

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EDWARD V. ANDERSON (SBN 83148)
evanderson@sidley.com
SIDLEY AUSTIN LLP
1801 Page Mill Road, Suite 110
Palo Alto, CA 94304
Telephone: 650-565-7000
Facsimile: 650-565-7100

PHILIP W. WOO (SBN 196459)
pwoo@sidley.com
MARC R. ASCOLESE (SBN 251397)
mascolese@sidley.com
SIDLEY AUSTIN LLP
555 California Street
San Francisco, CA 94104
Telephone: 415-772-1200
Facsimile: 415-772-7400

Attorneys for Plaintiff Centrify Corporation

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

CENTRIFY CORPORATION,

Plaintiff,

v.

QUEST SOFTWARE, INC.

Defendant.

Case No. 10-3873-CW

WITHDRAWAL OF QUEST'S MOTION TO DISMISS

STIPULATION AND ~~PROPOSED~~ ORDER GRANTING CENTRIFY LEAVE TO FILE AMENDED COMPLAINT AND EXTENDING THE PERIOD FOR QUEST'S RESPONSE

Date: withdrawn
Time: withdrawn
Courtroom: 2, 4th Floor
Judge: Hon. Claudia Wilken

1 STIPULATION

2 Defendant Quest Software, Inc. (“Quest”) hereby withdraws its Motion to Dismiss (Docket
3 No. 19), and together with Plaintiff Centrifly Corporation (“Centrifly”) stipulates that: (1) pursuant to
4 Rule 15(a)(1)(B) and/or 15(a)(2), Centrifly may file its First Amended Complaint for Patent
5 Infringement, attached as Exhibit A; and (2) Centrifly agrees to extend the period for Quest to answer
6 from 14 to 21 days after service of the First Amended Complaint for Patent Infringement.

7 In the First Amended Complaint for Patent Infringement, Centrifly provides additional fact-
8 based allegations and a revised infringement count regarding U.S. Patent No. 7,591,005 (“the ‘005
9 patent”). Pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure, Quest has consented in
10 writing to Centrifly’s First Amended Complaint for Patent Infringement. To the extent necessary,
11 Centrifly seeks leave to file its First Amended Complaint for Patent Infringement.

12 The parties respectfully request an order granting leave to file the First Amended Complaint
13 for Patent Infringement and extending the period for response from 14 to 21 days.

14
15 Dated: November 10, 2010

SIDLEY AUSTIN LLP

16
17 By: /s/ Edward V. Anderson
18 Edward V. Anderson
19 Attorneys for Plaintiff
Centrifly Corporation

20
21 Dated: November 10, 2010

COOLEY LLP

22
23 By: /s/ Orion Armon
24 Orion Armon
25 Attorneys for Defendant
Quest Software, Inc.

1 PURSUANT TO STIPULATION, IT IS SO ORDERED:
2

3 Dated: 11/15/2010
4


5 The Honorable Claudia Wilken
6 United States District Judge
7
8
9

10 **SIGNATURE ATTESTATION**

11 Pursuant to General Order No. 45(X)(B), I hereby certify that concurrence in the filing of this
12 document has been obtained from each of the other signatories shown above.
13

14 /s/ Marc R. Ascolese
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT A

1 Edward V. Anderson (SBN 83148)
evanderson@sidley.com
2 Philip W. Woo (SBN 196459)
pwoo@sidley.com
3 Marc R. Ascolese (SBN 251397)
mascolese@sidley.com
4 SIDLEY AUSTIN LLP
1801 Page Mill Road, Suite 110
5 Palo Alto, California 94304
(650) 565-7000
6 (650) 565-7100 (Fax)

7 *Attorneys for Plaintiff Centrifify Corporation.*

8

9

10

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

11

12

13

14

15 CENTRIFY CORPORATION,

16 Plaintiffs,

17 vs.

18 QUEST SOFTWARE, INC.

19 Defendant.

20

21

22

23

24

25

26

27

28

) Case No. 10-3873-CW

) **FIRST AMENDED COMPLAINT FOR**
) **PATENT INFRINGEMENT**

) **DEMAND FOR JURY TRIAL**

1 Plaintiff Centrifly Corporation (“Centrifly”), for its First Amended Complaint For Patent
2 Infringement alleges as follows:

3 **PRELIMINARY STATEMENT**

4 1. This is an action for patent infringement under the patent laws of the United States,
5 35 U.S.C. §1 *et seq.*, from the defendant’s direct and indirect infringement of United States Patent
6 No. 7,591,005.

7 **PARTIES**

8 2. Plaintiff Centrifly Corporation is a Delaware corporation with its principal place of
9 business at 785 N. Mary Avenue, Suite 200, Sunnyvale, California 94085.

10 3. On information and belief, Defendant Quest Software, Inc. (“Quest”) is a Delaware
11 corporation with a principal place of business at 5 Polaris Way, Aliso Viejo, California 92656.

12 **JURISDICTION AND VENUE**

13 4. This is an action for patent infringement, arising under 35 U.S.C. § 1 *et seq.*
14 generally, and 35 U.S.C. §§ 271(a)-(c) specifically.

