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12 Attorneys for Plaintiff,  
13 SPEEDTRACK, INC.

14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16 OAKLAND DIVISION

17 SPEEDTRACK, INC.,

18 Plaintiff,

19 vs.

20 OFFICE DEPOT, INC.; CDW CORPORATION;  
21 NEWEGG, INC.; CIRCUIT CITY STORES,  
22 INC.; PC CONNECTION, INC.; COMPUSA,  
23 INC.

24 Defendants.

25 ) Case No. C-07-3602 PJH  
26 )  
27 ) **FIRST AMENDED AND SUPPLEMENTAL**  
28 ) **COMPLAINT FOR PATENT**  
 ) **INFRINGEMENT, PERMANENT**  
 ) **INJUNCTION, AND DAMAGES**  
 ) **DEMAND FOR JURY TRIAL**  
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MCKOOL SMITH HENNIGAN, P.C.  
LOS ANGELES, CALIFORNIA

1 For its complaint against Defendants Office Depot, Inc. (“Office Depot”); CDW Corporation  
2 (“CDW”); Newegg, Inc. (“Newegg”); and PC Connection, Inc. (“PC Connection”) (hereinafter  
3 collectively “Defendants”), Plaintiff SpeedTrack, Inc. (“SpeedTrack”) alleges as follows. This First  
4 Amended and Supplemental Complaint (“First Amended Complaint”) shall relate back to the  
5 Complaint filed by SpeedTrack on July 12, 2007, shall replace and supersede that Complaint, and  
6 shall also apply to infringing acts by Defendants that occurred subsequent to July 12, 2007 including  
7 infringing acts up to and including the filing date of this First Amended Complaint:

8 **JURISDICTION AND VENUE**

9 1. This is a civil action arising in part under laws of the United States relating to patents  
10 (35 U.S.C. §§ 271, 281, 283, 284, and 285). This court has federal jurisdiction of such federal  
11 question claims pursuant to 28 U.S.C. §§ 1331 and 1338(a).

12 2. Personal jurisdiction as to each defendant is proper in the State of California and in  
13 this judicial district. Each defendant operates an interactive Internet website in which each  
14 defendant conducts substantial amounts of commerce by selling goods within this State and within  
15 this judicial district, thereby making each Defendants’ Internet business contacts with this State and  
16 with this judicial district substantial, continuous, and systematic. The acts and transactions  
17 complained of herein were intentionally carried out by each defendant on an interactive website  
18 directed to persons residing in this State and judicial district and thus were made effective and had  
19 harmful effect within this State and within this district. Defendants Office Depot and Newegg each  
20 has regular and established places of business in this State and in this judicial district.

21 3. Venue is proper under 28 U.S.C. §§ 1391(b) and 1400(b), in that each Defendant  
22 resides in this judicial district pursuant to 28 U.S.C. § 1391(c) and in that each Defendant has  
23 committed acts of infringement in this judicial district.

24 **THE PARTIES**

25 4. Plaintiff SpeedTrack, Inc. is a corporation duly organized and existing under the laws  
26 of the State of California, with its principal place of business at 19713 Yorba Linda Blvd., #197,  
27  
28

1 Yorba Linda, California 92886. SpeedTrack is the owner by assignment of all rights and interests in  
2 U.S. Patent No. 5,544,360 (“the ‘360 patent”).

3 5. Defendant Office Depot is a corporation duly organized and existing under the laws  
4 of the State of Delaware, with a principal place of business at 2200 Old Germantown Road, Delray  
5 Beach, Florida 33445.

6 6. Defendant CDW is a corporation duly organized and existing under the laws of the State  
7 of Illinois, with a principal place of business at 200 N. Milwaukee Avenue, Vernon Hills, Illinois  
8 60061.

9 7. Defendant Newegg is a corporation duly organized and existing under the laws of the  
10 State of Delaware, with a principal place of business at 9997 Rose Hills Road, Whittier, CA. 90601.

11 8. Defendant PC Connection is a corporation duly organized and existing under the laws of  
12 the State of Delaware, with a principal place of business at Rt. 101A, 730 Milford Road, Merrimack,  
13 NH 03054.

14 **BACKGROUND FACTS PERTINENT TO THE CLAIMS**

15 9. On August 6, 1996, the United States Patent and Trademark Office duly and legally  
16 issued United States Letters Patent No. 5,544,360, entitled “METHOD FOR ACCESSING  
17 COMPUTER FILES AND DATA, USING LINKED CATEGORIES ASSIGNED TO EACH  
18 DATA FILE RECORD ON ENTRY OF THE DATA FILE RECORD,” for inventions comprising  
19 systems and methods for accessing information in a data storage system. Plaintiff SpeedTrack is the  
20 owner by assignment of the entire right, title, and interest in and to the ‘360 patent. (A true and  
21 correct copy of the ‘360 patent is attached hereto as Exhibit 1).

