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FILED '02 OCT 01 15:24 USDC-ORP

Attorneys for Plaintiff CollegeNET, Inc.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

COLLEGENET, INC.,
a Delaware corporation,

Plaintiff,

v.

APPLYYOURSELF, INC.,
a Delaware corporation,

Defendant.

CV '02 1359 HA

Civil No. _____

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

In support of its Complaint, Plaintiff alleges the following:

PARTIES

1. Plaintiff CollegeNET, Inc. (hereinafter "CollegeNET") is a Delaware corporation having its principal place of business in Portland, Oregon.

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2. Defendant ApplyYourself, Inc. (hereinafter “ApplyYourself”), is a Delaware corporation having a place of business at 11781 Lee Jackson Highway, Suite 200, Fairfax, Virginia, 22033.

JURISDICTION

3. Plaintiff CollegeNET’s cause of action for patent infringement against Defendant ApplyYourself arises under the patent laws of the United States, 35 U.S.C. §§ 271 and 281. Consequently, this Court has original subject matter jurisdiction over this suit pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. In light of its activities within Oregon, Defendant ApplyYourself is subject to the personal jurisdiction of this Court. Defendant ApplyYourself conducts business in Oregon and in this judicial district and division by, among other things, purposefully providing its ApplyYourself web-based college application system and method (hereinafter “the ApplyYourself System”) to one or more Oregon customers and, on information and belief, by purposefully providing and allowing Oregon individuals and residents access to and use of the ApplyYourself System. As such, ApplyYourself has caused Oregon residents and individuals to infringe patents owned by Plaintiff CollegeNET, including U.S. Patent No. 6,460,042 B1.

5. Pursuant to 28 U.S.C. § 1400(b), this Court is a proper venue for this action.

BACKGROUND

6. Plaintiff CollegeNET is the owner of U.S. Patent No. 6,460,042 B1, entitled “Universal Forms Engine.” On October 1, 2002, U.S. Patent No. 6,460,042 B1 (hereinafter “the ‘042 Patent”) was duly and legally issued to Plaintiff CollegeNET, and Plaintiff CollegeNET has continuously owned this patent from the time of issuance to the present. A true and correct copy of the ‘042 Patent is attached hereto as Exhibit A.

7. Plaintiff CollegeNET's patented technology as embodied in the '042 Patent provides, among other things, a more efficient way of processing on-line forms by a third party forms servicer. Plaintiff CollegeNET's patented technology is used by hundreds of higher education institutions, including M.I.T., The Ohio State University, and the University of Nebraska.

COUNT ONE - PATENT INFRINGEMENT

8. Plaintiff CollegeNET has never licensed or permitted Defendant ApplyYourself to practice any of the legal rights granted under the '042 Patent.

9. Upon information and belief, Defendant ApplyYourself is currently making, using, offering for sale, and/or selling its ApplyYourself System in the United States.

10. Upon information and belief, the ApplyYourself System infringes one or more claims of the '042 Patent under 35 U.S.C. § 271.

11. Plaintiff CollegeNET is suffering irreparable damage due to the infringing acts of Defendant ApplyYourself, and because the infringing acts of Defendant ApplyYourself are continuing, Plaintiff CollegeNET will suffer additional irreparable damage unless Defendant ApplyYourself is enjoined by this Court from those acts which infringe the '042 Patent.

12. Plaintiff CollegeNET is suffering monetary damage as a result of Defendant ApplyYourself's infringement of the '042 Patent.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff CollegeNET prays for the following relief:

- (1) A judicial determination that Defendant ApplyYourself has infringed the '042 Patent pursuant to 35 U.S.C. § 271;
- (2) An order permanently enjoining Defendant ApplyYourself, its agents, officers, assigns and others acting in concert with Defendant ApplyYourself from infringing, inducing infringement of, and/or contributing to infringement of the '042 Patent;
- (3) An award of damages, reflecting an accounting of damages, to compensate Plaintiff CollegeNET for the aforesaid infringement of the '042 Patent;
- (4) An award of pre-judgment interest and post-judgment interest on the damages awarded;
- (5) An award consisting of Plaintiff CollegeNET's attorney's fees, costs and disbursements incurred herein; and
- (6) Such other relief as the Court deems equitable under the circumstances.

JURY DEMAND

Pursuant to Fed. R. Civ. P. 38 and Local Rule 38.1(b), Plaintiff CollegeNET demands a jury trial on all issues triable to a jury.

Respectfully submitted,

Dated: October 1, 2002

By: 

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