that infringed one or more claims of the '094 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell systems that provide for communicating between a web browser located on a first side of a firewall and a network element located on a second side of the firewall, where the web browser is provided with an applet to drive a user request, and the applet is provided by a web server included on the first side of the firewall. The user request is sent to a read/write server provided on the second side of the firewall, and a hypertext transfer protocol-simple object access protocol (HTTP-SOAP) version of the user request is created. The HTTP-SOAP version is transmitted to a network management application server on the second side of the firewall. An appropriate nodal model of the user request is built in the network management application server; and SOAP encoded requests are sent from the network management application server to a network element agent provided on the second side of the firewall. The SOAP encoded requests received by the network management application server are parsed in the network element agent, which encompasses data needed to complete a single nodal transaction. SOAP packets are encoded in the network element agent; and transmitted to a translator box associated with the network element. The translator box located on the second side of the firewall. The SOAP packets are translated into the appropriate native console command for the network element; and the native console command is transmitted to the network element located on the second side of the firewall. For example, and without limitation, Defendant Scottrade marketed, distributed, used, sold, and offered to sell its Options First, Scottrade Trading Website, Scottrade Mobile and ScottradeELITE systems. In addition, Defendant Scottrade induced infringement and/or contributed to the infringement of one or more of the claims of the '094 Patent by its customers' use of its Options First, Scottrade Trading Website, Scottrade Mobile and ScottradeELITE systems. Defendant Scottrade is thus liable for infringement of the '094 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

100. Upon information and belief, Defendant TDA directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringed one or more claims of the '094 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell systems that provide for communicating between a web

browser located on a first side of a firewall and a network element located on a second side of the firewall, where the web browser is provided with an applet to drive a user request, and the applet is provided by a web server included on the first side of the firewall. The user request is sent to a read/write server provided on the second side of the firewall, and a hypertext transfer protocol-simple object access protocol (HTTP-SOAP) version of the user request is created. The HTTP-SOAP version is transmitted to a network management application server on the second side of the firewall. An appropriate nodal model of the user request is built in the network management application server; and SOAP encoded requests are sent from the network management application server to a network element agent provided on the second side of the firewall. The SOAP encoded requests received by the network management application server are parsed in the network element agent, which encompasses data needed to complete a single nodal transaction. SOAP packets are encoded in the network element agent; and transmitted to a translator box associated with the network element. The translator box located on the second side of the firewall. The SOAP packets are translated into the appropriate native console command for the network element; and the native console command is transmitted to the network element located on the second side of the firewall. For example, and without limitation, Defendant TDA marketed, distributed, used, sold, and offered to sell its Mobile and Online Trading systems. In addition, Defendant TDA induced infringement and/or contributed to the infringement of one or more of the claims of the '094 Patent by its customers' use of its Mobile and Online Trading systems. Defendant TDA is thus liable for infringement of the '094 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

101. Upon information and belief, Defendant Unicoi directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringed one or more claims of the '094 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell systems that provide for communicating between a web browser located on a first side of a firewall and a network element located on a second side of the firewall, where the web browser is provided with an applet to drive a user request, and the applet is provided by a web server included on the first side of the firewall. The user request is sent to a read/write server provided on the second side of the firewall, and a hypertext transfer protocol-simple object access protocol (HTTP-SOAP) version of the user

request is created. The HTTP-SOAP version is transmitted to a network management application server on the second side of the firewall. An appropriate nodal model of the user request is built in the network management application server; and SOAP encoded requests are sent from the network management application server to a network element agent provided on the second side of the firewall. The SOAP encoded requests received by the network management application server are parsed in the network element agent, which encompasses data needed to complete a single nodal transaction. SOAP packets are encoded in the network element agent; and transmitted to a translator box associated with the network element. The translator box located on the second side of the firewall. The SOAP packets are translated into the appropriate native console command for the network element; and the native console command is transmitted to the network element located on the second side of the firewall. For example, and without limitation, Defendant Unicoi marketed, distributed, used, sold, and offered to sell its Fusion SOAP Client & Server systems. In addition, Defendant Unicoi induced infringement and/or contributed to the infringement of one or more of the claims of the '094 Patent by its customers' use of its Fusion SOAP Client & Server systems. Defendant Unicoi is thus liable for infringement of the '094 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

