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

Isix IP LLC Plaintiff, v. SAP AMERICA, INC., Defendant.	CIVIL ACTION NO. 2:23-cv-237 **JURY TRIAL REQUESTED**

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Isix IP LLC files this Complaint for Patent Infringement against SAP America, Inc. and states as follows:

1. Plaintiff Isix is a limited liability company organized under the laws of Texas.

2. SAP offers its products and/or services, including those accused herein of infringement, to customers and potential customers located in Texas and in this District. SAP can be served with process through its registered agent, the Corporation Trust Company, 1999 Bryan Street, Suite 900, Dallas, Texas 75201-3136.

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JURISDICTION AND VENUE

3. This Court has exclusive subject matter jurisdiction over this case pursuant to 28 U.S.C. §§ 1331 and 1338(a) on the grounds that this action arises under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq*., including, without limitation, 35 U.S.C. §§ 271, 281, 284, and 285.

4. Defendant SAP America, Inc. is a Delaware corporation with a principal place of business at 3999 West Chester Pike, Newtown Square, PA 19073.

5. SAP America has regular and established places of business in this district including at 7500 Windrose Avenue Suite 250, Plano, Texas 75024. SAP is registered with the Texas Secretary of state to do business in Texas.

6. SAP has placed infringing products, like SAP NetWeaver Process Integration, into the stream of commerce knowing or understanding that such products would be used in the United States, including in the Eastern District of Texas.

7. This Court has personal jurisdiction over SAP at least because SAP is registered to do business in Texas, has one or more places of business within the District, has made, used, offered to sell and sold the accused products within the District thus committing acts of infringement within the District, and placed infringing products, like SAP NetWeaver Process Integration, into the stream of

commerce knowing or understanding that such products would be used in the United States, including in the Eastern District of Texas.

8. Venue is proper in this Court pursuant to 28 U.S.C. § 1400(b) on the grounds that Defendant has committed acts of infringement in the district and has a regular and established place of business in the district.

THE '178 PATENT

9. Isix is the owner by assignment of all right, title, and interest in and to, including the right to sue for all past infringement of, United States Patent Number 6,308,178 (the "'178 Patent") titled "System for Integrating Data Among Heterogenous Systems."

10. Attached to this Complaint as Exhibit A is a true and correct copy of the '178 Patent.

11. The '178 Patent issued from United States Patent and Trademark Office application no. 09/442,089, which was filed on October 21, 1999.

12. The Patent Office issued the '178 Patent on October 23, 2001, after a full and fair examination.

13. The '178 Patent is valid and enforceable.

14. The '178 claims a system for integrating data among heterogeneous systems. The claimed subject matter generally describes a system having a middleware "integration system" that includes a library of data elements from which

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elements are selected based upon the source and destination services and the desired operations on the data to be exchanged between them. The system is represented architecturally in Fig. 1:

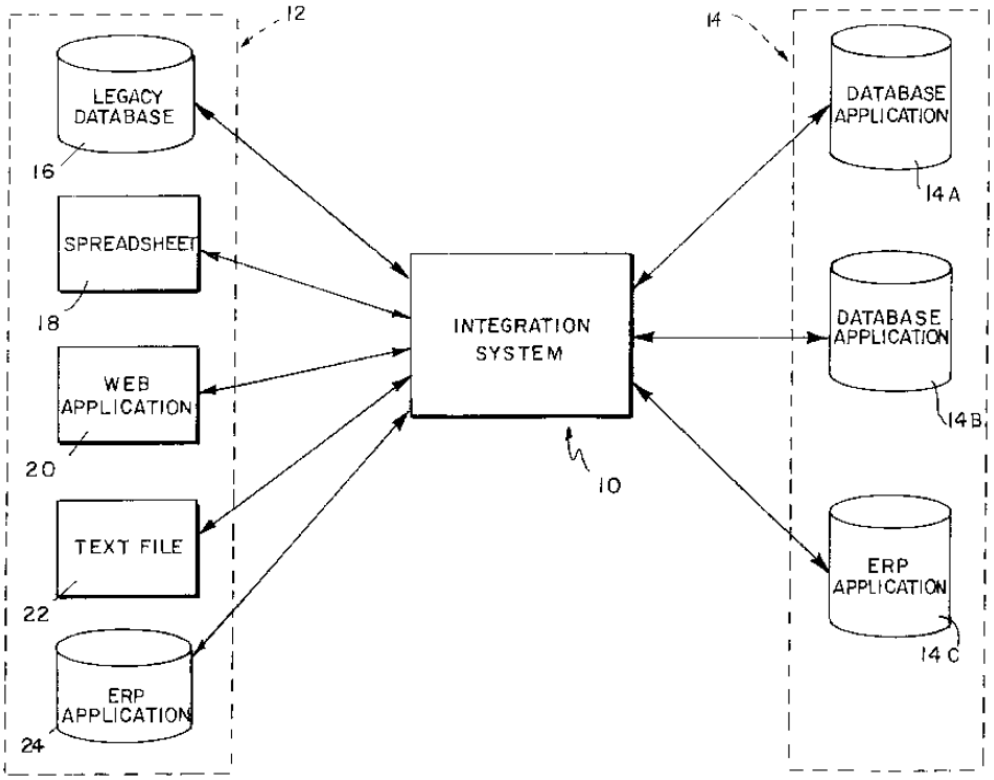

Figure 1: Architectural structure

15. The ’178 Patent was successfully commercialized by Isix, a predecessor in interest of the ’178 Patent, in the early 2000s and licensed the Isix software to companies in various industries. Isix’s deepest market penetration was in the cruise line industry, where most of the major lines were Isix customers. Other clients included ACCO Brands, General Electric, Motorola, and Siemens. *See* https://www.isix.com/isix-clients/. The infringing software from SAP eliminated Isix’s market share.

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16. The inventors of the ’178 Patent, recognized that the advantages of using reusable components to integrate various applications:

> By providing a standard interface methodology that incorporates a collection of rules describing a particular destination application, the integration system of the present invention eliminates the need for custom software and the disadvantages of the development life cycle associated therewith, reduces user learning curves by virtue of the knowledge contained within the repository, eliminates manual data entry, and provides an upgrade path to future releases of the destination application, thereby reducing the cost of ownership. Updates may be accomplished by revising the repository and adding new modules, and distributing them as replacements to all organizations employing the revised destination application.

’178 Patent at 3:11-23.

17. Claim 1 of the ’178 Patent recites:

1. A system for integrating data among heterogeneous source applications and destination applications, comprising:

a repository of information relating to the source applications and the destination applications, the repository including a plurality of data elements each being capable of performing a discrete operation on a piece of data, and a first module including a plurality of instruction sets, each instruction of each instruction set activating a data element, and

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an active component connected to the repository having an input for loading data from the source applications, and an output for populating the destination applications with processed data, the active component processing the data from the source applications by activating data elements according to the plurality of instruction sets in the module.

18. These technological improvements provided greater cost savings and efficiencies by providing reusable components for integrating applications without the need for specialized computer knowledge.

THE SAP ACCUSED PRODUCTS

19. SAP NetWeaver Process Integration and SAP Process Orchestration is an integration platform as a service, API management, Master Data management, and data preparation. SAP NetWeaver Process Integration "is a powerful middleware by SAP to provide seamless end to end integration between SAP and non-SAP applications inside and outside the corporate boundary." https://blogs.sap.com/2013/05/21/sap-pi-for-beginners/.

20. Upon information and belief, SAP Process Orchestration are more recent versions of the same product family that includes SAP NetWeaver Process Integration and included the same infringing features and functionality as does SAP

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NetWeaver Process Integration. References to SAP Netweaver Process Integration also refer to SAP Process Orchestration.