22 10. On October 24, 2008, Endeca Technologies, Inc. filed an *ex parte* reexamination of  
23 the ‘360 patent seeking to have claims 1-4, 7, 11-14, 20 and 21 rendered invalid. On July 5, 2011,  
24 the U.S. Patent and Trademark Office issued *Ex Parte* Reexamination Certificate (8377<sup>th</sup>) affirming  
25 the validity of claims 1-4, 7, 11-14, 20 and 21 and allowing new claim 22. (A true and correct copy  
26 of the Reexamination Certificate is attached hereto as Exhibit 2).

1 11. On November 29, 2006, SpeedTrack filed a complaint alleging infringement of the  
2 '360 patent by Walmart Stores, Inc. and others, *SpeedTrack, Inc. v. Walmart Stores, Inc.*, 06-C-7336  
3 PJH (the "Walmart Action").

4 12. Because the accused infringing acts were performed by Walmart, using, among other  
5 things, a software product supplied to Walmart by Endeca Technologies, Inc. ("Endeca"), called the  
6 "Endeca Information Access Platform," Endeca, on April 13, 2007, filed a complaint-in-intervention  
7 in the Walmart Action seeking a declaration that Endeca does not infringe any claim of the '360  
8 patent by making, using, offering to sell, or selling the Endeca Information Access Platform and  
9 does not induce or contribute to infringement of any claim of the '360 patent in so doing.

10 13. On May 25, 2007, SpeedTrack, in the Walmart Action, filed a counterclaim against  
11 Endeca alleging that Endeca is inducing and contributing to infringement of the '360 patent by  
12 others who use the Endeca Information Access Platform.

13 14. On March 30, 2012, the Court in the Walmart Action entered judgment in favor of  
14 Walmart and Endeca on the grounds of no literal infringement of the '360 patent. The issue of  
15 infringement under the doctrine of equivalents of the asserted claims of the '360 patent was raised  
16 by SpeedTrack, but was not actually adjudicated in the Walmart Action.

17 **FIRST CLAIM FOR RELIEF**  
18 **Against Defendant Office Depot**

19 **INFRINGEMENT OF U.S. PATENT NO. 5,544,360**

20 15. Plaintiff incorporates herein by reference the allegations set forth in paragraphs 1-14  
21 of this Complaint as though fully set forth herein.

22 16. On December 20, 2006, Plaintiff sent written notice of the '360 patent and notice of  
23 Plaintiff's infringement allegation to Defendant Office Depot.

24 17. For the time period of July 12, 2001 to May 25, 2007, Defendant Office Depot was  
25 directly infringing the '360 patent under 35 U.S.C. § 271(a) by advertising, using, selling, and/or  
26 otherwise providing websites on the Internet, such as under the URL [www.officedepot.com](http://www.officedepot.com), which  
27 permit visitors to the websites to search for products available for sale by selecting pre-defined  
28

1 categories descriptive of the products. Upon information and belief, Office Depot utilized, among  
2 other things, the Endeca Information Access Platform, to provide this searching functionality.

3 18. For the time period of May 26, 2007 to March 30, 2012, Office Depot was directly  
4 infringing the '360 patent under 35 U.S.C. § 271(a) by advertising, using, selling, and/or otherwise  
5 providing websites on the Internet, such as under the URL [www.officedepot.com](http://www.officedepot.com), which permit  
6 visitors to the websites to search for products available for sale by selecting pre-defined categories  
7 descriptive of the products. Upon information and belief, Office Depot utilized, among other things,  
8 the Endeca Information Access Platform, to provide this searching functionality, and currently  
9 utilizes the same, or similar, software provided by the Oracle Corporation ("Oracle") following  
10 Oracle's acquisition of Endeca in December 2011.

11 19. For the time period of March 31, 2012 to the filing date of this First Amended  
12 Complaint, Defendant Office Depot has been and still is directly infringing the '360 patent under 35  
13 U.S.C. § 271(a) by advertising, using, selling, and/or otherwise providing websites on the Internet,  
14 such as under the URL [www.officedepot.com](http://www.officedepot.com), which permit visitors to the websites to search for  
15 products available for sale by selecting pre-defined categories descriptive of the products. Upon  
16 information and belief, Office Depot utilized, among other things, the Endeca Information Access  
17 Platform, to provide this searching functionality, and currently utilizes the same, or similar, software  
18 provided by Oracle.

19 20. For the time period of December 20, 2006 to May 25, 2007, Defendant Office Depot,  
20 with knowledge of the '360 patent, was indirectly infringing the '360 patent under 35 U.S.C. §  
21 271(b) by actively inducing others, including, but not limited to, visitors to its websites who search  
22 for products available for sale on the website by selecting pre-defined categories descriptive of the  
23 products.

24 21. For the time period of May 26, 2007 to March 30, 2012, Defendant Office Depot,  
25 with knowledge of the '360 patent, was indirectly infringing the '360 patent under 35 U.S.C. §  
26 271(b) by actively inducing others, including, but not limited to, visitors to its websites who search  
27 for products available for sale on the website by selecting pre-defined categories descriptive of the  
28 products.