102. Upon information and belief, Defendant Xerox directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringed one or more claims of the '094 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell systems that provide for communicating between a web browser located on a first side of a firewall and a network element located on a second side of the firewall, where the web browser is provided with an applet to drive a user request, and the applet is provided by a web server included on the first side of the firewall. The user request is sent to a read/write server provided on the second side of the firewall, and a hypertext transfer protocol-simple object access protocol (HTTP-SOAP) version of the user request is created. The HTTP-SOAP version is transmitted to a network management application server on the second side of the firewall. An appropriate nodal model of the user request is built in the network management application server; and SOAP encoded requests are sent from the network management application server to a network element agent provided on the second side of the firewall. The SOAP encoded requests received by the network management application server

are parsed in the network element agent, which encompasses data needed to complete a single nodal transaction. SOAP packets are encoded in the network element agent; and transmitted to a translator box associated with the network element. The translator box located on the second side of the firewall. The SOAP packets are translated into the appropriate native console command for the network element; and the native console command is transmitted to the network element located on the second side of the firewall. For example, and without limitation, Defendant Xerox marketed, distributed, used, sold, and offered to sell its Docushare systems. In addition, Defendant Xerox induced infringement and/or contributed to the infringement of one or more of the claims of the '094 Patent by its customers' use of its Docushare systems. Defendant Xerox is thus liable for infringement of the '094 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

103. Upon information and belief, Defendant Adobe directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringed one or more claims of the '094 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell systems that provide for communicating between a web browser located on a first side of a firewall and a network element located on a second side of the firewall, where the web browser is provided with an applet to drive a user request, and the applet is provided by a web server included on the first side of the firewall. The user request is sent to a read/write server provided on the second side of the firewall, and a hypertext transfer protocol-simple object access protocol (HTTP-SOAP) version of the user request is created. The HTTP-SOAP version is transmitted to a network management application server on the second side of the firewall. An appropriate nodal model of the user request is built in the network management application server; and SOAP encoded requests are sent from the network management application server to a network element agent provided on the second side of the firewall. The SOAP encoded requests received by the network management application server are parsed in the network element agent, which encompasses data needed to complete a single nodal transaction. SOAP packets are encoded in the network element agent; and transmitted to a translator box associated with the network element. The translator box located on the second side of the firewall. The SOAP packets are translated into the appropriate native console command for the network element; and the native console command is transmitted to the network element located on the second side of the firewall. For example, and without limitation,

Defendant Adobe marketed, distributed, used, sold, and offered to sell its Creative Suite 5, Flash Platform, ColdFusion, LiveCycle ES, and Scene7 systems. In addition, Defendant Adobe induced infringement and/or contributed to the infringement of one or more of the claims of the '094 Patent by its customers' use of its Creative Suite 5, Flash Platform, ColdFusion, LiveCycle ES, and Scene7 systems. Defendant Adobe is thus liable for infringement of the '094 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

104. Upon information and belief, Defendant AOL directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringed one or more claims of the '094 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell systems that provide for communicating between a web browser located on a first side of a firewall and a network element located on a second side of the firewall, where the web browser is provided with an applet to drive a user request, and the applet is provided by a web server included on the first side of the firewall. The user request is sent to a read/write server provided on the second side of the firewall, and a hypertext transfer protocol-simple object access protocol (HTTP-SOAP) version of the user request is created. The HTTP-SOAP version is transmitted to a network management application server on the second side of the firewall. An appropriate nodal model of the user request is built in the network management application server; and SOAP encoded requests are sent from the network management application server to a network element agent provided on the second side of the firewall. The SOAP encoded requests received by the network management application server are parsed in the network element agent, which encompasses data needed to complete a single nodal transaction. SOAP packets are encoded in the network element agent; and transmitted to a translator box associated with the network element. The translator box located on the second side of the firewall. The SOAP packets are translated into the appropriate native console command for the network element; and the native console command is transmitted to the network element located on the second side of the firewall. For example, and without limitation, Defendant AOL marketed, distributed, used, sold, and offered to sell its AOL version 9 systems. In addition, Defendant AOL induced infringement and/or contributed to the infringement of one or more of the claims of the '094 Patent by its customers' use of its AOL version 9 systems.

