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15 BASCOM RESEARCH, LLC

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18 **IN THE UNITED STATES DISTRICT COURT**  
19  
20 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
21  
22 **SAN FRANCISCO DIVISION**

23 BASCOM RESEARCH, LLC a Virginia  
24 Limited Liability Company,

25 Plaintiff,

26 v.

27 JIVE SOFTWARE, INC., a Delaware  
28 Corporation,

Defendant.

Case No.: 3:12-CV-06296-SI

**FIRST AMENDED COMPLAINT FOR  
PATENT INFRINGEMENT**

**DEMAND FOR JURY TRIAL**

1 Plaintiff Bascom Research, LLC (“Bascom”) files this Complaint for Patent Infringement  
2 and Jury Demand against Defendant Jive Software, Inc. (“Defendant” or “Jive”) and alleges as  
3 follows:

4 **THE PARTIES**

5 1. Bascom is a Virginia limited liability company organized and existing under the laws of  
6 Virginia having a principal place of business at 7025 Elizabeth Drive, McLean, Virginia 22101.

7  
8 2. On information and belief, Defendant is a Delaware corporation organized and existing  
9 under the laws of Delaware, with its principal place of business at 325 Lytton Avenue, Suite 200, Palo  
10 Alto, California 94301, and with additional United States offices in Boulder, Colorado, New York,  
11 New York, and Portland, Oregon.

12 **JURISDICTION AND VENUE**

13 3. This action arises under the Patent Act, 35 U.S.C. § 101 *et seq.* This Court has  
14 original jurisdiction over this controversy pursuant to 28 U.S.C. §§ 1331 and 1338.

15  
16 4. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b) and (c) and/or 1400(b).

17 5. This Court has personal jurisdiction over Defendant. Upon information and belief,  
18 Defendant does business in this district and has, and continues to, infringe and/or induce the  
19 infringement in Virginia and in this district. In addition, the Court has personal jurisdiction over  
20 Defendant because it has established minimum contacts with the forum and the exercise of jurisdiction  
21 would not offend traditional notions of fair play and substantial justice.

22 **FACTS COMMON TO ALL COUNTS**

23  
24 6. On September 19, 2006, U.S. Patent No. 7,111,232 (“the ‘232 Patent”), entitled  
25 METHOD AND SYSTEM FOR MAKING DOCUMENT OBJECTS AVAILABLE TO USERS OF  
26  
27  
28

1 A NETWORK, was issued to Thomas Layne Bascom. A true and correct copy of the '232 Patent is  
2 attached to this Complaint as Exhibit A and is incorporated by reference herein.

3 7. All rights, title, and interest in the '232 Patent have been assigned to Bascom, which is  
4 the sole owner of the '232 Patent.

5 8. The '232 Patent is generally directed towards a web-based system for distributing  
6 relevant content to its users. This system provides users with relevant content using the link  
7 relationships between content. As a result, entities or groups are provided with the ability to  
8 communicate relevant information to their employees or members as those members or employees  
9 access such content.  
10

11 9. On November 21, 2006, U.S. Patent No. 7,139,974 ("the '974 Patent"), entitled  
12 FRAMEWORK FOR MANAGING DOCUMENT OBJECTS STORED ON A NETWORK, was  
13 issued to Thomas Layne Bascom. A true and correct copy of the '974 Patent is attached to this  
14 Complaint as Exhibit B and is incorporated by reference herein.  
15

16 10. All rights, title, and interest in the '974 Patent have been assigned to Bascom, which is  
17 the sole owner of the '974 Patent.

18 11. The '974 Patent is generally directed towards web-based system for managing content  
19 using the relationships between content. Such link relationships are stored in link directories.  
20 Additionally, the invention provides a framework for creating and presenting such link relationships in  
21 such a way that users are provided with relevant content.  
22

23 12. On January 2, 2007, U.S. Patent No. 7,158,971 ("the '971 Patent"), entitled METHOD  
24 FOR SEARCHING DOCUMENT OBJECTS ON A NETWORK, was issued to Thomas Layne  
25 Bascom. A true and correct copy of the '971 Patent is attached to this Complaint as Exhibit C and is  
26 incorporated by reference herein.  
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1           13. All rights, title, and interest in the '971 Patent have been assigned to Bascom, which is  
2 the sole owner of the '971 Patent.