1           22. For the time period of March 31, 2012 to the filing date of this First Amended  
2 Complaint, Defendant Office Depot, with knowledge of the '360 patent, has been and still is  
3 indirectly infringing the '360 patent under 35 U.S.C. § 271(b) by actively inducing others, including,  
4 but not limited to, visitors to its websites who search for products available for sale on the website  
5 by selecting pre-defined categories descriptive of the products.

6           23. For the time period of December 20, 2006 to May 25, 2007, Defendant Office Depot,  
7 with knowledge of the '360 patent, was indirectly infringing the '360 patent under 35 U.S.C. §  
8 271(c) by providing, to visitors to its websites, software for use in practicing the patented  
9 process(es) of the '360 patent and constituting a material part of the invention, knowing the same to  
10 be especially made or especially adapted for use in an infringement of the '360 patent, and not a  
11 staple article or commodity of commerce suitable for substantial non-infringing use.

12           24. For the time period of May 26, 2007 to March 30, 2012, Defendant Office Depot,  
13 with knowledge of the '360 patent, was indirectly infringing the '360 patent under 35 U.S.C. §  
14 271(c) by providing, to visitors to its websites, software for use in practicing the patented  
15 process(es) of the '360 patent and constituting a material part of the invention, knowing the same to  
16 be especially made or especially adapted for use in an infringement of the '360 patent, and not a  
17 staple article or commodity of commerce suitable for substantial non-infringing use.

18           25. For the time period of March 31, 2012 to the filing date of this First Amended  
19 Complaint, Defendant Office Depot, with knowledge of the '360 patent, has been and still is  
20 indirectly infringing the '360 patent under 35 U.S.C. § 271(c) by providing, to visitors to its  
21 websites, software for use in practicing the patented process(es) of the '360 patent and constituting a  
22 material part of the invention, knowing the same to be especially made or especially adapted for use  
23 in an infringement of the '360 patent, and not a staple article or commodity of commerce suitable for  
24 substantial non-infringing use.

25           26. On information and belief, Defendant Office Depot will continue to infringe the '360  
26 Patent unless enjoined by this Court.

27           27. Upon information and belief, Defendant Office Depot's foregoing acts of  
28 infringement were and continue to be willful.

1 28. As a result of Defendant Office Depot's infringement, Plaintiff SpeedTrack has  
2 suffered monetary damages in an amount not yet determined, and will continue to suffer damages in  
3 the future unless Defendant Office Depot's infringing activities are enjoined by this Court.

4 29. Unless a preliminary and permanent injunction are issued enjoining Defendant Office  
5 Depot and its agents, servants, employees, attorneys, representatives, and all others acting on its  
6 behalf from infringing the '360 patent, Plaintiff will be greatly and irreparably harmed.

7 **SECOND CLAIM FOR RELIEF**  
8 **Against Defendant CDW**

9 **INFRINGEMENT OF U.S. PATENT NO. 5,544,360**

10 30. Plaintiff incorporates herein by reference the allegations set forth in paragraphs 1-14  
11 of this Complaint as though fully set forth herein.

12 31. On December 20, 2006, Plaintiff sent written notice of the '360 patent and notice of  
13 Plaintiff's infringement allegation to Defendant CDW.

14 32. For the time period of July 12, 2001 to May 25, 2007, Defendant CDW was directly  
15 infringing the '360 patent under 35 U.S.C. § 271(a) by advertising, using, selling, and/or otherwise  
16 providing websites on the Internet, such as under the URL [www.cdw.com](http://www.cdw.com), which permit visitors to  
17 the websites to search for products available for sale by selecting pre-defined categories descriptive  
18 of the products. Upon information and belief, CDW utilized, among other things, the Endeca  
19 Information Access Platform, to provide this searching functionality.

20 33. For the time period of May 26, 2007 to March 30, 2012, CDW was directly  
21 infringing the '360 patent under 35 U.S.C. § 271(a) by advertising, using, selling, and/or otherwise  
22 providing websites on the Internet, such as under the URL [www.cdw.com](http://www.cdw.com), which permit visitors to  
23 the websites to search for products available for sale by selecting pre-defined categories descriptive  
24 of the products. Upon information and belief, CDW utilized, among other things, the Endeca  
25 Information Access Platform, to provide this searching functionality, and currently utilizes the same,  
26 or similar, software provided by Oracle.

27 34. For the time period of March 31, 2012 to the filing date of this First Amended  
28 Complaint, Defendant CDW has been and still is directly infringing the '360 patent under 35 U.S.C.

1 § 271(a) by advertising, using, selling, and/or otherwise providing websites on the Internet, such as  
2 under the URL [www.cdw.com](http://www.cdw.com), which permit visitors to the websites to search for products available  
3 for sale by selecting pre-defined categories descriptive of the products. Upon information and  
4 belief, CDW utilized, among other things, the Endeca Information Access Platform, to provide this  
5 searching functionality, and currently utilizes the same, or similar, software provided by Oracle.