Defendant AOL is thus liable for infringement of the '094 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

105. Upon information and belief, Defendant Apple directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringed one or more claims of the '094 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell systems that provide for communicating between a web browser located on a first side of a firewall and a network element located on a second side of the firewall, where the web browser is provided with an applet to drive a user request, and the applet is provided by a web server included on the first side of the firewall. The user request is sent to a read/write server provided on the second side of the firewall, and a hypertext transfer protocol-simple object access protocol (HTTP-SOAP) version of the user request is created. The HTTP-SOAP version is transmitted to a network management application server on the second side of the firewall. An appropriate nodal model of the user request is built in the network management application server; and SOAP encoded requests are sent from the network management application server to a network element agent provided on the second side of the firewall. The SOAP encoded requests received by the network management application server are parsed in the network element agent, which encompasses data needed to complete a single nodal transaction. SOAP packets are encoded in the network element agent; and transmitted to a translator box associated with the network element. The translator box located on the second side of the firewall. The SOAP packets are translated into the appropriate native console command for the network element; and the native console command is transmitted to the network element located on the second side of the firewall. For example, and without limitation, Defendant Apple marketed, distributed, used, sold, and offered to sell its MAC OS X Server and CocoaSOAP systems. In addition, Defendant Apple induced infringement and/or contributed to the infringement of one or more of the claims of the '094 Patent by its customers' use of its MAC OS X Server and CocoaSOAP systems. Defendant Apple is thus liable for infringement of the '094 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

106. Upon information and belief, Defendant Dish directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringed one or more claims of the '094 Patent in the State

of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell systems that provide for communicating between a web browser located on a first side of a firewall and a network element located on a second side of the firewall, where the web browser is provided with an applet to drive a user request, and the applet is provided by a web server included on the first side of the firewall. The user request is sent to a read/write server provided on the second side of the firewall, and a hypertext transfer protocol-simple object access protocol (HTTP-SOAP) version of the user request is created. The HTTP-SOAP version is transmitted to a network management application server on the second side of the firewall. An appropriate nodal model of the user request is built in the network management application server; and SOAP encoded requests are sent from the network management application server to a network element agent provided on the second side of the firewall. The SOAP encoded requests received by the network management application server are parsed in the network element agent, which encompasses data needed to complete a single nodal transaction. SOAP packets are encoded in the network element agent; and transmitted to a translator box associated with the network element. The translator box located on the second side of the firewall. The SOAP packets are translated into the appropriate native console command for the network element; and the native console command is transmitted to the network element located on the second side of the firewall. For example, and without limitation, Defendant Dish marketed, distributed, used, sold, and offered to sell its Dish Portal online services. In addition, Defendant Dish induced infringement and/or contributed to the infringement of one or more of the claims of the '094 Patent by its customers' use of its Dish Portal online services. Defendant Dish is thus liable for infringement of the '094 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

107. Upon information and belief, Defendant E*TRADE directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringed one or more claims of the '094 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell systems that provide for communicating between a web browser located on a first side of a firewall and a network element located on a second side of the firewall, where the web browser is provided with an applet to drive a user request, and the applet is provided by a web server included on the first side of the firewall. The

user request is sent to a read/write server provided on the second side of the firewall, and a hypertext transfer protocol-simple object access protocol (HTTP-SOAP) version of the user request is created. The HTTP-SOAP version is transmitted to a network management application server on the second side of the firewall. An appropriate nodal model of the user request is built in the network management application server; and SOAP encoded requests are sent from the network management application server to a network element agent provided on the second side of the firewall. The SOAP encoded requests received by the network management application server are parsed in the network element agent, which encompasses data needed to complete a single nodal transaction. SOAP packets are encoded in the network element agent; and transmitted to a translator box associated with the network element. The translator box located on the second side of the firewall. The SOAP packets are translated into the appropriate native console command for the network element; and the native console command is transmitted to the network element located on the second side of the firewall. For example, and without limitation, Defendant E*TRADE marketed, distributed, used, sold, and offered to sell its Mobile Pro, Website Trading, MarketTrader, and E*TRADE API Platform systems. In addition, Defendant E*TRADE induced infringement and/or contributed to the infringement of one or more of the claims of the '094 Patent by its customers' use of its Mobile Pro, Website Trading, MarketTrader, and E*TRADE API Platform systems. Defendant E*TRADE is thus liable for infringement of the '094 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

