

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)

FILED
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CLERK OF DISTRICT COURT
ALEXANDRIA, VIRGINIA

ADISCOV, L.L.C.

Plaintiff,

v.

AUTONOMY CORP., PLC

Serve: United States Department of State
per Hague Convention- Letters Rogatory

and

FTI CONSULTING, INC.

Serve: Registered Agent
The Corporation Trust, Incorporated
351 West Camden St.
Baltimore, MD 21201

and

RECOMMIND, INC.

Serve: Registered Agent, Derek Schueren
170 Columbus Avenue, Suite 310
San Francisco, CA 94133.

Defendants.

1:17cv116
GBL/IDD

COMPLAINT

Plaintiff, ADISCOV, LLC ("Plaintiff"), files this Complaint against Defendants, Autonomy Corp., PLC ("Autonomy"), FTI Consulting, Inc. ("FTI"), and Recommind, Inc. ("Recommind") and alleges as follows:

THE PARTIES

1. Plaintiff is a Virginia Limited Liability Corporation with its principal place of business at 412 E. Columbia St., Falls Church, VA 22046.
2. Autonomy is a corporation organized under the laws of the United Kingdom. Autonomy is doing business in Virginia and has a principal place of business at 1 Market Plaza 19th Floor Spear Tower, San Francisco, CA 94105. Autonomy may be served with process in accordance with the Hague Convention.
3. FTI is a corporation organized under the laws of the State of Maryland. FTI has a principal place of business at 909 Commerce Road, Annapolis, MD 21401.
4. Recommind is a corporation organized under the laws of the State of California. Recommind has a principal place of business at 170 Columbus Ave., Suite 310, San Francisco, CA 94133.

JURISDICTION & VENUE

5. This is an action for infringement of a United States patent. Accordingly, this action arises under the patent laws of the United States of America, 35 U.S.C. § 1 et. seq. and jurisdiction is properly based on Title 35 United States Code, particularly § 271, and title 28 United States Code, particularly § 1338(a).
6. Autonomy transacts business in this judicial district by manufacturing, using, selling, or

offering to sell products as described and claimed in United States Patent No. 6,738,760, the patent at issue in this lawsuit, and/or by conducting other business in this judicial district.

7. FTI, transacts business in this judicial district by manufacturing, using, selling, or offering to sell products as described and claimed in United States Patent No. 6,738,760, the patent at issue in this lawsuit, and/or by conducting other business in this judicial district.

8. Recommind transacts business in this judicial district by manufacturing, using, selling, or offering to sell products as described and claimed in United States Patent No. 6,738,760, the patent at issue in this lawsuit, and/or by conducting other business in this judicial district.

9. Venue is proper in this court under Title 28 United States Code § 1391(b) and 1400(b).

PATENT INFRINGEMENT COUNT

10. On May 18, 2004, United States Patent No. 6,738,760 (“the ‘760 patent”) entitled “Method and System for Providing Electronic Discovery on Computer Databases and Archives using Artificial Intelligence to Recover Legally Relevant Data” was duly and legally issued. A true and correct copy of the ‘760 patent is attached as Exhibit A.

11. Pursuant to 35 U.S.C. § 282, the above-listed United States Patent is presumed valid.

12. Plaintiff, Adiscov, L.L.C., is the assignee of the ‘760 patent. A true and correct copy of the assignment is attached as Exhibit B.

13. Autonomy manufactures, uses, and sells products and services that infringe at least Claim 1 of the ‘760 patent, including, for example and without limitation, Autonomy’s eDiscovery platform¹, Legal Hold, Investigator and Early Case Assessment, Introspect, eDiscovery Appliance, and Hosted

¹ Advertised at <http://protect.autonomy.com/products/ediscovery/index.htm>.

eDiscovery software, as well as any other legal discovery software or services acting or capable of acting in the manner described and claimed in the '760 patent.

14. Based on information and belief, Autonomy infringes claim 1 of the '760 patent in accordance with the following claim chart.