6 35. For the time period of December 20, 2006 to May 25, 2007, Defendant CDW, with  
7 knowledge of the '360 patent, was indirectly infringing the '360 patent under 35 U.S.C. § 271(b) by  
8 actively inducing others, including, but not limited to, visitors to its websites who search for  
9 products available for sale on the website by selecting pre-defined categories descriptive of the  
10 products.

11 36. For the time period of May 26, 2007 to March 30, 2012, Defendant CDW, with  
12 knowledge of the '360 patent, was indirectly infringing the '360 patent under 35 U.S.C. § 271(b) by  
13 actively inducing others, including, but not limited to, visitors to its websites who search for  
14 products available for sale on the website by selecting pre-defined categories descriptive of the  
15 products.

16 37. For the time period of March 31, 2012 to the filing date of this First Amended  
17 Complaint, Defendant CDW, with knowledge of the '360 patent, has been and still is indirectly  
18 infringing the '360 patent under 35 U.S.C. § 271(b) by actively inducing others, including, but not  
19 limited to, visitors to its websites who search for products available for sale on the website by  
20 selecting pre-defined categories descriptive of the products.

21 38. For the time period of December 20, 2006 to May 25, 2007, Defendant CDW, with  
22 knowledge of the '360 patent, was indirectly infringing the '360 patent under 35 U.S.C. § 271(c) by  
23 providing, to visitors to its websites, software for use in practicing the patented process(es) of the  
24 '360 patent and constituting a material part of the invention, knowing the same to be especially  
25 made or especially adapted for use in an infringement of the '360 patent, and not a staple article or  
26 commodity of commerce suitable for substantial non-infringing use.

27 39. For the time period of May 26, 2007 to March 30, 2012, Defendant CDW, with  
28 knowledge of the '360 patent, was indirectly infringing the '360 patent under 35 U.S.C. § 271(c) by



1 providing, to visitors to its websites, software for use in practicing the patented process(es) of the  
2 '360 patent and constituting a material part of the invention, knowing the same to be especially  
3 made or especially adapted for use in an infringement of the '360 patent, and not a staple article or  
4 commodity of commerce suitable for substantial non-infringing use.

5 40. For the time period of March 31, 2012 to the filing date of this First Amended  
6 Complaint, Defendant CDW, with knowledge of the '360 patent, has been and still is indirectly  
7 infringing the '360 patent under 35 U.S.C. § 271(c) by providing, to visitors to its websites, software  
8 for use in practicing the patented process(es) of the '360 patent and constituting a material part of  
9 the invention, knowing the same to be especially made or especially adapted for use in an  
10 infringement of the '360 patent, and not a staple article or commodity of commerce suitable for  
11 substantial non-infringing use.

12 41. On information and belief, Defendant CDW will continue to infringe the '360 Patent  
13 unless enjoined by this Court.

14 42. Upon information and belief, Defendant CDW's foregoing acts of infringement were  
15 and continue to be willful.

16 43. As a result of Defendant CDW's infringement, Plaintiff SpeedTrack has suffered  
17 monetary damages in an amount not yet determined, and will continue to suffer damages in the  
18 future unless Defendant CDW's infringing activities are enjoined by this Court.

19 44. Unless a preliminary and permanent injunction are issued enjoining Defendant CDW  
20 and its agents, servants, employees, attorneys, representatives, and all others acting on its behalf  
21 from infringing the '360 patent, Plaintiff will be greatly and irreparably harmed.

22 **THIRD CLAIM FOR RELIEF**  
23 **Against Defendant Newegg**

24 **INFRINGEMENT OF U.S. PATENT NO. 5,544,360**

25 45. Plaintiff incorporates herein by reference the allegations set forth in paragraphs 1-14  
26 of this Complaint as though fully set forth herein.

27 46. On December 20, 2006, Plaintiff sent written notice of the '360 patent and notice of  
28 Plaintiff's infringement allegation to Defendant Newegg.

1           47.     For the time period of July 12, 2001 to May 25, 2007, Defendant Newegg was  
2 directly infringing the '360 patent under 35 U.S.C. § 271(a) by advertising, using, selling, and/or  
3 otherwise providing websites on the Internet, such as under the URL [www.newegg.com](http://www.newegg.com), which  
4 permit visitors to the websites to search for products available for sale by selecting pre-defined  
5 categories descriptive of the products. Upon information and belief, Newegg utilized, among other  
6 things, the Endeca Information Access Platform, to provide this searching functionality.

7           48.     For the time period of May 26, 2007 to March 30, 2012, Newegg was directly  
8 infringing the '360 patent under 35 U.S.C. § 271(a) by advertising, using, selling, and/or otherwise  
9 providing websites on the Internet, such as under the URL [www.newegg.com](http://www.newegg.com), which permit visitors  
10 to the websites to search for products available for sale by selecting pre-defined categories  
11 descriptive of the products. Upon information and belief, Newegg utilized, among other things, the  
12 Endeca Information Access Platform, to provide this searching functionality, and currently utilizes  
13 the same, or similar, software provided by Oracle.