15 5. This Court has subject matter jurisdiction over this dispute pursuant to 28 U.S.C.
16 §§ 1331 and 1338(a).

17 6. The Court has personal jurisdiction over Quest because Quest committed and is
18 committing acts of infringement in this Judicial District and is doing business in this Judicial
19 District at 469 El Camino Real, Santa Clara, CA 95050.

20 7. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391 and 1400(b) because a
21 substantial part of the events giving rise to Plaintiff’s cause of action occurred in this Judicial
22 District.

23 **INTRADISTRICT ASSIGNMENT**

24 8. This patent action is in an excepted category for Local Rule 3-2(c), Assignment to a
25 Division, and will be assigned on a district wide basis.

26 **FACTUAL BACKGROUND**

27 9. On September 15, 2009, the United States Patent and Trademark Office issued U.S.
28

1 Patent No. 7,591,005 (“the ‘005 Patent”) entitled “Method and Apparatus for User Log-in Name
2 Mapping.” Centrifry is the owner by assignment of all right, title and interest to the ‘005 Patent,
3 including all rights to enforce the ‘005 Patent and to collect past and future damages for
4 infringement. A copy of the ‘005 Patent is attached as **Exhibit A**.

5 10. Quest has knowledge of the ‘005 Patent by and through, at least, Centrifry’s
6 Complaint for Patent Infringement. Docket No. 1.

7 11. Quest makes, uses, and sells the Quest Authentication Services software product
8 (“QAS”), including at least version 4.0 of the software product, as well as earlier and subsequent
9 versions thereof.

10 12. QAS provides a feature called “mapped user” (or “mapped user mode”) where one
11 maps local Unix user accounts to Active Directory users accounts.

12 13. The mapped user or mapped user mode feature of QAS uses a Network Information
13 Service (“NIS”) “passwd” file or map.

14 14. QAS provides and/or uses a Pluggable Authentication Module (“PAM”) that
15 provides or facilitates, at least in part, Active Directory authentication.

16 15. Quest sells QAS to its customers, and at least some of those customers use the
17 mapped user or mapped user mode feature of QAS.

18 16. Quest provides documentation, instructions, and other support to customers for QAS
19 and the mapped user or mapped user mode feature of QAS.

20 **FIRST CAUSE OF ACTION**
21 **(DEFENDANT’S INFRINGEMENT OF THE ‘005 PATENT)**

22 17. Plaintiff incorporates each of the preceding paragraphs 1-16 as if fully stated
23 herein.

24 18. Quest, in making, using, selling, offering for sale, importing into the United States
25 and/or exporting from the United States its Quest Authentication Services software product,
26 including version 4.0, and reasonably similar products or services, has infringed and continues to
27 infringe one or more claims of the ‘005 Patent under 35 U.S.C. § 271. In particular, Quest
28

1 makes, uses, sells, offers for sale, imports into the United States and/or exports from the United
2 States computer readable media in accordance with one or more apparatus claims of the '005
3 Patent or operating in accordance with one or more method claims of the '005 Patent , including
4 but not limited to exemplary claims 1, 2, 5, and 6. Quest further actively induces infringement of
5 the '005 Patent through, for example, providing customers with instructions and support for
6 Quest Authentication Services and other reasonably similar products or services. Quest
7 contributorily infringes the '005 Patent by making Quest Authentication Services, its mapped
8 user or mapped user mode feature, and reasonably similar products or services, which have no
9 substantial non-infringing uses, and which Quest sells to its customers with knowledge of the
10 '005 Patent.

11 19. As a result of Quest's infringement of the '005 Patent, Centrifly has lost profits
12 and suffered irreparable harm, and will continue to lose profits and suffer irreparable harm unless
13 and until Centrifly is enjoined by this Court from future infringement.

14 **PRAYER FOR RELIEF**

15 **WHEREFORE**, Plaintiff respectfully prays that this Court enter a judgment as
16 follows:

- 17 A. Judgment that the '005 Patent is valid and enforceable.
- 18 B. Judgment that the Defendant has directly and/or indirectly infringed the
19 claims of the '005 Patent.
- 20 C. Award Centrifly compensatory damages, in an amount to be ascertained at
21 trial, pursuant to 35 U.S.C. §284.
- 22 D. Permanently enjoin Quest and its officers, directors, employees and agents
23 from infringing or inducing others to infringe the '005 Patent.
- 24 E. Award Centrifly interest and costs.
- 25 F. Award Centrifly reasonable attorneys' fees and costs of the litigation,
26 pursuant to 35 U.S.C. §285.
- 27
- 28

1 G. Award Centrifly such other and further relief as this Court deems just and
2 proper.

3
4 Dated: November __, 2010

SIDLEY AUSTIN LLP

5
6 By: _____
Edward V. Anderson

7 *Attorneys for Plaintiff Centrifly Corporation.*
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DEMAND FOR JURY TRIAL

Plaintiff respectfully requests a jury trial on all issues triable thereby.

Dated: November __, 2010

SIDLEY AUSTIN LLP

By: _____
Edward V. Anderson

Attorneys for Plaintiff Centrifly Corporation.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28