21. The description of SAP Process Integration echoes the disclosure and claims of the '178 Patent:

> PI uses integration repository to design message structure for both sender and receiver systems and develop an interface message using corresponding message structures which act as a point of interaction to the outside world. Data type and Message type are used to simplify and modularize the design of a complex interface.

https://blogs.sap.com/2013/05/21/sap-pi-for-beginners/

22. During the term of the '178 Patent, NetWeaver Process Integration allowed a person to integrate applications without software, appliances, or coding:

> SAP delivers prepackaged integration content, which is created based on the SAP SOA design methodology.
>
> This business content includes global data types, service interfaces, and mapping definitions. IT professionals can use this predelivered content from SAP to jump-start their SOA implementations.
>
> - Content Provided by SAP
> - Content Provided by Third-Party Vendors
> - Content Certification
> - SAP Business Packages

https://archive.sap.com/documents/docs/DOC-8500.

23. SAP NetWeaver Process Integration provided reusable components that were used in the application integration process and could seamlessly be moved to different machines:

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> Based on open standards, Enterprise Services Architecture enables companies to expand the scope of the problem that packaged software solutions can solve and make configuring, customizing, and extending solutions easier. Enterprise Services Architecture also simplifies creating new solutions, called composite applications, which are constructed by combining existing services to solve new problems. A composite application is an application on top of other applications or application components that makes use of data and functions provided as services by underlying application or application components and combines them into a coherent business scenario. Enterprise Services Architecture delivers flexibility to business and enables services to become the language of business that brings IT and business onto the same page.

https://archive.sap.com/kmuuid2/943e83e5-0601-0010-acb5-b16258f5f20a/Enterprise%20Services%20Design%20Guide_0_.pdf.

24. SAP NetWeaver Process Integration provided multiple runtime engines to access the applications and perform the application integration.

> Integration Server is the central processing engine of the SAP PI. All messages are processed here in a consistent way. It consists of three separate engines
>
> 1. Integration Engine
> 2. Adapter Engine
> 3. Business Process Engine

https://blogs.sap.com/2013/05/21/sap-pi-for-beginners/.

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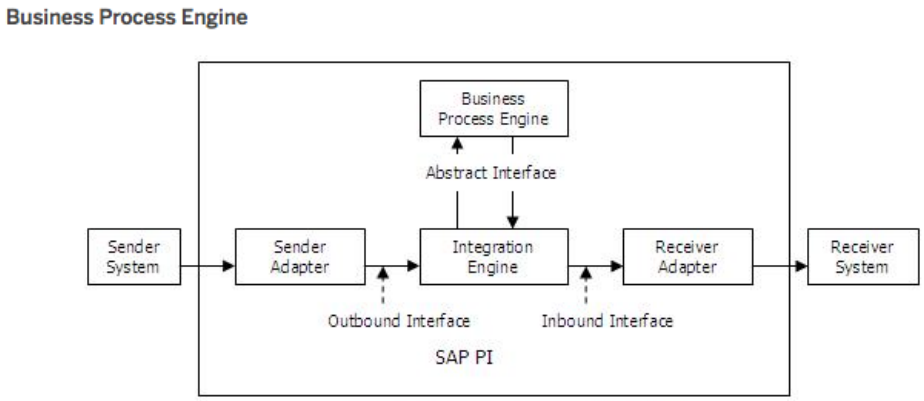
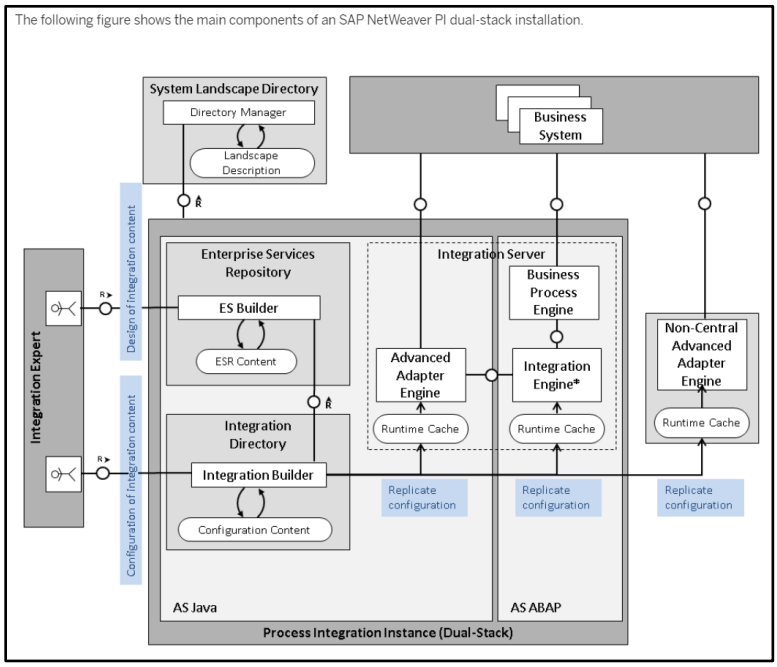