14           49.     For the time period of March 31, 2012 to the filing date of this First Amended  
15 Complaint, Defendant Newegg has been and still is directly infringing the '360 patent under 35  
16 U.S.C. § 271(a) by advertising, using, selling, and/or otherwise providing websites on the Internet,  
17 such as under the URL [www.newegg.com](http://www.newegg.com), which permit visitors to the websites to search for  
18 products available for sale by selecting pre-defined categories descriptive of the products. Upon  
19 information and belief, Newegg utilized, among other things, the Endeca Information Access  
20 Platform, to provide this searching functionality, and currently utilizes the same, or similar, software  
21 provided by Oracle.

22           50.     For the time period of December 20, 2006 to May 25, 2007, Defendant Newegg, with  
23 knowledge of the '360 patent, was indirectly infringing the '360 patent under 35 U.S.C. § 271(b) by  
24 actively inducing others, including, but not limited to, visitors to its websites who search for  
25 products available for sale on the website by selecting pre-defined categories descriptive of the  
26 products.

27           51.     For the time period of May 26, 2007 to March 30, 2012, Defendant Newegg, with  
28 knowledge of the '360 patent, was indirectly infringing the '360 patent under 35 U.S.C. § 271(b) by

1 actively inducing others, including, but not limited to, visitors to its websites who search for  
2 products available for sale on the website by selecting pre-defined categories descriptive of the  
3 products.

4 52. For the time period of March 31, 2012 to the filing date of this First Amended  
5 Complaint, Defendant Newegg, with knowledge of the '360 patent, has been and still is indirectly  
6 infringing the '360 patent under 35 U.S.C. § 271(b) by actively inducing others, including, but not  
7 limited to, visitors to its websites who search for products available for sale on the website by  
8 selecting pre-defined categories descriptive of the products.

9 53. For the time period of December 20, 2006 to May 25, 2007, Defendant Newegg, with  
10 knowledge of the '360 patent, was indirectly infringing the '360 patent under 35 U.S.C. § 271(c) by  
11 providing, to visitors to its websites, software for use in practicing the patented process(es) of the  
12 '360 patent and constituting a material part of the invention, knowing the same to be especially  
13 made or especially adapted for use in an infringement of the '360 patent, and not a staple article or  
14 commodity of commerce suitable for substantial non-infringing use.

15 54. For the time period of May 26, 2007 to March 30, 2012, Defendant Newegg, with  
16 knowledge of the '360 patent, was indirectly infringing the '360 patent under 35 U.S.C. § 271(c) by  
17 providing, to visitors to its websites, software for use in practicing the patented process(es) of the  
18 '360 patent and constituting a material part of the invention, knowing the same to be especially  
19 made or especially adapted for use in an infringement of the '360 patent, and not a staple article or  
20 commodity of commerce suitable for substantial non-infringing use.

21 55. For the time period of March 31, 2012 to the filing date of this First Amended  
22 Complaint, Defendant Newegg, with knowledge of the '360 patent, has been and still is indirectly  
23 infringing the '360 patent under 35 U.S.C. § 271(c) by providing, to visitors to its websites, software  
24 for use in practicing the patented process(es) of the '360 patent and constituting a material part of  
25 the invention, knowing the same to be especially made or especially adapted for use in an  
26 infringement of the '360 patent, and not a staple article or commodity of commerce suitable for  
27 substantial non-infringing use.

28

1 56. On information and belief, Defendant Newegg will continue to infringe the '360  
2 Patent unless enjoined by this Court.

3 57. Upon information and belief, Defendant Newegg's foregoing acts of infringement  
4 were and continue to be willful.

5 58. As a result of Defendant Newegg's infringement, Plaintiff SpeedTrack has suffered  
6 monetary damages in an amount not yet determined, and will continue to suffer damages in the  
7 future unless Defendant Newegg's infringing activities are enjoined by this Court.

8 59. Unless a preliminary and permanent injunction are issued enjoining Defendant  
9 Newegg and its agents, servants, employees, attorneys, representatives, and all others acting on its  
10 behalf from infringing the '360 patent, Plaintiff will be greatly and irreparably harmed.

11 **FOURTH CLAIM FOR RELIEF**  
12 **Against Defendant PC Connection**

13 **INFRINGEMENT OF U.S. PATENT NO. 5,544,360**

14 60. Plaintiff incorporates herein by reference the allegations set forth in paragraphs 1-14  
15 of this Complaint as though fully set forth herein.

16 61. On December 20, 2006, Plaintiff sent written notice of the '360 patent and notice of  
17 Plaintiff's infringement allegation to Defendant PC Connection.

