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16 Attorneys for Plaintiffs
17 Good Technology Corporation and
Good Technology Software, Inc.

18 **UNITED STATES DISTRICT COURT**
19 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
20 **SAN JOSE DIVISION**

HRL

21 **CV 12-05827**

22 Good Technology Corporation and
Good Technology Software, Inc.,
23
24 Plaintiffs,
25 vs.
26 AirWatch LLC,
27 Defendant.

) Case No. ---
) **COMPLAINT FOR PATENT**
) **INFRINGEMENT**
)
) **DEMAND FOR JURY TRIAL**
)

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Filed

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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

Mckool Smith Hennigan, P.C.
255 Shoreline Drive, Suite 510
Redwood Shores, CA 94065

FAXED

28 Case No.

Complaint For Patent Infringement

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COMPLAINT

Plaintiffs Good Technology Corporation and Good Technology Software, Inc. (collectively, “Good”), file this Complaint against Defendant AirWatch LLC (“AirWatch”).

NATURE OF THE ACTION

1. Good is a pioneer in the technology and products that are critical to the backbone and safety of smartphones and tablets, which have become the most important and ubiquitous piece of technology we use in our daily lives. This lawsuit is about one of the brazen infringers of Good’s technology—AirWatch.

2. Good’s innovations in the area of mobile data and device management have resulted in broad intellectual property protection for Good’s innovations, including over 75 patents, many of which are early, highly-cited, and foundational patents.

3. Since 1996, Good has spent hundreds of millions of dollars researching, developing, and marketing its solutions that have revolutionized and improved users’ experiences on remote devices and provided a secure environment to access the most sensitive business and personal data.

4. In 1997, Good, formerly known as Visto Corporation, created the first product that enabled users to securely access corporate email and other business data. Over the late 1990s and early 2000s, as smartphone devices were being increasingly seen in the marketplace, Good evolved this product to support “push” email, automatic data synchronization, and security controls such as “remote wipe”—these are features that every user of a smartphone uses today on a minute-by-minute basis.

5. Good’s innovations have become the *de facto* standard for secure access to email and other business data on smartphones and tablets. Without these security and management functions, businesses and government agencies—such as banks, healthcare providers, life sciences and high tech companies, and many others—would not be able to utilize new and innovative devices and apps

1 to increase workforce efficiency and productivity. Good has entered into intellectual property
2 agreements with technology leaders, such as Research In Motion (RIM), Microsoft and Nokia.

3 6. Nevertheless, Good's innovations have been the subject of widespread copying by
4 other competitors who have unfairly attempted to capitalize on Good's pioneering efforts and
5 success by imitating Good's innovative technology and product offerings.

6 7. One of the principal imitators is AirWatch. Instead of pursuing independent product
7 development, AirWatch has chosen to use Good's innovative technology and product offerings, in
8 violation of Good's valuable intellectual property rights. As alleged below in detail, AirWatch has
9 made its AirWatch products work through widespread patent infringement.

10 **PARTIES**

11 8. Plaintiffs Good Technology Corporation and Good Technology Software, Inc. are
12 Delaware corporations with their principal place of business at 430 N. Mary Ave., Suite 200,
13 Sunnyvale, CA 94085.

14 9. Defendant AirWatch is a Delaware limited liability company with its principal place
15 of business at 1155 Perimeter Center West, Suite 100, Atlanta, Georgia 30338.

16 10. AirWatch is doing business and infringing Good's patents-in-suit in California and
17 elsewhere in the United States.

18 **JURISDICTION AND VENUE**

19 11. This is a civil action for patent infringement arising under the patent laws of the
20 United States, Title 35, United States Code, including 35 U.S.C. §§ 271 *et seq.* and 281-285.
21 Jurisdiction is conferred on this Court pursuant to 28 U.S.C. §§ 1331 and 1338(a).