3           14. The '971 Patent is generally directed towards web-based methods for searching and  
4 identifying link relationships between content. This invention involves an initial search then  
5 narrowing down the information using link relationships between the content.

6           15. On information and belief, Defendant makes, uses and/or sells products marketed to the  
7 public under the names "Jive Platform" and the "Jive Solutions" (collectively the "Jive Products").

8           16. The Jive Products provide a social networking platform that allows its users to create  
9 their own personal profiles, link with their co-workers, join common-interest user groups, and engage  
10 a variety of content. The Jive Products are built on a social graph which connects the users of the Jive  
11 Products which is accessible via the Jive Application Program Interface (API). The Jive API  
12 uniformly represents objects in the graphs and the connections between them. Jive generally uses  
13 iQuery parameters to query the data exposed by the Jive API.  
14

15           17. Every object in the social graph has the ability to be connected to other objects. For  
16 example, a user can create a profile, join a group, rate or like content, create content, participate in  
17 content and discussions, follow other objects, and alert objects. Each object has a variety of fields  
18 that correspond to data relating to the object. For example, the User object contains the personal  
19 information of the user such as the ID, creation date, email, first name, last name, etc.  
20

21           18. All of the objects in the social graph are linked to each other via connections. In some  
22 circumstances, these connections are friends or followers. In other circumstances, these connections  
23 are bridges which connect communities. Connections can be established for anyone who is registered  
24 to use the Jive Products and for any content they create. Content created by a user is typically  
25 associated with a particular space or group and is public in the community and searchable. Additional  
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1 information regarding the objects and connections can be found at <http://docs.jivesoftware.com> and  
2 <https://developers.jivesoftware.com>.

3 19. Upon information and belief, there are additional objects and related information  
4 available to developers employed by Jive that are not available to the general public. Accordingly,  
5 the above listed objects and related information are exemplary and not limiting.

6 20. The Jive Products contain an activity stream. This stream allows users to share content  
7 and insights to the various connections. The activity stream is exposed via the Jive API using the  
8 Activity Service and Communication Service. The activity stream is displayed in the What Matters  
9 page and contains information about the other objects that are connected to the user. For example, the  
10 activity stream is populated by the content, people and places that are connected to the user. The  
11 activity stream for a user can also be accessed via the User Service by using the GET command on a  
12 unique URL associated with user.  
13

14 21. Notably, the Jive API is primarily marketed to third-party developers. However, any  
15 description of this mechanism is not intended to be limiting. Instead, the descriptions of this  
16 mechanism are intended to demonstrate the existence of components that are contained within the  
17 backend of the Jive Products. Thus, the analysis provided herein is relevant to the Jive Products as a  
18 whole and is not limited to third-party development tools. Furthermore, upon information and belief,  
19 developers employed by Jive utilize similar, if not the same mechanisms, in order to develop and  
20 maintain the Jive Products.  
21

22 22. Jive requires its users to activate an account in order to use Jive Products. Activation of  
23 an account requires a user to agree to terms and conditions that dictate how they use the Jive  
24 Products. Jive generates a unique User object that is generally accessible utilizing the User Service  
25 for each account which contains the personal information of the user. Jive also generates connections  
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1 for each User object that associates the User object with other objects in the social graph. The  
2 establishment of these objects and connections may generate activity on the Jive Products which are  
3 viewable to the user and/or other users of the Jive Products via the activity stream. Jive provides  
4 detailed instructions to its users regarding all aspects of the Jive Products which results in the  
5 generation of objects, connections and activity on the Jive Products. These instructions can be found  
6 at <http://docs.jivesoftware.com>.

7  
8 23. Jive also permits third-party developers to access and use the Jive Products. Jive  
9 requires third-party developers to agree to terms and conditions that dictate how they access and use  
10 the Jive Products. Third-party developers have access to a variety of objects and connections in order  
11 to build applications and websites that integrate with the Jive Products. Jive provides detailed  
12 instructions to developers to enable them to integrate with the Jive Products to create applications.  
13 These instructions can be found at <https://developers.jivesoftware.com>.