108. Upon information and belief, Defendant Fidelity directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringed one or more claims of the '094 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell systems that provide for communicating between a web browser located on a first side of a firewall and a network element located on a second side of the firewall, where the web browser is provided with an applet to drive a user request, and the applet is provided by a web server included on the first side of the firewall. The user request is sent to a read/write server provided on the second side of the firewall, and a hypertext transfer protocol-simple object access protocol (HTTP-SOAP) version of the user request is created. The HTTP-SOAP version is transmitted to a network management

application server on the second side of the firewall. An appropriate nodal model of the user request is built in the network management application server; and SOAP encoded requests are sent from the network management application server to a network element agent provided on the second side of the firewall. The SOAP encoded requests received by the network management application server are parsed in the network element agent, which encompasses data needed to complete a single nodal transaction. SOAP packets are encoded in the network element agent; and transmitted to a translator box associated with the network element. The translator box located on the second side of the firewall. The SOAP packets are translated into the appropriate native console command for the network element; and the native console command is transmitted to the network element located on the second side of the firewall. For example, and without limitation, Defendant Fidelity marketed, distributed, used, sold, and offered to sell its Streetscape systems. In addition, Defendant Fidelity induced infringement and/or contributed to the infringement of one or more of the claims of the '094 Patent by its customers' use of its Streetscape systems. Defendant Fidelity is thus liable for infringement of the '094 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

109. Upon information and belief, Defendant HP directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringed one or more claims of the '094 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell systems that provide for communicating between a web browser located on a first side of a firewall and a network element located on a second side of the firewall, where the web browser is provided with an applet to drive a user request, and the applet is provided by a web server included on the first side of the firewall. The user request is sent to a read/write server provided on the second side of the firewall, and a hypertext transfer protocol-simple object access protocol (HTTP-SOAP) version of the user request is created. The HTTP-SOAP version is transmitted to a network management application server on the second side of the firewall. An appropriate nodal model of the user request is built in the network management application server; and SOAP encoded requests are sent from the network management application server to a network element agent provided on the second side of the firewall. The SOAP encoded requests received by the network management application server are parsed in the network element agent, which encompasses data needed to complete a single

nodal transaction. SOAP packets are encoded in the network element agent; and transmitted to a translator box associated with the network element. The translator box located on the second side of the firewall. The SOAP packets are translated into the appropriate native console command for the network element; and the native console command is transmitted to the network element located on the second side of the firewall. For example, and without limitation, Defendant HP marketed, distributed, used, sold, and offered to sell its HP Operations Manger, HP Smart Plug-in for SOAP, and HP Smart Plug-in for Sun ONE Web Services systems. In addition, Defendant HP induced infringement and/or contributed to the infringement of one or more of the claims of the '094 Patent by its customers' use of its HP Operations Manger, HP Smart Plug-in for SOAP, and HP Smart Plug-in for Sun ONE Web Services systems. Defendant HP is thus liable for infringement of the '094 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

110. Upon information and belief, Defendant IBM directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringed one or more claims of the '094 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell systems that provide for communicating between a web browser located on a first side of a firewall and a network element located on a second side of the firewall, where the web browser is provided with an applet to drive a user request, and the applet is provided by a web server included on the first side of the firewall. The user request is sent to a read/write server provided on the second side of the firewall, and a hypertext transfer protocol-simple object access protocol (HTTP-SOAP) version of the user request is created. The HTTP-SOAP version is transmitted to a network management application server on the second side of the firewall. An appropriate nodal model of the user request is built in the network management application server; and SOAP encoded requests are sent from the network management application server to a network element agent provided on the second side of the firewall. The SOAP encoded requests received by the network management application server are parsed in the network element agent, which encompasses data needed to complete a single nodal transaction. SOAP packets are encoded in the network element agent; and transmitted to a translator box associated with the network element. The translator box located on the second side of the firewall. The SOAP packets are translated into the appropriate native console command for the network element; and the native console command is transmitted to the