18 62. For the time period of July 12, 2001 to May 25, 2007, Defendant PC Connection was  
19 directly infringing the '360 patent under 35 U.S.C. § 271(a) by advertising, using, selling, and/or  
20 otherwise providing websites on the Internet, such as under the URL [www.pcconnection.com](http://www.pcconnection.com), which  
21 permit visitors to the websites to search for products available for sale by selecting pre-defined  
22 categories descriptive of the products. Upon information and belief, PC Connection utilized, among  
23 other things, the Endeca Information Access Platform, to provide this searching functionality.

24 63. For the time period of May 26, 2007 to March 30, 2012, PC Connection was directly  
25 infringing the '360 patent under 35 U.S.C. § 271(a) by advertising, using, selling, and/or otherwise  
26 providing websites on the Internet, such as under the URL [www.pcconnection.com](http://www.pcconnection.com), which permit  
27 visitors to the websites to search for products available for sale by selecting pre-defined categories  
28 descriptive of the products. Upon information and belief, PC Connection utilized, among other

1 things, the Endeca Information Access Platform, to provide this searching functionality, and  
2 currently utilizes the same, or similar, software provided by Oracle.

3 64. For the time period of March 31, 2012 to the filing date of this First Amended  
4 Complaint, Defendant PC Connection has been and still is directly infringing the '360 patent under  
5 35 U.S.C. § 271(a) by advertising, using, selling, and/or otherwise providing websites on the  
6 Internet, such as under the URL [www.pccconnection.com](http://www.pccconnection.com), which permit visitors to the websites to  
7 search for products available for sale by selecting pre-defined categories descriptive of the products.  
8 Upon information and belief, PC Connection utilized, among other things, the Endeca Information  
9 Access Platform, to provide this searching functionality, and currently utilizes the same, or similar,  
10 software provided by Oracle.

11 65. For the time period of December 20, 2006 to May 25, 2007, Defendant PC  
12 Connection, with knowledge of the '360 patent, was indirectly infringing the '360 patent under 35  
13 U.S.C. § 271(b) by actively inducing others, including, but not limited to, visitors to its websites  
14 who search for products available for sale on the website by selecting pre-defined categories  
15 descriptive of the products.

16 66. For the time period of May 26, 2007 to March 30, 2012, Defendant PC Connection,  
17 with knowledge of the '360 patent, was indirectly infringing the '360 patent under 35 U.S.C. §  
18 271(b) by actively inducing others, including, but not limited to, visitors to its websites who search  
19 for products available for sale on the website by selecting pre-defined categories descriptive of the  
20 products.

21 67. For the time period of March 31, 2012 to the filing date of this First Amended  
22 Complaint, Defendant PC Connection, with knowledge of the '360 patent, has been and still is  
23 indirectly infringing the '360 patent under 35 U.S.C. § 271(b) by actively inducing others, including,  
24 but not limited to, visitors to its websites who search for products available for sale on the website  
25 by selecting pre-defined categories descriptive of the products.

26 68. For the time period of December 20, 2006 to May 25, 2007, Defendant PC  
27 Connection, with knowledge of the '360 patent, was indirectly infringing the '360 patent under 35  
28 U.S.C. § 271(c) by providing, to visitors to its websites, software for use in practicing the patented

1 process(es) of the '360 patent and constituting a material part of the invention, knowing the same to  
2 be especially made or especially adapted for use in an infringement of the '360 patent, and not a  
3 staple article or commodity of commerce suitable for substantial non-infringing use.

4 69. For the time period of May 26, 2007 to March 30, 2012, Defendant PC Connection,  
5 with knowledge of the '360 patent, was indirectly infringing the '360 patent under 35 U.S.C. §  
6 271(c) by providing, to visitors to its websites, software for use in practicing the patented  
7 process(es) of the '360 patent and constituting a material part of the invention, knowing the same to  
8 be especially made or especially adapted for use in an infringement of the '360 patent, and not a  
9 staple article or commodity of commerce suitable for substantial non-infringing use.

10 70. For the time period of March 31, 2012 to the filing date of this First Amended  
11 Complaint, Defendant PC Connection, with knowledge of the '360 patent, has been and still is  
12 indirectly infringing the '360 patent under 35 U.S.C. § 271(c) by providing, to visitors to its  
13 websites, software for use in practicing the patented process(es) of the '360 patent and constituting a  
14 material part of the invention, knowing the same to be especially made or especially adapted for use  
15 in an infringement of the '360 patent, and not a staple article or commodity of commerce suitable for  
16 substantial non-infringing use.

17 71. On information and belief, Defendant PC Connection will continue to infringe the  
18 '360 Patent unless enjoined by this Court.

19 72. Upon information and belief, Defendant PC Connection's foregoing acts of  
20 infringement were and continue to be willful.

21 73. As a result of Defendant PC Connection's infringement, Plaintiff SpeedTrack has  
22 suffered monetary damages in an amount not yet determined, and will continue to suffer damages in  
23 the future unless Defendant PC Connection's infringing activities are enjoined by this Court.

