

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

**INGENIADOR, LLC**

**Plaintiff,**

**v.**

**ADOBE SYSTEMS INCORPORATED**

**Defendant.**

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**CIVIL ACTION NO. 2:12-cv-805**

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

TO THE HONORABLE COURT:

COMES NOW, Plaintiff Ingeniador, LLC (“Ingeniador”), through the undersigned attorneys, and respectfully alleges, states, and prays as follows:

**I. NATURE OF THE ACTION**

1. This is an action for patent infringement under the Patent Laws of the United States, Title 35 of the United States Code (“U.S.C.”) to prevent and enjoin Defendant Adobe Systems Incorporated (hereinafter “Adobe” or “Defendant”) from infringing and profiting, in an illegal and unauthorized manner and without authorization and/or consent from Ingeniador, from U.S. Patent No. 6,990,629 (the “629 patent”, attached hereto as Exhibit “A”) pursuant to 35 U.S.C. §271, and to recover damages, attorneys’ fees, and costs.

## **II. THE PARTIES**

2. Plaintiff Ingeniador is a Puerto Rico limited liability company with its principal place of business at 1607 Colón St. #101, San Juan, Puerto Rico 00911.

3. Adobe is a Delaware corporation with its principal place of business at 345 Park Avenue, San Jose, California 95110. Adobe can be served with process through its registered agent, Corporation Service Company, located at 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808. Defendant does business in the State of Texas and in the Eastern District of Texas.

## **III. JURISDICTION AND VENUE**

4. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§1331 and 1338(a) because the action arises under the Patent Laws of the United States, 35 U.S.C. §§ 1 *et seq.*

5. This Court has personal jurisdiction over Adobe by virtue of its systematic and continuous contacts with this jurisdiction, as alleged herein, as well as because of the injury to Ingeniador and the cause of action Ingeniador has raised, as alleged herein.

6. 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.

7. Adobe has conducted and does conduct business within the state of Texas,

including the geographic region within the Eastern District of Texas, directly or through intermediaries, resellers or agents, or offers for sale, sells, advertises (including, but not limited to, the use of interactive web pages with promotional material) products or services, or uses or induces others to use services or products in Texas that infringe the '629 Patent, knowingly induces others to infringe and/or contribute to infringement of the '629 Patent occurring within Texas and elsewhere.

8. In addition to Adobe's continuously and systematically conducting business in Texas, the causes of action against Adobe are connected (but not limited) to Adobe's purposeful acts committed in the state of Texas, including the geographic region within the Eastern District of Texas, including Adobe's making, using, importing, offering for sale, or selling web-based editing and publishing products which include features that fall within the scope of at least one claim of the '629 patent..

9. Venue lies in this judicial district pursuant to 28 U.S.C. §§1391 and 1400(b).

#### **IV. FACTUAL ALLEGATIONS**

10. On January 24, 2006, the United States Patent and Trademark Office ("USPTO") duly and legally issued the '629 patent, entitled "Publishing System for Intranet" after a full and fair examination. A true and correct copy of the '629 patent is attached hereto as Exhibit "A". Ingeniador is presently the owner of the patent and possesses all right, title and interest in and to the '629 patent. Ingeniador owns all rights of recovery under the '629 patent, including the exclusive right to recover for past infringement. The '629 patent is valid and enforceable.

11. The '629 patent contains two independent claims and twenty-three dependent claims. Adobe uses methods that perform one or more steps of the claims, and also makes, uses and sells or offers for sale products that encompass one or more of the claims.

12. The invention claimed in the '629 Patent includes a system and process for web-based editing and publishing of files using a network of client computers, network file server and a Light Weight Directory Access Protocol (LDAP) directory server.

13. The LDAP directory server is adapted to store information defining and limiting the rights of authors and readers in the system. For example, network content management products use this feature to restrain access or editing privileges to selected personnel.

14. The network file server is adapted to resolve file server pointers to one or more files on the file server and directory files on the LDAP directory server transmitted from client computer into requests for files and directory files. For example, network content management products use file servers to store shareable information. The LDAP directory server stores information on the identity and privileges of users of the network. Therefore, when a user requests information on a client computer, the file server and the LDAP directory server interact to identify if the user's identity is associated with the required access privileges in order to allow or deny access to that information.

15. The network file server is adapted to retrieve from the LDAP directory server directory content. The network file server is also adapted to convert the directory content into web publishable information and including web publishable information as part of the requested files displayed on the client computer for editing further parts of the files. For example, network content management products display on client computers the name of a user or users and allow editing of the requested file.

## **V. ADOBE'S PRODUCTS**

16. Adobe offers applications which enable users to manage content files over a network. Adobe's CQ product is a web-based editing and publishing system which allows users to create and manage web content. Adobe's CQ product offers a content management platform that includes web content management (WCM), marketing campaign management (MCM), digital asset management (DAM), and mobile and social applications. These various applications and web-based software can be collectively referred to as "Adobe Products."

17. The Adobe Products web content management provides a browser-based user interface for customers. The graphical user interface is divided into various web-based consoles where a customer can access the different features of CQ's functionality.

18. The Adobe Products utilize LDAP for managing user accounts. CQ's Active Directory is an LDAP server. Thus, the Adobe Products utilize LDAP to allocate the required permissions and privileges among the users (e.g., authenticating such users).

19. The Adobe Products include a "Web Content Management console" which allows users to create, copy, move, and delete website pages, start workflows, and activate pages. Thus, Adobe's CQ product resolves file server pointers to one or more files on the file server.