14  
15 24. On information and belief, Defendant has been and is now infringing the '232 Patent,  
16 the '974 Patent, the '241 Patent and the '971 Patent (collectively "the Patents-In-Suit") in the state of  
17 Virginia, in this judicial District, and elsewhere in the United States by, among other things, making,  
18 using, and operating the system and methods on the Jive Products. Reference to the Jive Products  
19 includes the set of development tools and APIs provided to third-party developers.

20  
21 25. By way of non-limiting example, as discussed above, the Jive Products include a  
22 number of document objects that represent various entities. The Jive Products also contain a number  
23 of linking relationships that connect the document objects to each other. These linking relationships  
24 contain a variety of attributes that describe the linking relationship. By way of non-limiting example,  
25 these attributes may be found in the social graph of the Jive Products which is exposed via the Jive  
26 API and may be manipulated using various API mechanisms. Each of the elements of the social  
27

graph, including the link relationships, may be retrieved using a unique identifier and presented based on the particular implementation of the application. Furthermore, users of the Jive Products are given the ability to access objects based on their relationship to other objects. For at least these reasons, the Jive Products infringe the Patents-In-Suit.

26. In addition to directly infringing the Patents-In-Suit pursuant to 35 U.S.C. § 271(a) either literally or under the doctrine of equivalents, Defendant indirectly infringes the Patents-In-Suit pursuant to 35 U.S.C. § 271(b) by instructing, directing and/or requiring others, including its users, to perform all or some of the steps of the method claims, either literally or under the doctrine of equivalents, of the Patents-In-Suit

### **COUNT I**

#### **(Direct Infringement of the '232 Patent Pursuant to 35 U.S.C. § 271(a))**

27. Bascom repeats, realleges, and incorporates by reference, as if fully set forth herein, the allegations of the preceding paragraphs, as set forth above.

28. Bascom is informed and believes Defendant has infringed and continues to infringe, and has actively and knowingly induced and continues to actively and knowingly induce infringement of one or more claims of the '232 Patent, all in violation of 35 U.S.C. § 271(a)(b).

29. Bascom is informed and believes Defendant's infringement is based upon literal infringement or, in the alternative, infringement under the doctrine of equivalents.

30. Defendant's acts of making, using, importing, selling, and/or offering for sale infringing products and services have been without the permission, consent, authorization or license of Bascom.

31. Defendant's infringement includes, but is not limited to, the manufacture, use, sale, importation and/or offer for sale of Defendant's products and services, including but not limited to the Jive Products, which embody the patented invention of the '232 Patent.

32. Bascom is informed and believes that as a result of Defendant's unlawful activities, Bascom has suffered and will continue to suffer irreparable harm for which there is no adequate remedy at law. Accordingly, Bascom is entitled to preliminary and/or permanent injunctive relief.

33. Bascom is informed and believes that Defendant's infringement of the '232 Patent has injured and continues to injure Bascom in an amount to be proven at trial.

**COUNT II**  
**(Indirect Infringement of the '232 Patent Pursuant to 35 U.S.C. § 271(b))**

34. Bascom repeats, realleges, and incorporates by reference, as if fully set forth herein, the allegations of the preceding paragraphs, as set forth above.

35. Bascom is informed and believes, and based thereon alleges, that Defendant has induced and continues to induce others to infringe at least claims 4, 5, 6, 11, 12, 13, 14, and 15 of the '232 Patent under 35 U.S.C. § 271(b).

36. Defendant has had knowledge of the '232 Patent at least as of the time it learned of this action for infringement, which was filed on October 3, 2012. Despite this knowledge, Defendant continues to infringe one or more claims of the '232 Patent.

37. In addition to directly infringing the '232 Patent, Defendant indirectly infringes the '232 Patent pursuant to 35 U.S.C. § 271(b) by instructing, directing and/or requiring others, including but not limited to its users and developers, to perform some of the steps of the method claims, either literally or under the doctrine of equivalents, of the '232 Patent. Defendant knew or was willfully blind to the fact that it was inducing infringement by practicing in conjunction with others, including users and developers, one or more method claims of the '232 Patent.

38. Defendant knowingly and actively aided and abetted the direct infringement of the '232 Patent by instructing and encouraging its users and developers to use the Jive Products. Such instructions and encouragement include but are not limited to, advising third parties to use the Jive



Products in an infringing manner; providing a mechanism through which third parties may infringe the '232 Patent, specifically through the use of the Jive Products; advertising and promoting the use of the Jive Products in an infringing manner; and distributing guidelines and instructions to third parties on how to use the Jive Products in an infringing manner.