Figure 5 – Data Flow through BPE

The Business Process Engine is responsible for executing and persisting integration processes.

https://blogs.sap.com/2013/05/21/sap-pi-for-beginners/.

25. SAP NetWeaver Process Integration used connectors to get data into and out of the processes during application integration. The connectors facilitated obtaining data from source applications and populating data in destination applications.



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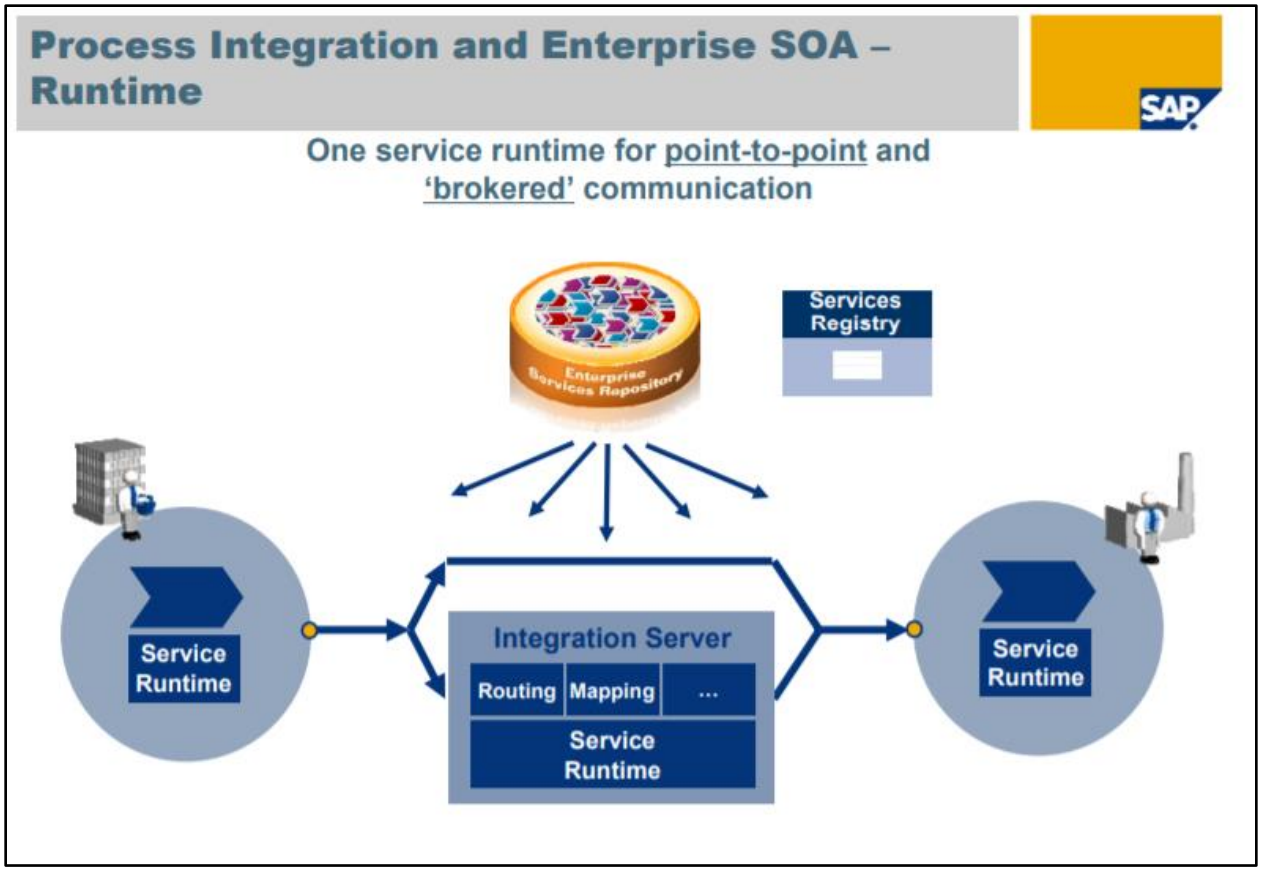