24 74. Unless a preliminary and permanent injunction are issued enjoining Defendant PC  
25 Connection and its agents, servants, employees, attorneys, representatives, and all others acting on  
26 its behalf from infringing the '360 patent, Plaintiff will be greatly and irreparably harmed.

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**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff SpeedTrack, Inc. prays for judgment against each Defendant as follows:

(1) For a judicial determination and declaration that Office Depot has directly infringed United States Letters Patent No. 5,544,360 for the time period of July 12, 2001 to May 25, 2007;

(2) For a judicial determination and declaration that Office Depot has directly infringed United States Letters Patent No. 5,544,360 for the time period of May 26, 2007 to March 30, 2012;

(3) For a judicial determination and declaration that Office Depot has directly infringed and continues to directly infringe United States Letters Patent No. 5,544,360 for the time period of March 31, 2012 to the filing date of this First Amended Complaint;

(4) For a judicial determination and declaration that Office Depot has induced the infringement of United States Letters Patent No. 5,544,360 for the time period of December 20, 2006 to May 25, 2007;

(5) For a judicial determination and declaration that Office Depot has induced the infringement of United States Letters Patent No. 5,544,360 for the time period of May 26, 2007 to March 30, 2012;

(6) For a judicial determination and declaration that Office Depot has induced the infringement, and continues to induce the infringement, of United States Letters Patent No. 5,544,360 for the time period of March 31, 2012 to the filing date of this First Amended Complaint;

(7) For a judicial determination and declaration that Office Depot has contributed to the infringement of United States Letters Patent No. 5,544,360 for the time period of December 20, 2006 to May 25, 2007;

(8) For a judicial determination and declaration that Office Depot has contributed to the infringement of United States Letters Patent No. 5,544,360 for the time period of May 26, 2007 to March 30, 2012;

(9) For a judicial determination and declaration that Office Depot has contributed to, and continues to contribute to, the infringement of United States Letters Patent No. 5,544,360 for the time period of March 31, 2012 to the filing date of this First Amended Complaint;

1 (10) For a judicial determination and declaration that CDW has directly infringed United  
2 States Letters Patent No. 5,544,360 for the time period of July 12, 2001 to May 25, 2007;

3 (11) For a judicial determination and declaration that CDW has directly infringed United  
4 States Letters Patent No. 5,544,360 for the time period of May 26, 2007 to March 30, 2012;

5 (12) For a judicial determination and declaration that CDW has directly infringed and  
6 continues to directly infringe United States Letters Patent No. 5,544,360 for the time period of  
7 March 31, 2012 to the filing date of this First Amended Complaint;

8 (13) For a judicial determination and declaration that CDW has induced the infringement  
9 of United States Letters Patent No. 5,544,360 for the time period of December 20, 2006 to May 25,  
10 2007;

11 (14) For a judicial determination and declaration that CDW has induced the infringement  
12 of United States Letters Patent No. 5,544,360 for the time period of May 26, 2007 to March 30,  
13 2012;

14 (15) For a judicial determination and declaration that CDW has induced the infringement,  
15 and continues to induce the infringement, of United States Letters Patent No. 5,544,360 for the time  
16 period of March 31, 2012 to the filing date of this First Amended Complaint;

17 (16) For a judicial determination and declaration that CDW has contributed to the  
18 infringement of United States Letters Patent No. 5,544,360 for the time period of December 20,  
19 2006 to May 25, 2007;

20 (17) For a judicial determination and declaration that CDW has contributed to the  
21 infringement of United States Letters Patent No. 5,544,360 for the time period of May 26, 2007 to  
22 March 30, 2012;

23 (18) For a judicial determination and declaration that CDW has contributed to, and  
24 continues to contribute to, the infringement of United States Letters Patent No. 5,544,360 for the  
25 time period of March 31, 2012 to the filing date of this First Amended Complaint;

26 (19) For a judicial determination and declaration that Newegg has directly infringed  
27 United States Letters Patent No. 5,544,360 for the time period of July 12, 2001 to May 25, 2007;

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1 (20) For a judicial determination and declaration that Newegg has directly infringed  
2 United States Letters Patent No. 5,544,360 for the time period of May 26, 2007 to March 30, 2012;

3 (21) For a judicial determination and declaration that Newegg has directly infringed and  
4 continues to directly infringe United States Letters Patent No. 5,544,360 for the time period of  
5 March 31, 2012 to the filing date of this First Amended Complaint;

6 (22) For a judicial determination and declaration that Newegg has induced the  
7 infringement of United States Letters Patent No. 5,544,360 for the time period of December 20,  
8 2006 to May 25, 2007;

9 (23) For a judicial determination and declaration that Newegg has induced the  
10 infringement of United States Letters Patent No. 5,544,360 for the time period of May 26, 2007 to  
11 March 30, 2012;

12 (24) For a judicial determination and declaration that Newegg has induced the  
13 infringement, and continues to induce the infringement, of United States Letters Patent No.  
14 5,544,360 for the time period of March 31, 2012 to the filing date of this First Amended Complaint;