39. Jive regularly updates and maintains Jive Training at <https://community.jivesoftware.com/community/training> (attached as Exhibit D) to provide demonstration, instruction, and technical assistance to users to help them use the Jive Products, including:

- What Matters (*see e.g.* <https://community.jivesoftware.com/groups/jive-user-training> (attached as Exhibit E) instructing users on “Understanding the activity, communications, and actions streams” and “Stay on top of what’s happening in the community”),
- Places (*see e.g.* <https://community.jivesoftware.com/groups/jive-user-training> (attached as Exhibit E) instructing users on “Understanding groups, spaces, and projects,” “Creating and joining groups” and “Creating a project”),
- Content (*see e.g.* <https://community.jivesoftware.com/groups/jive-user-training> (attached as Exhibit E) instructing users on “Creating documents, discussions and blog posts” and “Editing, commenting, and liking content”).

40. Jive provides promotional materials on its website that encourage users to use the Jive Products. For example, Jive states, “This means that you can not only observe what’s happening in your external communities, but you can quickly capture high-value conversations and activities, spot potential problems or opportunities, collaborate internally on their implications, and proactively reach back out to your communities. Jive is the only vendor in the marketplace to deliver these capabilities.” *See e.g.* “Why Jive Software?” (attached as Exhibit F).

41. Jive regularly updates and maintains Help Systems at [http://docs.jivesoftware.com/jive\\_sbs/5.0/index.jsp](http://docs.jivesoftware.com/jive_sbs/5.0/index.jsp) (attached as Exhibit G) which provides instruction, and technical assistance to users to help them use the Jive Products. For example, “Using a Jive

Community” (attached as Exhibit H) provides the following instructions to users: “Why update your status? Status updates let other people in the community know what’s going on right now in a short form. Updates provide a great way to communicate what you’re up to by using a quick, specific message, such as ‘My car broke down!’ or ‘Teaching a training class all day.’ Post a new update as frequently as you want. You can use plain text, include links, or even add a picture: add an @mention if you want to make sure your status shows up in the right people’s Communications area.”

42. Jive provides demonstration, instruction, and technical assistance and a set of programming interfaces and tools to encourage developers to integrate their applications with the Jive Products. *See e.g.* <https://developers.jivesoftware.com/> (attached as Exhibit I). For example, <http://docs.jivesoftware.com/apireferences/5.0.1/javascriptapi/index.html> (attached as Exhibit J) provides instructions to developers regarding the Jive Products, including demonstrating that “When a Jive User creates or modifies Content within Places, Activity is generated and made visible to that user’s connections.”

43. The reasonable inference to be drawn from the facts set forth in this Amended Complaint is that Jive actively and intentionally maintains and updates its websites and documentation, including its Help Center and Developers websites and documentation, to promote its products and services to encourage potential users and developers to use the Jive Products in the manner described by Bascom.

44. The further reasonable inference to be drawn from the facts set forth in this Amended Complaint is that Jive actively updates its websites and documentation, including its Help Center and Developers websites and documentation, to promote the Jive Products, including What Matters, Places, Content and Activity, to encourage users and developers to practice the methods taught in the ‘232 Patent.

**COUNT III**

**(Direct Infringement of the ‘974 Patent Pursuant to 35 U.S.C. § 271(a))**

45. Bascom repeats, realleges, and incorporates by reference, as if fully set forth herein, the allegations of the preceding paragraphs, as set forth above.

46. Bascom is informed and believes Defendant has infringed and continues to infringe, and has actively and knowingly induced and continues to actively and knowingly induce infringement of one or more claims of the ‘974 Patent, all in violation of 35 U.S.C. § 271(a)(b).

47. Bascom is informed and believes Defendant’s infringement is based upon literal infringement or, in the alternative, infringement under the doctrine of equivalents.

48. Defendant’s acts of making, using, importing, selling, and/or offering for sale infringing products and services have been without the permission, consent, authorization or license of Bascom.

49. Defendant’s infringement includes, but is not limited to, the manufacture, use, sale, importation and/or offer for sale of Defendant’s products and services, including but not limited to the Jive Products, which embody the patented invention of the ‘974 Patent.

