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ORACLE AMERICA, INC. and
8 ORACLE INTERNATIONAL CORPORATION
9

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12

12 ORACLE AMERICA, INC., a Delaware
13 corporation and ORACLE INTERNATIONAL
14 CORPORATION, a California corporation,

15 Plaintiffs,

16 v.

17 ENVISAGE TECHNOLOGIES, LLC, a
Delaware corporation,

18 Defendants.
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Case No. _____

**COMPLAINT FOR COPYRIGHT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

1 Plaintiffs Oracle America, Inc. and Oracle International Corporation (collectively, “Oracle”)
2 allege as follows:

3 **PARTIES**

4 1. Plaintiff Oracle America, Inc. (“Oracle America”) is a corporation organized under the
5 laws of the State of Delaware with its principal place of business at 500 Oracle Parkway, Redwood
6 Shores, California 94065. Oracle America develops and licenses certain intellectual property, including
7 Oracle Database, its database management software, and provides related support and consulting
8 services to its licensed customers.

9 2. Plaintiff Oracle International Corporation (“Oracle International”) is a corporation
10 organized under the laws of the State of California with its principal place of business at 500 Oracle
11 Parkway, Redwood Shores, California 94065. Oracle International owns and licenses certain
12 intellectual property, including Oracle Database. Oracle International, either on its own or jointly with
13 Oracle America (depending on the registration), holds all interest, right, and title to the copyrights in
14 Oracle Database and the right to bring claims for infringement of those copyrights.

15 3. Defendant Envisage Technologies, LLC (“Envisage”) is a corporation organized under
16 the laws of the State of Delaware with its headquarters and principal place of business at 101 West
17 Kirkwood Avenue, Suite 200, Bloomington, Indiana 47404. On information and belief, Envisage
18 conducts substantial business operations and has customers around the United States, including within
19 the Northern District of California.

20 **JURISDICTION AND VENUE**

21 4. This is an action for copyright infringement arising under the Federal Copyright Act,
22 17 U.S.C. §§ 101 *et seq.* This Court has subject matter jurisdiction over this action pursuant to
23 28 U.S.C. §§ 1331 and 1338.

24 5. This Court has personal jurisdiction over Envisage. On information and belief, Envisage
25 has conducted and does conduct business within the State of California and within this judicial district.
26 For example, Envisage is registered with the California Secretary of State to do business in California,
27 has at least one employee who resides in the state, has acquired a California-based company, and has
28 reported that it has a customer contract with the State of California:

- 1 • Attached as Exhibit A is a true and correct copy of a certificate of status from the Secretary
2 of State for the State of California, verifying that Envisage “is qualified to transact
3 intrastate business in California”;
- 4 • Attached as Exhibit B is a true and correct copy of the public LinkedIn profiles of two
5 Envisage employees based out of California, which have been redacted for privacy
6 considerations, available at
7 https://www.linkedin.com/search/results/people/?currentCompany=%5B%22101528%22%5D&geoUrn=%5B%22102095887%22%5D&origin=FACETED_SEARCH (last accessed
8 May 7, 2021);
- 9 • Attached as Exhibit C is a true and correct copy of a press release, dated April 19, 2018,
10 announcing Envisage’s “acquisition of the California-based company, VaultRMS,”
11 available at [https://www.envisagenow.com/resource/envisage-adds-exposure-tracker-to-](https://www.envisagenow.com/resource/envisage-adds-exposure-tracker-to-growing-line-of-first-responder-solutions)
12 [growing-line-of-first-responder-solutions](https://www.envisagenow.com/resource/envisage-adds-exposure-tracker-to-growing-line-of-first-responder-solutions) (last accessed May 7, 2021); and
- 13 • Attached as Exhibit D is a true and correct copy of an Envisage press release, dated
14 February 14, 2017, announcing that “it ha[d] been awarded a new contract by the State of
15 California’s Department of State Hospitals (DSH),” available at
16 [https://www.envisagenow.com/resource/state-of-california-awards-new-contract-to-](https://www.envisagenow.com/resource/state-of-california-awards-new-contract-to-indiana-based-envisage-technologies)
17 [indiana-based-envisage-technologies](https://www.envisagenow.com/resource/state-of-california-awards-new-contract-to-indiana-based-envisage-technologies) (last accessed May 7, 2021).

18
19 6. Envisage, directly or through intermediaries, makes, distributes, offers for sale or license,
20 sells or licenses, or advertises its products and services in the United States, the State of California, and
21 the Northern District of California.