15 (25) For a judicial determination and declaration that Newegg has contributed to the  
16 infringement of United States Letters Patent No. 5,544,360 for the time period of December 20,  
17 2006 to May 25, 2007;

18 (26) For a judicial determination and declaration that Newegg has contributed to the  
19 infringement of United States Letters Patent No. 5,544,360 for the time period of May 26, 2007 to  
20 March 30, 2012;

21 (27) For a judicial determination and declaration that Newegg has contributed to, and  
22 continues to contribute to, the infringement of United States Letters Patent No. 5,544,360 for the  
23 time period of March 31, 2012 to the filing date of this First Amended Complaint;

24 (28) For a judicial determination and declaration that PC Connection has directly  
25 infringed United States Letters Patent No. 5,544,360 for the time period of July 12, 2001 to May 25,  
26 2007;

1 (29) For a judicial determination and declaration that PC Connection has directly  
2 infringed United States Letters Patent No. 5,544,360 for the time period of May 26, 2007 to March  
3 30, 2012;

4 (30) For a judicial determination and declaration that PC Connection has directly  
5 infringed and continues to directly infringe United States Letters Patent No. 5,544,360 for the time  
6 period of March 31, 2012 to the filing date of this First Amended Complaint;

7 (31) For a judicial determination and declaration that PC Connection has induced the  
8 infringement of United States Letters Patent No. 5,544,360 for the time period of December 20,  
9 2006 to May 25, 2007;

10 (32) For a judicial determination and declaration that PC Connection has induced the  
11 infringement of United States Letters Patent No. 5,544,360 for the time period of May 26, 2007 to  
12 March 30, 2012;

13 (33) For a judicial determination and declaration that PC Connection has induced the  
14 infringement, and continues to induce the infringement, of United States Letters Patent No.  
15 5,544,360 for the time period of March 31, 2012 to the filing date of this First Amended Complaint;

16 (34) For a judicial determination and declaration that PC Connection has contributed to  
17 the infringement of United States Letters Patent No. 5,544,360 for the time period of December 20,  
18 2006 to May 25, 2007;

19 (35) For a judicial determination and declaration that PC Connection has contributed to  
20 the infringement of United States Letters Patent No. 5,544,360 for the time period of May 26, 2007  
21 to March 30, 2012;

22 (36) For a judicial determination and declaration that PC Connection has contributed to,  
23 and continues to contribute to, the infringement of United States Letters Patent No. 5,544,360 for the  
24 time period of March 31, 2012 to the filing date of this First Amended Complaint;

25 (37) For a judicial determination and decree that each Defendants' infringement of United  
26 States Letters Patent No. 5,544,360 has been, and continues to be, willful and deliberate;

27 (38) For a judicial determination and decree that each Defendant and its respective  
28 subsidiaries, officers, agents, servants, employees, licensees, and all other persons or entities acting

1 or attempting to act in active concert or participation with them or acting on their behalf, be  
2 preliminarily and permanently enjoined from further infringement of the '360 Patent;

3 (39) For a judicial decree that orders each Defendant to account for and pay to  
4 SpeedTrack all damages for infringement caused to SpeedTrack by reason of each Defendant's acts  
5 of infringement pursuant to 35 U.S.C. Section 284, including enhanced damages under 35 U.S.C.  
6 Section 285, for each time period set forth herein, and, for infringement of claim 22 of the '360  
7 patent, for the time period from July 5, 2011 to the date of the filing of this First Amended  
8 Complaint,;

9 (40) For an award of damages according to proof at trial;

10 (41) For a judicial declaration that this case is exceptional under 35 U.S.C. Section 285  
11 and that Defendants be ordered to pay SpeedTrack's costs, expenses, and reasonable attorney's fees  
12 pursuant to 35 U.S.C. Sections 284 and 285;

13 (42) For a judicial order awarding to SpeedTrack pre-judgment and post-judgment interest  
14 on the damages caused to it by each Defendants' infringement; and

15 (43) For any such other and further relief as the Court may deem just and proper under the  
16 circumstances.

17  
18 DATED: June 28, 2013

MCKOOL SMITH HENNIGAN, P.C.  
Roderick G. Dorman  
Alan P. Block  
Marc Morris

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21 By Alan P. Block  
Alan P. Block

22  
23 Attorneys for Plaintiff,  
SPEEDTRACK, INC.

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a jury trial pursuant to Rule 38 of the Federal Rules of Civil Procedure as to all issues so triable.

DATED: June 28, 2013

MCKOOL SMITH HENNIGAN, P.C.  
Roderick G. Dorman  
Alan P. Block  
Marc Morris

By                     Alan P. Block                      
                    Alan P. Block

Attorneys for Plaintiff,  
SPEEDTRACK, INC.

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on June 28, 2013 to all counsel of record who are deemed to have consented to electronic service via the Court’s CM/ECF system. Any other counsel of record will be served by electronic mail, facsimile, U.S. Mail and/or overnight delivery.

*/s/ Yoshie Botta*  
Yoshie Botta

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