50. Bascom is informed and believes that as a result of Defendant’s unlawful activities, Bascom has suffered and will continue to suffer irreparable harm for which there is no adequate remedy at law. Accordingly, Bascom is entitled to preliminary and/or permanent injunctive relief.

51. Bascom is informed and believes that Defendant’s infringement of the ‘974 Patent has injured and continues to injure Bascom in an amount to be proven at trial.

**COUNT IV**

**(Indirect Infringement of the ‘974 Patent Pursuant to 35 U.S.C. § 271(b))**

52. Bascom repeats, realleges, and incorporates by reference, as if fully set forth herein, the allegations of the preceding paragraphs, as set forth above.

1           53. Bascom is informed and believes, and based thereon alleges, that Defendant has  
2 induced and continues to induce others to infringe at least claims 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 15,  
3 16, 17, 31, 32, 33, 34, 35, 36, 37, 38, 39, and 45 of the '974 Patent under 35 U.S.C. § 271(b).

4           54. Defendant has had knowledge of the '974 Patent at least as of the time it learned of this  
5 action for infringement, which was filed on October 3, 2012. Despite this knowledge, Defendant  
6 continues to infringe one or more claims of the '974 Patent.

7           55. In addition to directly infringing the '974 Patent, Defendant indirectly infringes the  
8 '974 Patent pursuant to 35 U.S.C. § 271(b) by instructing, directing and/or requiring others, including  
9 but not limited to its users and developers, to perform some of the steps of the method claims, either  
10 literally or under the doctrine of equivalents, of the '974 Patent. Defendant knew or was willfully  
11 blind to the fact that it was inducing infringement by practicing in conjunction with others, including  
12 users and developers, one or more method claims of the '974 Patent.

13           56. Defendant knowingly and actively aided and abetted the direct infringement of the '974  
14 Patent by instructing and encouraging its users and developers to use the Jive Products. Such  
15 instructions and encouragement include but are not limited to, advising third parties to use the Jive  
16 Products in an infringing manner; providing a mechanism through which third parties may infringe the  
17 '974 Patent, specifically through the use of the Jive Products; advertising and promoting the use of the  
18 Jive Products in an infringing manner; and distributing guidelines and instructions to third parties on  
19 how to use the Jive Products in an infringing manner.

20           57. Jive regularly updates and maintains Jive Training at  
21 <https://community.jivesoftware.com/community/training> (attached as Exhibit D) to provide  
22 demonstration, instruction, and technical assistance to users to help them use the Jive Products,  
23 including:  
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- What Matters (*see e.g.* <https://community.jivesoftware.com/groups/jive-user-training> (attached as Exhibit E) instructing users on “Understanding the activity, communications, and actions streams” and “Stay on top of what’s happening in the community”),
- Places (*see e.g.* <https://community.jivesoftware.com/groups/jive-user-training> (attached as Exhibit E) instructing users on “Understanding groups, spaces, and projects,” “Creating and joining groups” and “Creating a project”),
- Content (*see e.g.* <https://community.jivesoftware.com/groups/jive-user-training> (attached as Exhibit E) instructing users on “Creating documents, discussions and blog posts” and “Editing, commenting, and liking content”).

58. Jive regularly updates and maintains Help Systems at [http://docs.jivesoftware.com/jive\\_sbs/5.0/index.jsp](http://docs.jivesoftware.com/jive_sbs/5.0/index.jsp) (attached as Exhibit G) which provides instruction, and technical assistance to users to help them use the Jive Products. For example, “What is What Matters?” (attached as Exhibit K) encourages users to use the Jive Products in an infringing manner by stating, “If you’re part of a successful social business community, you’ll see information flying by at a furious rate. What Matters is the Jive way of ensuring you can easily find and organize relevant activity and content in your community, without relying on email for every heads-up. What Matters provides a fast track to finding and monitoring the information that matters to YOU. It combines intuitive presentation of information you’ve already identified as relevant with smart recommendations based on what Jive Genius knows about you based on your activity and network. Not only will you know when you’re mentioned or called on to take care of business: you’ll also find out about activity from the edges of your network that might be important.”

