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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

**GARY ODOM**, an Oregon resident,

Plaintiff,

v.

**AUTODESK, INC.**, a Delaware  
corporation,

Defendant.

Civil Action No. No. 09-236-MO

PLAINTIFF'S FIRST AMENDED  
COMPLAINT FOR PATENT  
INFRINGEMENT

## **I. NATURE OF THE ACTION**

Plaintiff Gary Odom (“Odom”) brings this action against Autodesk, Inc. (“Autodesk”) for patent infringement under the laws of the United States, Title 35, United States Code.

## **II. JURISDICTION AND VENUE**

1. This is an action under the laws of the United States, 35 U.S.C. § 101 et seq. This Court has subject matter jurisdiction of this action under 28 U.S.C. §§ 1331, 1337 and 1338(a).

2. Venue is proper in this judicial District pursuant to 28 U.S.C. §§ 1391(b)-(c) and 1400(b) because Autodesk has done business in this District, has committed acts of infringement in this District, and continues to commit acts of infringement in this District, entitling Odom to relief.

## **III. PARTIES**

3. Odom alleges all facts herein on information and belief, except those facts concerning the activities of Odom.

4. Odom is an individual, residing at 1223 NW 12<sup>th</sup> Avenue, #1545, Portland, Oregon 97209.

5. Odom is the sole inventor and owner of the patent at issue in this action, U.S. Patent No. 7,363,592 B1.

6. Autodesk is a Delaware Corporation with its principal place of business at 111 McInnis Parkway, San Rafael, California 94903. Autodesk may be served through its registered agent, National Registered Agents Inc., 3533 Fairview Industrial Drive SE, Salem, Oregon 97302.

## **IV. CAUSE OF ACTION**

### **INFRINGEMENT OF U.S. PATENT NO. 7,363,592**

7. On April 22, 2008, United States Patent No. 7,363,592 B1 (“the ‘592 patent”) was duly and legally issued to Gary Odom for an invention entitled “Tool Group Manipulations.” Odom is the sole inventor and owner of the ‘592 patent, and holds all rights and interest in the

'592 patent. A true and correct copy of the '592 patent is attached hereto as Exhibit A.

8. Autodesk has infringed and continues to infringe at least claims 1, 3-10, 14 and 15 of the '592 patent in this judicial district and elsewhere, directly, by inducement and/or contributorily, by manufacturing, marketing, selling, distributing, importing, and/or using products, including AutoCAD 2009, AutoCAD 2010, AutoCAD Architecture 2010, Revit Architecture 2010 and Autodesk Inventor. The aforementioned products incorporate an infringing Ribbon toolbar user interface employing active tool groups. Autodesk is liable for its infringement of the '592 patent pursuant to 35 U.S.C. § 271.

9. Autodesk's acts of infringement have caused damage to Odom, and Odom is entitled to recover from Autodesk the damages sustained by Odom as a result of Autodesk's wrongful acts in an amount subject to proof at trial, which in no event can be less than a reasonable royalty.

10. The filing of this action constitutes notice pursuant to 35 U.S.C. § 287.

11. Since the original filing of the Complaint in this action, Autodesk has introduced the infringing technology into additional products, such as AutoCAD 2010, AutoCAD Architecture 2010, Revit Architecture 2010 and Autodesk Inventor. Insofar as those products have been introduced with full knowledge of Odom's assertion of infringement of the '592 patent against Autodesk, any such infringement should be deemed willful.

## **V. JURY DEMAND**

12. Odom hereby demands a trial by jury on all claims and issues.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Odom, requests entry of judgment in its favor and against Autodesk as follows:

- a) Declaring that Autodesk has infringed U.S. Patent No. 7,363,592 B1;
- b) Awarding Odom damages arising from Autodesk's infringement of U.S. Patent No. 7,363,592 B1, which can be no less than a reasonable royalty.
- c) Awarding Odom prejudgment and post-judgment interest;
- d) Declaring this an exceptional case and awarding attorneys' fees and costs pursuant to 35 U.S.C. § 285 or as otherwise permitted by law; and
- e) Awarding such other costs and further relief as the Court may deem just and proper under the circumstances.

Dated: September 17, 2009

Respectfully submitted,

**GOLDSTEIN, FAUCETT & PREBEG, L.L.P.**

/s/Edward W. Goldstein

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Attorneys for Plaintiff Gary Odom

**CERTIFICATE OF SERVICE**

I certify that on September 17, 2009, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document through the Court's CM/ECF system. Any other counsel of record will be served by electronic transmission and/or U.S. mail.

/s/ Edward W. Goldstein  
Edward W. Goldstein