US 6,738,760	Autonomy's eDiscovery Platform
<p>1. A method for providing electronic discovery on computer databases and archives of a party subject to legal discovery using artificial intelligence to produce smart search agents to locate relevant discovery data comprising:</p>	<p>Autonomy's eDiscovery Platform is an electronic discovery software suite that locates relevant discovery data from searches based on artificial intelligence where the data is stored on the internet or on a hard drive accessible by the user.</p> <p>Autonomy's eDiscovery Platform uses Autonomy's Intelligent Data Operating Layer (IDOL).</p> <p>"Autonomy delivers a complete software infrastructure solution that forms an understanding of content in any file format – text or voice-based, structured or unstructured – <i>regardless of where it is stored</i>, how it was created, or which application is associated with the data." Autonomy Technology Overview, Autonomy Whitepaper, available at http://publications.autonomy.com/docs/Autonomy%20Technology%20White%20Paper.</p> <p>"Autonomy's eDiscovery platform is built on IDOL's Meaning Based Computing (MBC) and is the only solution that can understand the meaning of data. MBC enables Autonomy's eDiscovery platform to understand data in a manner similar to the way people do, providing the most effective search capability available. Using IDOL and MBC, organizations can dramatically reduce the amount of data preserved and reviewed in a defensible manner." Autonomy End-to-End eDiscovery, Product Brief, available at http://publications.autonomy.com/pdfs/Protect/</p>

	<p>Product%20Briefs/20100812_RL_PB_E2E_e Disco_web.pdf.</p> <p>“Based on its Intelligent Data Operating Layer (IDOL), which automatically understands the meaning of information within all forms of structured and unstructured information, MBS watches how documents are coded during review process, analyzes the methodology behind it and applies it to other searches.</p> <p>It does this by ‘understanding’ the concepts used in legal review searches, and applies and analyzes it to documents that have still to be reviewed.” <i>Autonomy Adds Intelligent e-Discovery, Continues Market Growth</i>, July 19, 2010, CMS Wire, available at http://www.cmswire.com/cms/enterprise-cms/autonomy-adds-intelligent-ediscovery-continues-market-growth-008072.php.</p>
<p>inputting information relevant to desired discovery data related to a legal issue into a neural network;</p>	<p>Documents related to a legal issue are received from opposing counsel or stored on a company’s network. The Autonomy eDiscovery Platform creates a neural network with the data allowing for concept searches, automatic categorization, and clustering.</p> <p>“Manage-In-Place (MIP) is an advance in methodology that allows legal and IT to leave data where it is until you must collect and produce it. MIP requires an infrastructure that is FRCP-compliant and will meet the full range of legal requirements from the simple through to complex multi-matter EDD and litigation support. Introspect is the industry’s first and only platform for implementing a Manage-In-Place EDRM solution.</p> <p>Introspect utilizes IDOL to achieve MIP. It is the industry’s leading high performance search and deduplication platform. Legal and IT staff use it to quickly cull through terabytes of in-place electronic files – including imaged</p>

	<p>documents, text, audio and video files – targeting and selecting the most accurate and complete result set.</p> <p>Receiving and managing ESI from opposing counsel is often more challenging than in-house content as context is rarely maintained. Introspect leverages its IDOL strengths to quickly and effectively load, index, visually organize and analyze external content using the same automatic categorization, clustering and summarization capabilities that are used on internal data.” Autonomy Introspect, Product Brief, available at http://publications.autonomy.com/docs/ZNTZ_Introspect_PB.</p>
<p>training said neural network to produce search algorithm in the form of a smart search agent;</p>	<p>Autonomy’s solutions support multiple search techniques including conceptual, contextual, keyword, Boolean, and proximity searches by cross-referencing content and creating a neural network.</p> <p>“The Autonomy Server is a system for managing large amounts of textual content in order to provide relevant information to its users efficiently and accurately. Autonomy’s software uses APCM (Adaptive Probabilistic Concept Modeling) technology based on Neural Network techniques to understand concepts involved in the data being processed.” Server, Administrator’s Guide.</p> <p>Excerpts from Autonomy Technology Overview, Autonomy Whitepaper available at http://publications.autonomy.com/docs/Autonomy%20Technology%20White%20Paper.</p> <p>“By automating processes that were previously performed by costly and tedious labor, Autonomy’s technology offers a direct path to substantial bottom line savings. Cross-referencing of content is automatic as Autonomy’s infrastructure identifies related material within the operating layer and determines relationships between information using multi-tiered relevancy modeling. Processes such as hyperlinking,</p>

	<p>information clustering, alerting and categorization of content can all be precisely automated with any document or set of documents”</p> <p>“Due to the unique combination of Bayesian Inference and Shannon's Information Theory at the core of the technology, Autonomy software is able to continuously develop and learn. This learning ability significantly reduces the manual input required by other solutions and translates into large savings in time and money. Whereas other solutions need to be taught new words or phrases and shown how to categorize them, Autonomy can automatically deduce the significance of these new units of meaning, add them to relevant categories and create new categories where necessary. Autonomy’s technology can also learn about its users by dynamically monitoring the content they view, and then deliver new and relevant content as it is added to the environment.”</p> <p>“[T]he majority of the work in the calculation and initialization of the conceptual matching is done at index time, as opposed to query time; the documents are analyzed while the data is being processed to form a statistical "pool" from which queries can draw key conceptual information, as well as an overlying Bayesian network in which apparently unrelated pieces of information are automatically linked via dynamic probabilities.”</p> <p>“In essence, the key conceptual information is already available before the query has even started, and once it does begin, it feeds directly from the statistical core to load the information. “</p>
<p>selecting target computer databases and archives of a party subject to discovery to search for responsive discovery data and documents;</p>	<p>Autonomy’s eDiscovery platform allows a user to select and search a computer database, either online or data in place on a network. The user may also use the eDiscovery platform to search for relevant documents received from opposing counsel.</p> <p>“Manage-In-Place (MIP) is an advance in methodology that allows legal and IT to leave data</p>