22 12. AirWatch is transacting and/or has transacted business within the State of California.
23 AirWatch, directly or through intermediaries, is committing and/or has committed acts of
24 infringement in the State of California, including at the very least, developing, distributing, selling,
25 offering for sale, advertising, using and/or supporting products or services that fall within one or
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1 more claims of Good's patents-in-suit. AirWatch is therefore subject to the personal jurisdiction of
2 this Court.

3 13. AirWatch, directly or through intermediaries, has committed acts of infringement in
4 this District, including at the very least, developing, distributing, selling, offering for sale,
5 advertising, using and/or supporting products or services that fall within one or more claims of
6 Good's patents-in-suit. Accordingly, venue to adjudicate whether Good's patents-in-suit are
7 infringed is appropriate in the Northern District of California pursuant to 28 U.S.C. §§ 1391,
8 1400(b), and 1404(a).
9

10 14. For example, AirWatch provides software solutions (in traditional forms, cloud-
11 based, and software as service (SaaS)) for enterprise management of mobile devices, including
12 configuring and updating mobile devices over-the-air, enforcing security policies and compliance
13 for mobile devices, securing mobile access to corporate resources, and allowing mobile devices to
14 be locked or wiped remotely (the "AirWatch Software"). AirWatch is currently marketing and
15 selling its products and services, including its AirWatch Software, in California (including the
16 Northern District) and elsewhere in the United States. AirWatch also has commercial relationships
17 with various technology partners to promote, sell, offer for sale, and/or advertise AirWatch accused
18 products and services in this State and this District. For example, AirWatch's AirWatch Software is
19 available to customers in the State of California and the Northern District through the Apple App
20 Store and Google Play markets.
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22 15. AirWatch also uses websites to market accused products and services in California
23 (including the Northern District), and enable users of its sites to inquire about (and receive)
24 additional information and product support. AirWatch's website also allows residents of this State
25 and this District to search for and apply for employment positions with AirWatch.
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27 **INTRADISTRICT ASSIGNMENT**

28 16. This action for patent infringement is assigned on a district-wide basis under Civil

1 L.R. 3-2(c).

2 **GENERAL ALLEGATIONS**

3 17. Good holds all right, title, and interest in and to United States Patent No. 6,151,606,
4 entitled "System And Method For Using A Workspace Data Manager to Access, Manipulate and
5 Synchronize Network Data" ("606 Patent"), which was duly and legally issued by the USPTO on
6 November 21, 2000 in the name of Daniel J. Mendez. A copy of the '606 Patent is attached as
7 Exhibit A. A Reexamination Certificate for the '606 Patent was duly and legally issued by the
8 USPTO on March 24, 2009. A copy of the Reexamination Certificate of the '606 Patent is attached
9 as Exhibit B.

10
11 18. Good holds all right, title, and interest in and to United States Patent No. 7,702,322,
12 entitled "Method And System For Distributing And Updating Software In Wireless Devices" ("322
13 Patent"), which was duly and legally issued by the USPTO on April 20, 2010 in the name of Sanjiv
14 Maurya et al. A copy of the '322 Patent is attached as Exhibit C.

15 19. Good holds all right, title, and interest in and to United States Patent No. 7,970,386,
16 entitled "System And Method For Monitoring And Maintaining A Wireless Device" ("386
17 Patent"), which was duly and legally issued by the USPTO on June 28, 2011 in the name of
18 Sathyanarayana Pattavayal Bhat et al. A copy of the '386 Patent is attached as Exhibit D.

19
20 20. Good holds all right, title, and interest in and to United States Patent No. 8,012,219,
21 entitled "System And Method For Preventing Access To Data On A Compromised Remote Device"
22 ("219 Patent"), which was duly and legally issued by the USPTO on September 6, 2011 in the
23 name of Daniel J. Mendez et al. A copy of the '219 Patent is attached as Exhibit E.