network element located on the second side of the firewall. For example, and without limitation, Defendant IBM marketed, distributed, used, sold, and offered to sell its Tivoli software systems. In addition, Defendant IBM induced infringement and/or contributed to the infringement of one or more of the claims of the '094 Patent by its customers' use of its Tivoli software systems. Defendant IBM is thus liable for infringement of the '094 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

111. Upon information and belief, Defendant JPMorgan directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringed one or more claims of the '094 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, using, selling and offering to sell systems that provide for communicating between a web browser located on a first side of a firewall and a network element located on a second side of the firewall, where the web browser is provided with an applet to drive a user request, and the applet is provided by a web server included on the first side of the firewall. The user request is sent to a read/write server provided on the second side of the firewall, and a hypertext transfer protocol-simple object access protocol (HTTP-SOAP) version of the user request is created. The HTTP-SOAP version is transmitted to a network management application server on the second side of the firewall. An appropriate nodal model of the user request is built in the network management application server; and SOAP encoded requests are sent from the network management application server to a network element agent provided on the second side of the firewall. The SOAP encoded requests received by the network management application server are parsed in the network element agent, which encompasses data needed to complete a single nodal transaction. SOAP packets are encoded in the network element agent; and transmitted to a translator box associated with the network element. The translator box located on the second side of the firewall. The SOAP packets are translated into the appropriate native console command for the network element; and the native console command is transmitted to the network element located on the second side of the firewall. For example, and without limitation, Defendant JPMorgan marketed, distributed, used, sold, and offered to sell its Global Financial Database, Online Bill Pay and Overnight Check systems. In addition, Defendant JPMorgan induced infringement and/or contributed to the infringement of one or more of the claims of the '094 Patent by its customers' use of its Global Financial

Database, Online Bill Pay and Overnight Check systems. Defendant JPMorgan is thus liable for infringement of the '094 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter:

1. A judgment in favor of Plaintiff that Defendants have infringed, directly, jointly, and/or indirectly, by way of inducing and/or contributing to the infringement of the '913, '053, '756 and '094 Patents;

2. A permanent injunction enjoining Defendants and their officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringement, inducing the infringement of, or contributing to the infringement of the '913, '053, '756 and '094 Patents;

3. A judgment and order requiring Defendants to pay Plaintiff its damages, costs, expenses, and prejudgment and post-judgment interest for Defendants' infringement of the '913, '053, '756 and '094 Patents as provided under 35 U.S.C. § 284;

4. A judgment in favor of Plaintiff that Defendants have infringed, directly, jointly, and/or indirectly, by way of inducing and/or contributing to the infringement of the '913, '053, '756 and '094 Patents;

5. A permanent injunction enjoining Defendants and their officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringement, inducing the infringement of, or contributing to the infringement of the '913, '053, '756 and '094 Patents;

6. A judgment and order requiring Defendants to pay Plaintiff its damages, costs, expenses, and prejudgment and post-judgment interest for Defendants' infringement of the '913, '053, '756 and '094 Patents as provided under 35 U.S.C. § 284;

7. An award to Plaintiff for enhanced damages resulting from the knowing, deliberate, and willful nature of Defendants' prohibited conduct with notice being made as of the date of correspondence with each Defendant, or at least as early as the date of the filing of this Complaint, as provided under 35 U.S.C. § 284;

8. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Plaintiff its reasonable attorneys' fees; and

9. Any and all other relief to which Plaintiff may show itself to be entitled.

DEMAND FOR JURY TRIAL

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Respectfully Submitted,

GANAS, LLC

Dated: April 25, 2011

By: /s/ Zachariah S. Harrington
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**ATTORNEYS FOR PLAINTIFF
GANAS, LLC**

CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of April, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Zachariah S. Harrington
Zachariah S. Harrington