22 7. Venue is proper in the Northern District of California under 28 U.S.C. § 1391(b)(2), as a
23 substantial part of the events or omissions giving rise to the claim and the actual harm to Oracle
24 occurred in this district, where Oracle America and Oracle International are headquartered, by reason of
25 Envisage’s conduct. Venue is further proper under 28 U.S.C. § 1400(a), as Envisage is subject to
26 personal jurisdiction within this district.

27 **INTRADISTRICT ASSIGNMENT**

- 28 8. This action is an Intellectual Property Action, as it arises under the copyright laws of the

United States and implicates Oracle’s intellectual property rights, and should thus be assigned on a district-wide basis under Civil Local Rule 3-2(c).

BACKGROUND

A. Oracle’s Industry-Leading Software

9. Oracle is a global leader in database management software and technology, cloud-engineered systems, and enterprise software products.

10. One of Oracle’s flagship products is Oracle Database, a software product designed to enable reliable and secure storage, retrieval, and manipulation of all forms of data, which has become the world’s most popular enterprise database.

11. Oracle Database is licensed throughout the world by businesses and organizations of different sizes for a multitude of purposes, including, among others: for use within the Oracle Cloud to deliver Oracle Cloud Software-as-a-Service and Infrastructure-as-a-Service offerings; for use by a number of cloud-based vendors in offering their cloud services; for packaged and custom applications for transaction processing; and for data warehousing and business intelligence.

12. Oracle Database may be deployed in various information technology (“IT”) environments, including Oracle Cloud and Oracle Cloud at Customer environments, other cloud-based IT environments, and on-premises data centers, among others.

13. Oracle currently licenses Oracle Database in different editions, including Standard Edition 2 (“Database SE2”) and a more robust (and expensive) Enterprise Edition (“Database EE”). Oracle also offers specialized database products that supplement or complement Oracle Database EE and address particular customer requirements, including MySQL, Oracle TimesTen In-Memory Database, Oracle Berkeley DB, and Oracle NoSQL Database.

14. Oracle is the owner or exclusive licensee of the copyrights and copyright applications for Oracle Database.¹ The works are properly registered with the United States Copyright and Trademark Office, as alleged in more detail below.

¹ Because Database SE shares the same code base as Database EE, Oracle’s “Oracle Database” copyright registration covers both Database SE and Database EE. *See infra* ¶ 30 (table of copyright registrations).

1 15. As part of its business, Oracle licenses Oracle Database to midstream and end users. At
2 different times, Oracle has offered perpetual licenses, which continue until terminated, and term
3 licenses, which end at a specific time. Customers must purchase support and maintenance services for
4 the first year of an Oracle Database license, and then have the option to renew.

5 **B. Envisage's Unauthorized Use of Oracle Database**

6 16. Envisage is an independent software vendor ("ISV"). An ISV is an organization that
7 specializes in developing, marketing, and selling software solutions, as opposed to computer hardware.
8 In particular, Envisage develops software directed to the needs of public safety leaders. Its Acadis
9 Readiness Suite software is advertised as providing software solutions for training, compliance, internal
10 affairs case management, professional development, legal defensibility, and public accountability.

11 17. On information and belief, Envisage's software offering can be hosted on cloud
12 platforms, such as Amazon Web Services ("AWS").

13 18. In 2006, Envisage purchased from Oracle a perpetual license and support services for
14 Oracle Database Standard Edition 1 ("Database SE1") for \$8,500, as an initial pilot for one account.
15 (Database SE1 was a predecessor to Database SE2. Oracle has not offered new licenses for Database
16 SE1 since 2015.) Under that license, Envisage was and is entitled to run Database SE1 on two
17 processors, with internet hosting rights, which permit Envisage to offer the programs to their end users
18 for those end users' internal business operations. Other than its 2006 Database SE1 purchase, Envisage
19 has no other supported licenses, products, or services from Oracle.

20 19. On information and belief, Envisage hosts data for large customer accounts, including
21 federal, state, and local government entities that typically have large workloads. The landing page for
22 Envisage's website states that it services "over 2 million public safety professionals and 11,000
23 agencies." Attached as Exhibit E is a true and correct copy of the landing page for Envisage's website,
24 available at <https://www.envisagenow.com> (last accessed May 7, 2021). Also attached as Exhibit F is a
25 true and correct copy of a public document noting the number of Envisage customers ("over 2 million
26 first responders and 11,000 agencies") as of March 23, 2021, available at
27 [https://www.publicworks.com/doc/envisage-technologies-acquires-industry-leading-early-intervention-](https://www.publicworks.com/doc/envisage-technologies-acquires-industry-leading-early-intervention-solution-0001)
28 [solution-0001](https://www.publicworks.com/doc/envisage-technologies-acquires-industry-leading-early-intervention-solution-0001) (last accessed May 7, 2021). On information and belief, to host this data for this customer

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