59. Jive provides promotional materials on its website that encourage users to use the Jive Products. For example, Jive states, “a good Social Business Software solution lets people fine-tune their activity stream to quickly see what matters to them based on the people, content and places they interact with.” *See e.g.* Jive Social Business Blueprint: Plan For Success (attached as Exhibit L at 6).



65. Bascom is informed and believes Defendant's infringement is based upon literal infringement or, in the alternative, infringement under the doctrine of equivalents.

66. Defendant's acts of making, using, importing, selling, and/or offering for sale infringing products and services have been without the permission, consent, authorization or license of Bascom.

67. Defendant's infringement includes, but is not limited to, the manufacture, use, sale, importation and/or offer for sale of Defendant's products and services, including but not limited to the Jive Products, which embody the patented invention of the '971 Patent.

68. Bascom is informed and believes that as a result of Defendant's unlawful activities, Bascom has suffered and will continue to suffer irreparable harm for which there is no adequate remedy at law. Accordingly, Bascom is entitled to preliminary and/or permanent injunctive relief.

69. Bascom is informed and believes that Defendant's infringement of the '971 Patent has injured and continues to injure Bascom in an amount to be proven at trial.

**COUNT VI**  
**(Indirect Infringement of the ‘971 Patent Pursuant to 35 U.S.C. § 271(b))**

70. Bascom repeats, realleges, and incorporates by reference, as if fully set forth herein, the allegations of the preceding paragraphs, as set forth above.

71. Bascom is informed and believes, and based thereon alleges, that Defendant has induced and continues to induce others to infringe at least claims 14, 19, 20, 21 of the '971 Patent under 35 U.S.C. § 271(b).

72. Defendant has had knowledge of the '971 Patent at least as of the time it learned of this action for infringement, which was filed on October 3, 2012. Despite this knowledge, Defendant continues to infringe one or more claims of the '971 Patent.

73. In addition to directly infringing the ‘971 Patent, Defendant indirectly infringes the ‘971 Patent pursuant to 35 U.S.C. § 271(b) by instructing, directing and/or requiring others, including but not limited to its users and developers, to perform some of the steps of the method claims, either literally or under the doctrine of equivalents, of the ‘971 Patent. Defendant knew or was willfully blind to the fact that it was inducing infringement by practicing in conjunction with others, including users and developers, one or more method claims of the ‘971 Patent.

74. Defendant knowingly and actively aided and abetted the direct infringement of the ‘971 Patent by instructing and encouraging its users and developers to use of the Jive Products. Such instructions and encouragement include but are not limited to, advising third parties to use the Jive Products in an infringing manner; providing a mechanism through which third parties may infringe the ‘971 Patent, specifically through the use of the Jive Products; advertising and promoting the use of the Jive Products in an infringing manner; and distributing guidelines and instructions to third parties on how to use the Jive Products in an infringing manner.

75. Jive regularly updates and maintains Jive Training at <https://community.jivesoftware.com/community/training> (attached as Exhibit D) to provide demonstration, instruction, and technical assistance to users to help them use the Jive Products, including:

- What Matters (*see e.g.* <https://community.jivesoftware.com/groups/jive-user-training> (attached as Exhibit E) instructing users on “Understanding the activity, communications, and actions streams” and “Stay on top of what’s happening in the community”,
- Places (*see e.g.* <https://community.jivesoftware.com/groups/jive-user-training> (attached as Exhibit E) instructing users on “Understanding groups, spaces, and projects,” “Creating and joining groups” and “Creating a project”),
- Content (*s see e.g.* <https://community.jivesoftware.com/groups/jive-user-training> (attached as Exhibit E) instructing users on “Creating documents, discussions and blog posts” and “Editing, commenting, and liking content”).



1           76. Jive regularly updates and maintains Help Systems at  
2 [http://docs.jivesoftware.com/jive\\_sbs/5.0/index.jsp](http://docs.jivesoftware.com/jive_sbs/5.0/index.jsp) (attached as Exhibit G) which provides instruction,  
3 and technical assistance to users to help them use the Jive Products. For example, “Using Your  
4 Recommendations” (attached as Exhibit M) encourages users to use the Jive Products in an infringing  
5 manner by stating, “The more you and others interact in the community, the better the  
6 recommendations you’ll receive.”