https://archive.sap.com/kmuuid2/c0ed3b8c-698c-2a10-fbaf-b1df0c82fc8a/ProcessInt_1212200780432AM_v1.pdf

26. SAP NetWeaver Process Integration

In scenarios spanning different application systems, or even different organizations and enterprises, it is most likely that the structure of the data exchanged between two process components differs on both sides of a connection due to business-related reasons. To enable a seamless exchange of data, the data structures on both sides of a connection have to be transformed into each other.

Mapping determines the following aspects:

- How structure nodes (or elements) in a source structure are assigned to structure nodes in a target structure
- Which conversion rules apply for the transformation between source elements and target elements

https://help.sap.com/viewer/bbd7c67c5eb14835843976b790024ec6/7.31.25/en-US/995e405351fc4622a0d612ca50cdc72b.html.

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COUNT I – DIRECT PATENT INFRINGEMENT OF THE ’178 PATENT BY SAP

27. Isix realleges and incorporates by reference the allegations set forth above, as if set forth verbatim herein.

28. SAP has directly infringed the ’178 Patent in violation of 35 U.S.C. § 271(a) by (1) making and selling the NetWeaver Process Integration and SAP Process Orchestration (“Accused Products”) that embodied the patented inventions of at least claim 1 of the ’178 Patent, and (2) using, or putting into service, including through its own use, testing, and demonstration, the NetWeaver Process Integration and SAP Process Orchestration that embodied the patented inventions of at least claim 1 of the ’178 Patent, and by operating the NetWeaver Process Integration and SAP Process Orchestration when all elements of such system were combined as described above, thus meeting each limitation of at least claim 1 of the ’178 Patent.

29. SAP’s infringing Accused Products include, without limitation, NetWeaver Process Integration, SAP Process Orchestration, and other middleware application and data integration systems with the same or similar features and functionality that satisfied each element of at least claim 1 during the term of the patent.

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30. The Accused Products, when combined and used as described above, satisfied each and every element of each asserted claim of the ’178 Patent during its term either literally or under the doctrine of equivalents.

31. SAP’s infringing activities were without authority or license under the ’178 Patent.

32. Plaintiff is entitled to recover from SAP the damages sustained by Plaintiff as a result of SAP’s infringing acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court, pursuant to 35 U.S.C. § 284.

JURY DEMAND

33. Plaintiff hereby demands a trial by jury of all issues so triable pursuant to Fed. R. Civ. P. 38.

PRAYER FOR RELIEF

Plaintiff respectfully requests that the Court find in their favor and against Defendant, and that the Court grant Plaintiff the following relief:

A. An adjudication that one or more claims of the ’178 Patent has been infringed, either literally and/or under the doctrine of equivalents, by Defendant during the term of the patent, prior to expiration;

B. An accounting and an award to Plaintiff of damages adequate to compensate Plaintiff for the Defendant’s acts of infringement, together

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with pre-judgment and post-judgment interest and costs pursuant to 35 U.S.C. § 284;

C. That this Court declare this to be an exceptional case and award Plaintiff its reasonable attorneys' fees and expenses in accordance with 35 U.S.C. § 285; and

D. Any further relief that this Court deems just and proper.

Respectfully submitted this 26th day of May, 2023.

By:_____

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