

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

CATHAS ADVANCED TECHNOLOGIES  
LLC,

Plaintiff,

v.

ORACLE CORPORATION,

Defendant.

Civil Action No. \_\_\_\_\_

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff, Cathas Advanced Technologies LLC (“Cathas”) by its undersigned attorneys complains of Defendant Oracle Corporation, (“Oracle” or “Defendant”), and alleges as follows:

**PARTIES**

1. Plaintiff Cathas is a limited liability company organized and existing under the laws of the State of Delaware with offices located at 2961 Fontenay Road, Shaker Heights, OH 44120.

2. On information and belief, Defendant Oracle is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business at 500 Oracle Parkway, Redwood Shores, California. Defendant has appointed Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808, as its agent for service of process.

3. On information and belief, Defendant Oracle is an enterprise software company. The company develops, manufactures, markets, distributes and services database and

middleware software, applications software and hardware systems, consisting primarily of computer server and storage products.

### **JURISDICTION AND VENUE**

4. This action for infringement arises under the patent laws of the United States, Title 35 of the United States Code.

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

6. This court has personal jurisdiction over Oracle based on the following, among other reasons: (a) Oracle is a Delaware corporation that is authorized to do business in the State of Delaware and regularly conducts such business; (b) Oracle maintains a website and social media presence that are accessible to residents of the State of Delaware; (c) Oracle has purposefully availed itself of the benefits and protections of Delaware law by doing and transacting business in the State of Delaware; and (d) Oracle has committed tortious acts, including committing acts of patent infringement in violation of 35 U.S.C. § 271, that it knew or should have known would cause injury to Cathas in the State of Delaware. All of Oracle's contacts with the State of Delaware are systematic, continuous and substantial.

7. Venue is proper in this district under at least 28 U.S.C. §§ 1391(b) and (c) and 1400(b) because Oracle is subject to personal jurisdiction in this District and regularly transacts business in this District; and because Defendant has committed one or more acts of patent infringement within this Judicial District.

**THE PATENT-IN-SUIT**

8. Plaintiff Cathas is the owner by Assignment of United States Patent No. 6,925,445 (“the ‘445 Patent”) entitled “Web-Based Design of Software for Keep-Alive Boards.” The ‘445 patent was duly and legally issued by the United States Patent & Trademark Office on August 2, 2005. A true and correct copy of the ‘445 Patent is attached as Exhibit 1.

9. Branislav Kisacanin is the named inventor on the ‘445 Patent.

10. The ‘445 Patent covers, for example, a method and system for developing and electronically providing customized software to a customer based on at least one customer specification provided through a web interface.

**COUNT I**  
**INFRINGEMENT OF U.S. PATENT NO. 6,925,445**

11. Plaintiff re-alleges paragraphs 1-10 as if fully incorporated herein.

12. On information and belief, Defendant has been and now is directly infringing the ‘445 Patent in the State of Delaware, in this Judicial District, and elsewhere in the United States.

13. On information and belief, Defendant has been and now is directly infringing the ‘445 Patent in the State of Delaware, in this Judicial District, and elsewhere in the United States, by, among other things, making, using, operating, selling or offering to sell the Oracle Application Express (“Oracle APEX”) web application development tool, the use of which, via Oracle’s website, [www.oracle.com](http://www.oracle.com), to create customized applications is covered by at least the method of claim 1 and the system of claim 10 of the ‘445 Patent.

14. Defendant is thus liable for infringement of the ‘445 Patent pursuant to 35 U.S.C. § 271.

15. As a result of Defendant’s past infringement of the ‘445 Patent, Plaintiff Cathas has suffered monetary damages in an amount adequate to compensate for Defendant’s past

infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and cost as fixed by the Court, and Plaintiff Cathas will continue to suffer damages in the future unless Defendant's infringing activities are enjoined by the Court.

16. At least prior to the filing of this action and with respect to the '445 Patent, Plaintiff had no marking obligations pursuant to 35 U.S.C. § 287(a).

17. Plaintiff has incurred and will incur attorneys' fees, costs, and expenses in the prosecution of this action. The circumstances of this dispute create an exceptional case within the meaning of 35 U.S.C. § 285, and Plaintiff is entitled to recover its reasonable and necessary fees and expenses.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Cathas Advanced Technologies LLC, respectfully requests that this Court enter:

1. A judgment in favor of Plaintiff Cathas declaring that Defendant has infringed the '445 Patent;
2. A judgment and order requiring Defendant to pay Plaintiff Cathas its damages, costs, expenses, and prejudgment and post-judgment interest for Defendant's infringement of the '445 Patent as provided under 35 U.S.C. § 284;
3. An award to Plaintiff Cathas for enhanced damages as provided under 35 U.S.C. § 284;
4. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Plaintiff Cathas its reasonable attorneys' fees; and

5. An award of any and all other relief to which Plaintiff Cathas may show itself to be entitled.

**DEMAND FOR JURY TRIAL**

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

Dated: May 29, 2012

BAYARD, P.A.

/s/ Richard D. Kirk (rk0922)

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