	<p>where it is until you must collect and produce it. MIP requires an infrastructure that is FRCP-compliant and will meet the full range of legal requirements from the simple through to complex multi-matter EDD and litigation support. Introspect is the industry's first and only platform for implementing a Manage-In-Place EDRM solution.</p> <p>Introspect utilizes IDOL to achieve MIP. It is the industry's leading high performance search and deduplication platform. Legal and IT staff use it to quickly cull through terabytes of in-place electronic files – including imaged documents, text, audio and video files – targeting and selecting the most accurate and complete result set.</p> <p>Receiving and managing ESI from opposing counsel is often more challenging than in-house content as context is rarely maintained. Introspect leverages its IDOL strengths to quickly and effectively load, index, visually organize and analyze external content using the same automatic categorization, clustering and summarization capabilities that are used on internal data.” Autonomy Introspect, Product Brief available at http://publications.autonomy.com/docs/ZNTZ_Introspect_PB.</p>
<p>searching said computer databases and archives using said smart search agent;</p>	<p>Autonomy's solutions support multiple search techniques including conceptual, contextual, keyword, Boolean, and proximity searches</p>
<p>outputting discovery results comprising data and documents responsive to said searching.</p>	<p>After a user enters a search into the query portal Autonomy's eDiscovery Platform retrieves responsive documents which are then displayed for the user.</p>

15. FTI manufactures, uses, and sells products and services that infringe at least Claim 1 of the '760 patent including, for example and without limitation, FTI's Attenex Patterns E-Discovery

Software with Attenex Workbench and Document Mapper², as well as any other legal discovery software or services acting or capable of acting in the manner described and claimed in the '760 patent.

16. Based on information and belief, FTI infringes Claim 1 of the '760 patent in accordance with the following claim chart.

US 6,738,760	Attenex Patterns Software
1. A method for providing electronic discovery on computer databases and archives of a party subject to legal discovery using artificial intelligence to produce smart search agents to locate relevant discovery data comprising:	Attenex Patterns Software (APS) is a software suite capable of searching databases and archives of a party subject to legal discovery.
inputting information relevant to desired discovery data related to a legal issue into a neural network;	Documents related to a legal issue are downloaded or scanned into a document database or archive which is then used to create a neural network.
training said neural network to produce search algorithm in the form of a smart search agent;	Attenex Patterns Document Mapper generates concept clusters based on the nouns and noun phrases in each document. If similar information is contained in multiple documents, those documents are grouped together. This feature produces a smart search agent that compares nouns and noun phrases in each document and creates clusters of documents with similar information. The LinguistX Platform from Inight Software is the engine behind Attenex Patterns. This software engine automatically identifies the key concepts within the document collection and determines which documents are indicative of which concepts.

² Advertised at <http://ftimedia.fticonsulting.com/resources/documents/attenex-brochure.pdf>

	<p><u>Learning, Reasoning, and Self-Correction</u> LinguistX uses latent semantic analysis, a reasoning technique, to recognize and learn the principal nouns and noun-phrases within the document collection that capture specific concepts. The “recluster a collection” feature learns in the sense that the system is taking the information in the original clustering operation, plus the selections of the user, and producing a better clustering where repeated reclustering operations produce more and more relevant matches to the case at hand as the system learns more and more about what cluster concepts are relevant to the case. The system also makes multiple passes on the data during the indexing process which generate new concepts and phrases for the documents based on what the system had learned from a previous indexing pass.</p>
<p>selecting target computer databases and archives of a party subject to discovery to search for responsive discovery data and documents;</p>	<p>The user of APS selects a document collection to search for responsive discovery data and documents.</p>
<p>searching said computer databases and archives using said smart search agent;</p>	<p>The Attenex Patterns Document Mapper is a smart search agent that searches a documents collection to sort the documents by concept.</p>
<p>outputting discovery results comprising data and documents responsive to said searching.</p>	<p>The Attenex Patterns Document Mapper outputs the discovery results into a visual concept map of the document collection.</p>

17. Recommind manufactures, uses, and sells products and services that infringe at least Claim 1 of the ‘760 patent including, for example and without limitation, Recommind’s Accelerate Discovery Software, as well as any other legal discovery software or services acting or capable of acting in the manner described and claimed in the ‘760 patent.