24 **Count 1: Infringement Of U.S. Patent No. 6,151,606**

25 21. Good refers to and incorporates herein the allegations of Paragraphs 1-20 above.

26 22. AirWatch makes, uses, sells, offers for sale, exports, supplies, and/or distributes
27 within and from the United States, products and/or services that allow for the remote disabling
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1 and/or wiping of information from smartphone and/or other devices, including at least one or more
2 versions of its AirWatch Software, and/or similar products and/or services (“’606 Accused
3 Products”). In addition, AirWatch provides these products and/or services to distributors, resellers,
4 developers and/or users.

5 23. AirWatch has been and is now directly infringing the ’606 Patent in this District and
6 elsewhere by making, using, offering for sale, selling, importing, exporting, supplying and/or
7 distributing within, to, and/or from the United States the ’606 Accused Products, in violation of 35
8 U.S.C. § 271(a). Alternatively, AirWatch has indirectly infringed one or more claims of the ’606
9 Patent by inducing such use of the claimed methods and systems by its distributors, resellers, and/or
10 end user customers using the ’606 Accused Products in violation of 35 U.S.C. § 271(b).
11 Alternatively, AirWatch has contributorily infringed one or more claims of the ’606 Patent by
12 providing the ’606 Accused Products directly or by way of distributors and/or resellers to end users,
13 who in turn combine the ’606 Accused Products, which have no substantial non-infringing uses,
14 with available hardware and/or software to infringe one or more claims of the ’606 Patent in
15 violation of 35 U.S.C. § 271(c). Alternatively, AirWatch has supplied in or from the United States
16 the ’606 Accused Products, which comprise all or a substantial portion of the components of the
17 claims of the ’606 Patent, where such components are uncombined in whole or in part, in such
18 manner as to actively induce the combination of such components outside of the United States in a
19 manner that would infringe the patent if such combination occurred within the United States, in
20 violation of 35 U.S.C. § 271(f)(1). Alternatively, AirWatch has supplied in or from the United
21 States the ’606 Accused Products, uncombined in whole or in part, which products are especially
22 made or especially adapted for use in practicing the claims of the ’606 Patent and are not staple
23 articles or commodities of commerce suitable for substantial noninfringing use, knowing that such
24 component is so made or adapted and intending that such component will be combined outside of
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1 the United States in a manner that would infringe the patent if such combination occurred within the
2 United States, in violation of 35 U.S.C. § 271(f)(2).

3 24. Good has provided notice of the '606 Patent to AirWatch.

4 25. Upon information and belief, AirWatch had and has knowledge of the '606 Patent,
5 AirWatch has been and is aware of its infringement, and AirWatch's infringement has been and
6 continues to be willful.

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8 26. Good has been irreparably harmed by AirWatch's acts of infringement of the '606
9 Patent, and will continue to be harmed unless and until AirWatch's acts of infringement are enjoined
10 and restrained by order of this Court. Good has no adequate remedy at law to redress AirWatch's
11 continuing acts of infringement. The hardships that would be imposed upon AirWatch by an
12 injunction are less than those faced by Good should an injunction not issue. Furthermore, the public
13 interest would be served by issuance of an injunction.

14 27. As a result of AirWatch's acts of infringement, Good has suffered and will continue
15 to suffer damages in an amount to be proved at trial.

16 **Count 2: Infringement Of U.S. Patent No. 7,702,322**

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18 28. Good refers to and incorporates herein the allegations of Paragraphs 1-27 above.

19 29. AirWatch makes, uses, sells, offers for sale, exports, supplies, and/or distributes
20 within and from the United States, products and/or services, including at least one or more versions
21 of its AirWatch Software, and/or similar products and/or services ("322 Accused Products"), that
22 allow for the distribution and/or updating of software on smartphones and/or other devices. In
23 addition, AirWatch provides these products and/or services to distributors, resellers, developers
24 and/or users.