7  
8           77. Jive provides promotional materials on its website that encourage users to use the Jive  
9 Products. For example, Jive states, “Employees shouldn’t waste time hunting down the right people,  
10 content and collaboration places. The solution’s recommendation engine should point out the  
11 connections they need to make.” *See e.g.* Exhibit L at 6. For example, Jive provides the Jive  
12 Whitepaper “How Social Business Pays Off: A New Study Crunches the Numbers and Reveals the  
13 Hard-Dollar Impact of Using Jive” (attached as Exhibit O) encourages infringing use of Jive by  
14 touting that Jive “Reduced the time to find knowledge, expertise and best practices by 34%.” *See e.g.*  
15 *id.* at 3.

16  
17           78. Jive provides demonstration, instruction, and technical assistance and a set of  
18 programming interfaces and tools to encourage developers to integrate their applications with the Jive  
19 Products. *See e.g.* <https://developers.jivesoftware.com/> (attached as Exhibit I). For example,  
20 <http://docs.jivesoftware.com/apireferences/5.0.1/javascriptapi/index.html> (attached as Exhibit J)  
21 provides instructions to developers regarding the Jive Products, including demonstrating that “When a  
22 Jive User creates or modifies Content within Places, Activity is generated and made visible to that  
23 user’s connections.”

24  
25           79. Jive promotes the benefits of using Jive Products to its partners. For example,  
26 <http://www.JiveProducts.com/mkt/en/paasport.php> (attached as Exhibit M) states that, “Only Jive  
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1 Products PaasPort social networking platform gives partners the ability to host and sell branded,  
2 customized business social networks in their own datacenters, or to simply resell Jive Products  
3 networks hosted by Jive in a multi-tenant cloud. Easy customization and an open API allow partners  
4 to build custom, industry-specific applications, then sell and deliver them through the Jive Products  
5 social networking platform. Creating a Jive Products network is easy for partners and their business  
6 customers, and the environment is architected to enable users to create social intranets, extranets, and  
7 public-facing Web sites, or social enterprise ecosystems including all three.”  
8

9 80. The reasonable inference to be drawn from the facts set forth in this Amended  
10 Complaint is that Jive actively and intentionally maintains and updates its websites and  
11 documentation, including its Help Center and Developers websites and documentation, to promote its  
12 products and services to encourage potential users and developers to use the Jive Products in the  
13 manner described by Bascom.  
14

15 81. The further reasonable inference to be drawn from the facts set forth in this Amended  
16 Complaint is that Jive actively updates its websites and documentation, including its Help Center and  
17 Developers websites and documentation, to promote the Jive Products, including What Matters,  
18 Places, Content, Activity and Jive Genius to encourage users and developers to practice the methods  
19 taught in the ‘971 Patent.  
20

#### 21 **PRAYER FOR RELIEF**

22 WHEREFORE, Bascom prays for judgment and relief as follows:

23 A. An entry of judgment holding Defendant has infringed, is infringing, and has induced  
24 infringement of the ‘232 Patent, ‘974 Patent and ‘971 Patent;

25 B. A preliminary and permanent injunction against Defendant and its officers, employees,  
26 agents, servants, attorneys, instrumentalities, and/or those in privity with them, from infringing, or  
27  
28

1 inducing the infringement of the '232 Patent, '974 Patent and/or the '971 Patent, and for all further and  
 2 proper injunctive relief pursuant to 35 U.S.C. § 283;

3 C. An award to Bascom of such damages as it shall prove at trial against Defendant that is  
 4 adequate to fully compensate Bascom for Defendant's infringement of the '232 Patent, '974 Patent  
 5 and '971 Patent, said damages to be no less than a reasonable royalty;

6 D. A finding that this case is "exceptional" and an award to Bascom of its costs and  
 7 reasonable attorney's fees, as provided by 35 U.S.C. § 285;

8 E. An accounting of all infringing sales and revenues; and

9 F. Such further and other relief as the Court may deem proper and just.  
 10

11  
 12 Respectfully submitted,

13  
 14 Dated: March 29, 2013

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 20 *Attorneys for Plaintiff*  
 Bascom Research, LLC

**DEMAND FOR JURY TRIAL**

Bascom demands a jury trial on all issues so triable.

Respectfully submitted,

Dated: March 29, 2013

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