18. Based on information and belief, Recommind infringes Claim 1 of the '760 patent in accordance with the following claim chart.

US 6,738,760	Recommind Axcelerate eDiscovery Software
<p>1. A method for providing electronic discovery on computer databases and archives of a party subject to legal discovery using artificial intelligence to produce smart search agents to locate relevant discovery data comprising:</p>	<p>Recommind Axcelerate eDiscovery Software (“Axcelerate”) is a software suite capable of searching databases and archives of a party subject to legal discovery.</p> <p>Axcelerate goes through 3 phases. 1) information gathering, 2) system learning, and 3) information retrieval.</p> <p>Axcelerate uses Probabilistic Latent Semantic Analysis. PLSA is a machine <i>learning</i> technique that automatically identifies and structures relevant concepts and topics from a given document collection. Recommind White Paper, Ex. C, sec. 4.4 of Recommind Report.</p> <p>The system employs a statistical algorithm that uses available user data and document data to create a statistical latent class model. The system <i>learns</i> one or more models based on the user data, document data, and the available database containing data obtained from other users.</p> <p>Various parts of the Information Gathering phase and the System learning phase are repeated from time to time in order to further refine or update the model. This refined or updated model will result in even higher levels of accuracy in processing the user’s query. This is equivalent to the <i>self-correction</i> requirement, which is also very similar to the learning requirement.</p> <p>Once the user enters a search query into the system, the model is utilized in calculating</p>

	<p>probabilities for every word in a document based upon at least 1) the user query or 2) words associated with the users query in the model, or 3) document information. This is the <i>reasoning</i> limitation, where the system applies the rules to reach an approximate or definite conclusion.</p>
<p>inputting information relevant to desired discovery data related to a legal issue into a neural network;</p>	<p>Documents related to a legal issue are downloaded or scanned into a document database or archive which is then used to create a neural network.</p>
<p>training said neural network to produce search algorithm in the form of a smart search agent;</p>	<p>Axcelerate trains a neural network by automatically categorizing the content of documents into computer generated “buckets” based on keyword frequency and conceptual meaning. This feature produces a smart search agent that compares nouns and noun phrases in each document and creates groups of documents with similar information. The system also learns from reviewer input with its ability to incorporate user coding decisions in real time.</p> <p>In the information gathering phase, information about the data to be retrieved (document data) and about the indicial users (user data) is collected.</p>
<p>selecting target computer databases and archives of a party subject to discovery to search for responsive discovery data and documents;</p>	<p>The user can then search the resulting model, which automatically categorizes documents and has a “find all like this” feature.</p> <p>The “find all like this” feature can also be a form of self-correction (relevance feedback) in that the system itself will decide without being told explicitly, what search criteria (keywords and categories) will best retrieve a document semantically similar to the document indicated by the user.</p>

searching said computer databases and archives using said smart search agent;	After the model (smart search agent) is created the user can search it.
outputting discovery results comprising data and documents responsive to said searching.	The model will deliver search results after the user enters a search query.

19. The direct and contributory infringement of the '760 patent alleged above has injured the Plaintiff and thus, it is entitled to recover damages adequate to compensate for Autonomy, FTI, and Recommind's infringement, which in no event can be less than a reasonable royalty.

DEMAND FOR JURY TRIAL

20. Plaintiff hereby demands a jury trial on all claims and issues.

PRAYER FOR RELIEF

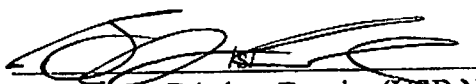
Wherefore, Plaintiff prays for entry of judgment:

- A. that Defendants, Autonomy, FTI, and Recommind have infringed one or more claims of the '760 patent;
- B. that Defendants, Autonomy, FTI, and Recommind account for and pay to Plaintiff all damages caused by the infringement of the '760 patent, which by statute can be no less than a reasonable royalty;
- C. that Plaintiff be granted pre-judgment and post-judgment interest on the damages caused to them by reason of Defendants, Autonomy, FTI, and Recommind's infringement of the '760 patent;
- D. that Plaintiff be granted its attorneys' fees in this action;
- E. that costs be awarded to Plaintiff;

F. that Plaintiff be granted such other and further relief as the Court may deem just and proper under the current circumstances.

Respectfully Submitted,

ADISCOV, L.L.C.
By counsel



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