25 30. AirWatch has been and is now directly infringing the '322 Patent in this District and
26 elsewhere by making, using, offering for sale, selling, importing, exporting, supplying and/or
27 distributing within, to, and/or from the United States the '322 Accused Products, in violation of 35
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1 U.S.C. § 271(a). Alternatively, AirWatch has indirectly infringed one or more claims of the '322
2 Patent by inducing such use of the claimed methods and systems by its distributors, resellers, and/or
3 end user customers using the '322 Accused Products in violation of 35 U.S.C. § 271(b).
4 Alternatively, AirWatch has contributorily infringed one or more claims of the '322 Patent by
5 providing the '322 Accused Products directly or by way of distributors and/or resellers to end users,
6 who in turn combine the '322 Accused Products, which have no substantial non-infringing uses,
7 with available hardware and/or software to infringe one or more claims of the '322 Patent in
8 violation of 35 U.S.C. § 271(c). Alternatively, AirWatch has supplied in or from the United States
9 the '322 Accused Products, which comprise all or a substantial portion of the components of the
10 claims of the '322 Patent, where such components are uncombined in whole or in part, in such
11 manner as to actively induce the combination of such components outside of the United States in a
12 manner that would infringe the patent if such combination occurred within the United States, in
13 violation of 35 U.S.C. § 271(f)(1). Alternatively, AirWatch has supplied in or from the United
14 States the '322 Accused Products, uncombined in whole or in part, which products are especially
15 made or especially adapted for use in practicing the claims of the '322 Patent and are not staple
16 articles or commodities of commerce suitable for substantial noninfringing use, knowing that such
17 component is so made or adapted and intending that such component will be combined outside of
18 the United States in a manner that would infringe the patent if such combination occurred within the
19 United States, in violation of 35 U.S.C. § 271(f)(2).

22 31. Good has provided notice of the '322 Patent to AirWatch.

23 32. Upon information and belief, AirWatch had and has knowledge of the '322 Patent,
24 AirWatch has been and is aware of its infringement, and AirWatch's infringement has been and
25 continues to be willful.

26 33. Good has been irreparably harmed by AirWatch's acts of infringement of the '322
27 Patent, and will continue to be harmed unless and until AirWatch's acts of infringement are enjoined
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1 and restrained by order of this Court. Good has no adequate remedy at law to redress AirWatch's
2 continuing acts of infringement. The hardships that would be imposed upon AirWatch by an
3 injunction are less than those faced by Good should an injunction not issue. Furthermore, the public
4 interest would be served by issuance of an injunction.

5 34. As a result of AirWatch's acts of infringement, Good has suffered and will continue
6 to suffer damages in an amount to be proved at trial.

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8 **Count 3: Infringement Of U.S. Patent No. 7,970,386**

9 35. Good refers to and incorporates herein the allegations of Paragraphs 1-34 above.

10 36. AirWatch makes, uses, sells, offers for sale, exports, supplies, and/or distributes
11 within and from the United States, products and/or services that allow for the monitoring and
12 maintenance of smartphones and/or other devices, including at least one or more versions of its
13 AirWatch Software, and/or similar products and/or services ("386 Accused Products"). In addition,
14 AirWatch provides these products and/or services to distributors, resellers, developers and/or users.