20. Adobe CQ retrieves directory content (e.g., usernames), which is then converted into web-publishable information that is published on the Web Content Management console, where users can further edit and manage content (for example, by editing a website or managing digital assets, such as an image),

21. The Adobe Products use methods and systems for web-based content management which include features that fall within the scope of at least one claim of the '629 Patent.

## **VI. DIRECT INFRINGEMENT**

22. Plaintiff realleges and incorporates by reference the allegations set forth in paragraphs 1-21.

23. Taken together, either partially or entirely, the features included in the Adobe Products, including but not limited to, its “Adobe CQ” product, perform the process recited in one or more claims of the '629 Patent.

24. Taken together, either partially or entirely, the features included in Adobe’s web-based software products including, but not limited to, the software sold as “Adobe CQ” use the system as recited in one or more claims of the '629 Patent.

25. Adobe directly infringes one or more of the claims of the ‘629 Patent by making, using, selling, offering to sell and/or importing products for web-based editing and publishing, such as Adobe Products, which illegally perform and use the process and system defined by the claims of the ‘629 Patent, in violation of 35 USC 271(a).

## **VII. INDIRECT INFRINGEMENT**

### **INDUCING INFRINGEMENT**

26. Plaintiff realleges and incorporates by reference the allegations set forth in paragraphs 1-25.

27. Adobe has had knowledge of the ‘629 Patent for at least ten years because public records show that the ‘629 Patent has been cited as “Prior Art” by at least fourteen patents issued by the United States Patent and Trademark Office over that time period.

28. Moreover, Adobe has had actual knowledge of the ‘629 Patent at least as of the year 2007, when the ‘629 Patent was acknowledged by the U.S.P.T.O. as pertinent prior art

and/or applicant's admitted prior art, during the prosecution of several of Adobe's patent applications in the United States.

29. Additionally and independently, Adobe has had knowledge of its infringement at least as of service of the present complaint.

30. Adobe has been and now is indirectly infringing by way of inducing infringement by others of the '629 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, illegally making, using, importing, offering for sale, and/or selling, products for performing processes and using systems that fall within the scope of one or more claims of the '629 Patent, in violation of 35 USC § 271(b). Such products include, without limitation, one or more of the Adobe Products. For example, Adobe indirectly infringes one or more claims of the '629 Patent by actively inducing its customers, users, subscribers and licensees who directly infringe due to their use of the Adobe CQ product.

31. Furthermore, Adobe indirectly infringes one or more claims of the '629 Patent by actively inducing third-party developers to create applications enabling functionality including, without limitation, the function to make use of the services offered and sold by Adobe, who directly infringe one or more of the claims of the '629 Patent due to their use of the Adobe Products.

### **CONTRIBUTORY INFRINGEMENT**

32. Plaintiff realleges and incorporates by reference the allegations set forth in paragraphs 1-31.

33. Adobe contributes to the infringement of one or more of the claims of the '629 Patent in violation of 35 USC § 271(c).

34. With knowledge of the patent in suit, Adobe indirectly infringes the '629 Patent by contributing to the direct infringement of a class of actors which includes the end-users of the Adobe Products, as well as consumers, users, subscribers and licensees, by encouraging the class of actors to operate the Adobe Products, aware of the fact that such acts amount to infringement of one or more claims of the '629 Patent.

35. Products sold by Adobe for the implementation of Adobe Products (including Adobe CQ) are components of a patented device covered by one or more of the claims of the '629 Patent, which constitute a material part of the invention and are not a staple article or commodity of commerce suitable for substantial noninfringing use. The Adobe Products lack substantial non-infringing uses and are for use in product configurations that infringe the '629 Patent.

36. Adobe has known that devices that implement the Adobe Products are especially made or especially adapted for use in infringement of the '629 Patent at least as of the year 2007. Adobe received subsequent notification of its indirect infringement as of service of the present complaint.

#### **VIII. DEMAND FOR JURY TRIAL**

Ingeniador demands a trial by jury of any and all causes of action.

#### **IX. PRAYER FOR RELIEF**

WHEREFORE, Ingeniador prays for the following relief:

1. That Defendant be adjudged to have infringed the '629 Patent, directly and/or indirectly, by way of inducement and/or contributory infringement, literally and/or under the doctrine of equivalents;



2. That Defendant, its officers, directors, agents, servants, employees, attorneys, affiliates, divisions, branches, parents, and those persons in active concert or participation with any of them, be preliminarily and permanently restrained and enjoined from directly and/or indirectly infringing the '629 Patent;
3. An award of damages pursuant to 35 U.S.C. §284 sufficient to compensate Ingeniador for the Defendant's past infringement and any continuing or future infringement up until the date that Defendant is finally and permanently enjoined from further infringement, including compensatory damages;
4. An assessment of pre-judgment and post-judgment interest and costs against Defendant, together with an award of such interest and costs, in accordance with 35 U.S.C. §284;
5. That Defendant be directed to pay enhanced damages, including Ingeniador's attorneys' fees incurred in connection with this lawsuit pursuant to 35 U.S.C. §285; and
6. That Ingeniador have such other and further relief as this Court may deem just and proper.

Dated: December 19, 2012

Respectfully Submitted,

By: /s/ William E. Davis, III  
William E. Davis, III  
Texas State Bar No. 24047416  
**The Davis Firm, PC**  
111 West Tyler Street  
Longview, Texas 75601  
Telephone: (903) 230-9090  
Facsimile: (903) 230-9661  
Email: [bdavis@bdavisfirm.com](mailto:bdavis@bdavisfirm.com)

**ATTORNEY FOR PLAINTIFF  
INGENIADOR, LLC**