15 37. AirWatch has been and is now directly infringing the '386 Patent in this District and
16 elsewhere by making, using, offering for sale, selling, importing, exporting, supplying and/or
17 distributing within, to, and/or from the United States the '386 Accused Products, in violation of 35
18 U.S.C. § 271(a). Alternatively, AirWatch has indirectly infringed one or more claims of the '386
19 Patent by inducing such use of the claimed methods and systems by its distributors, resellers, and/or
20 end user customers using the '386 Accused Products in violation of 35 U.S.C. § 271(b).
21 Alternatively, AirWatch has contributorily infringed one or more claims of the '386 Patent by
22 providing the '386 Accused Products directly or by way of distributors and/or resellers to end users,
23 who in turn combine the '386 Accused Products, which have no substantial non-infringing uses,
24 with available hardware and/or software to infringe one or more claims of the '386 Patent in
25 violation of 35 U.S.C. § 271(c). Alternatively, AirWatch has supplied in or from the United States
26 the '386 Accused Products, which comprise all or a substantial portion of the components of the
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1 claims of the '386 Patent, where such components are uncombined in whole or in part, in such
2 manner as to actively induce the combination of such components outside of the United States in a
3 manner that would infringe the patent if such combination occurred within the United States, in
4 violation of 35 U.S.C. § 271(f)(1). Alternatively, AirWatch has supplied in or from the United
5 States the '386 Accused Products, uncombined in whole or in part, which products are especially
6 made or especially adapted for use in practicing the claims of the '386 Patent and are not staple
7 articles or commodities of commerce suitable for substantial noninfringing use, knowing that such
8 component is so made or adapted and intending that such component will be combined outside of
9 the United States in a manner that would infringe the patent if such combination occurred within the
10 United States, in violation of 35 U.S.C. § 271(f)(2).

12 38. Good has provided notice of the '386 Patent to AirWatch.

13 39. Upon information and belief, AirWatch had and has knowledge of the '386 Patent,
14 AirWatch has been and is aware of its infringement, and AirWatch's infringement has been and
15 continues to be willful.

16 40. Good has been irreparably harmed by AirWatch's acts of infringement of the '386
17 Patent, and will continue to be harmed unless and until AirWatch's acts of infringement are enjoined
18 and restrained by order of this Court. Good has no adequate remedy at law to redress AirWatch's
19 continuing acts of infringement. The hardships that would be imposed upon AirWatch by an
20 injunction are less than those faced by Good should an injunction not issue. Furthermore, the public
21 interest would be served by issuance of an injunction.

22 41. As a result of AirWatch's acts of infringement, Good has suffered and will continue
23 to suffer damages in an amount to be proved at trial.

24 **Count 4: Infringement Of U.S. Patent No. 8,012,219**

25 42. Good refers to and incorporates herein the allegations of Paragraphs 1-41 above.
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1 43. AirWatch makes, uses, sells, offers for sale, exports, supplies, and/or distributes
2 within and from the United States, products and/or services that allow for preventing access to data
3 on compromised smartphones and/or other devices, including at least one or more versions of its
4 AirWatch Software, and/or similar products and/or services (“’219 Accused Products”). In addition,
5 AirWatch provides these products and/or services to distributors, resellers, developers and/or users.

6 44. AirWatch has been and is now directly infringing the ’219 Patent in this District and
7 elsewhere by making, using, offering for sale, selling, importing, exporting, supplying and/or
8 distributing within, to, and/or from the United States the ’219 Accused Products, in violation of 35
9 U.S.C. § 271(a). Alternatively, AirWatch has indirectly infringed one or more claims of the ’219
10 Patent by inducing such use of the claimed methods and systems by its distributors, resellers, and/or
11 end user customers using the ’219 Accused Products in violation of 35 U.S.C. § 271(b).
12 Alternatively, AirWatch has contributorily infringed one or more claims of the ’219 Patent by
13 providing the ’219 Accused Products directly or by way of distributors and/or resellers to end users,
14 who in turn combine the ’219 Accused Products, which have no substantial non-infringing uses,
15 with available hardware and/or software to infringe one or more claims of the ’219 Patent in
16 violation of 35 U.S.C. § 271(c). Alternatively, AirWatch has supplied in or from the United States
17 the ’219 Accused Products, which comprise all or a substantial portion of the components of the
18 claims of the ’219 Patent, where such components are uncombined in whole or in part, in such
19 manner as to actively induce the combination of such components outside of the United States in a
20 manner that would infringe the patent if such combination occurred within the United States, in
21 violation of 35 U.S.C. § 271(f)(1). Alternatively, AirWatch has supplied in or from the United
22 States the ’219 Accused Products, uncombined in whole or in part, which products are especially
23 made or especially adapted for use in practicing the claims of the ’219 Patent and are not staple
24 articles or commodities of commerce suitable for substantial noninfringing use, knowing that such
25 component is so made or adapted and intending that such component will be combined outside of
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1 the United States in a manner that would infringe the patent if such combination occurred within the
2 United States, in violation of 35 U.S.C. § 271(f)(2).

3 45. Good has provided notice of the '219 Patent to AirWatch.

4 46. Upon information and belief, AirWatch had and has knowledge of the '219 Patent,
5 AirWatch has been and is aware of its infringement, and AirWatch's infringement has been and
6 continues to be willful.

7 47. Good has been irreparably harmed by AirWatch's acts of infringement of the '219
8 Patent, and will continue to be harmed unless and until AirWatch's acts of infringement are enjoined
9 and restrained by order of this Court. Good has no adequate remedy at law to redress AirWatch's
10 continuing acts of infringement. The hardships that would be imposed upon AirWatch by an
11 injunction are less than those faced by Good should an injunction not issue. Furthermore, the public
12 interest would be served by issuance of an injunction.

13 48. As a result of AirWatch's acts of infringement, Good has suffered and will continue
14 to suffer damages in an amount to be proved at trial.

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16 **PRAYER FOR RELIEF**

17 WHEREFORE, Good requests the following relief:

18 A. That AirWatch and its parents, affiliates, subsidiaries, officers, agents,
19 servants, employees, attorneys, successors, and assigns, and all those persons in active concert or
20 participation with them, or any of them, be enjoined from making, using, importing, exporting,
21 distributing, supplying, offering for sale, selling, or causing to be sold any product or service falling
22 within the scope of any claim of the '606, '322, '386, and '219 Patents, or otherwise infringing or
23 contributing to or inducing infringement of any claim thereof;

24 B. A finding that AirWatch has infringed the '606, '322, '386, and '219 Patents;

25 C. That Good be awarded its actual damages;
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1 D. That Good be awarded pre-judgment interest and post-judgment interest at the
2 maximum rate allowed by law, including an award of prejudgment interest, pursuant to 35 U.S.C. §
3 284, from the date of each act of infringement of the '606, '322, '386, and '219 Patents by AirWatch
4 to the day a damages judgment is entered, and a further award of post-judgment interest, pursuant to
5 28 U.S.C. § 1961, continuing until such judgment is paid, at the maximum rate allowed by law;

6 E. That the Court order an accounting for damages through judgment and post-
7 judgment until AirWatch is permanently enjoined from further infringing activities;

8 F. That the Court declare this to be an exceptional case pursuant to 35 U.S.C. §
9 285 and requiring AirWatch to pay the costs of this action (including all disbursements) and
10 attorney's fees as provided by 35 U.S.C. § 285;

11 G. That the Court award enhanced damages pursuant to 35 U.S.C. § 284;

12 H. That the Court award supplemental damages for any continuing post-verdict
13 infringement up until AirWatch is permanently enjoined from further infringing activities;

14 I. That the Court award a compulsory future royalty in the event an injunction is
15 not awarded;

16 J. That the Court require AirWatch to pay interest on such damages at the legal
17 rate;

18 K. That AirWatch pay Good's reasonable attorney's fees and costs; and

19 L. That Good be awarded such other and further relief as the Court deems just
20 and proper.
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DEMAND FOR A JURY TRIAL

Pursuant to the provisions of Rule 38(b) of the Federal Rules of Civil Procedure and in accordance with Civil Local Rule 3-6, Good demands a trial by jury of all issues so triable in this matter.

DATED: November 14, 2012

McKOOL SMITH HENNIGAN, P.C.

By 
Courtland L. Reichman

Attorney for Plaintiffs
Courtland L. Reichman

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