

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

DISC LINK CORPORATION,

Plaintiff,

v.

MINDJET CORPORATION,
ENVIRONMENTAL SYSTEMS
RESEARCH INSTITUTE, INC., WEBSITE
PROS, INC., RAXCO SOFTWARE, INC.,
SERIF, INC., and SMITH MICRO
SOFTWARE, INC.,

Defendants.

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CIVIL ACTION NO. 5:08-cv-32

JURY TRIAL DEMANDED

PLAINTIFF’S ORIGINAL COMPLAINT

Plaintiff DISC LINK CORPORATION files this Original Complaint against Defendants MINDJET CORPORATION, ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC., WEBSITE PROS, INC., RAXCO SOFTWARE, INC., SERIF, INC., and SMITH MICRO SOFTWARE, INC., alleging as follows:

I. THE PARTIES

1. Plaintiff DISC LINK CORPORATION (“Disc Link”) is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business in Newport Beach, California.

2. Upon information and belief, MINDJET CORPORATION (“Mindjet”) is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located in San Francisco, CA. Mindjet may be served with process through its registered agent, CT Corporation System, 818 West Seventh Street, Los Angeles, CA 90017.

3. Upon information and belief, ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC. (“ESRI”) is a corporation organized and existing under the laws of the State of California, with its principal place of business located in Redlands, CA. ESRI may be served with process through its registered agent, CT Corporation System, 350 North St. Paul Street, Dallas, Texas 75201.

4. Upon information and belief, WEBSITE PROS, INC. (“Website Pros”) is a corporation organized and existing under the laws of the State of Delaware, with a principal place of business located in Jacksonville, FL. Website Pros may be served with process through its registered agent, CT Corporation System, 1200 South Pine Island Road, Plantation, FL 33324.

5. Upon information and belief, RAXCO SOFTWARE, INC. (“Raxco”) is a corporation organized and existing under the laws of the State of Delaware, with a principal place of business located in Gaithersburg, MD. Raxco may be served with process through its registered agent, Timothy Larkin, Six Montgomery Village Avenue, Suite 50, Gaithersburg, MD 20879.

6. Upon information and belief, SERIF, INC. (“Serif”) is a corporation organized and existing under the laws of the State of Delaware, with a principal place of business located in Amherst, NH. Serif may be served with process through its registered agent, G. Wells Anderson, Esq., 14 Centre Street, Concord, NH 03301.

7. Upon information and belief, SMITH MICRO SOFTWARE, INC. (“Smith Micro”) is a corporation organized and existing under the laws of the State of Delaware, with a principal place of business located in Aliso Viejo, CA. Smith may be served with process through its registered agent, Prentice Hall Corporation System, 701 Brazos Street, Suite 1050, Austin, TX 78701.

II. JURISDICTION AND VENUE

8. This is an action for infringement of a United States patent arising under 35 U.S.C. §§ 271, 281, and 284-285, among others. This Court has subject matter jurisdiction of the action under Title 28 U.S.C. §1331 and §1338(a).

9. Upon information and belief, Defendants each have minimum contacts with the Texarkana Division of the Eastern District of Texas such that this venue is a fair and reasonable one. Defendants have each committed such purposeful acts and/or transactions in Texas that they reasonably knew and expected that they could be haled into a court as a future consequence of such activity. Upon information and belief Defendants have transacted and, at the time of the filing of this Complaint, are transacting business within the Texarkana Division of the Eastern District of Texas. For these reasons, personal jurisdiction exists and venue is proper in this Court under 28 U.S.C. §§ 1391(b) and (c) and 28 U.S.C. § 1400(b).

III. PATENT INFRINGEMENT

10. On November 6, 2001, United States Patent No. 6,314,574 (“the ‘574 patent”) was duly and legally issued for an “Information Distribution System.” A true and correct copy of the ‘574 patent is attached hereto as Exhibit “A” and made a part hereof. As it pertains to this lawsuit, the ‘574 patent relates to products distributed on portable, read-only storage devices — such as CD-ROMs — that include a link to retrieve additional data via the Internet.

11. On February 11, 2004, an *ex parte* request was made for the reexamination of the ‘574 patent. The Ex Parte Reexamination Certificate issued on July 25, 2006. A true and correct copy of the Certificate is attached hereto as Exhibit “B” and made a part hereof. The patentability of all claims of the ‘574 patent was confirmed. No amendments were made.

12. Disc Link is the owner of the '574 patent with the exclusive right to enforce the '574 patent against infringers, and collect damages for all relevant times, including the right to prosecute this action.

13. Upon information and belief, Defendants manufacture, make, have made, use, practice, import, provide, supply, distribute, sell, and/or offer for sale products and/or systems that infringe one or more claims in the '574 patent; and/or Defendants induce and/or contribute to the infringement of one or more of the claims in the '574 patent by others.

14. Disc Link has been damaged as a result of Defendants' infringing conduct. Defendants are, thus, liable to Disc Link in an amount that adequately compensates it for their infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

15. Disc Link notified Defendants Raxco and Smith Micro in writing on August 25, 2006 of their respective infringing conduct. Those Defendants have knowingly and willfully infringed the '574 patent since at least the time of their notices.

IV. JURY DEMAND

Disc Link hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

V. PRAYER FOR RELIEF

Disc Link requests that the Court find in its favor and against Defendants, and that the Court grant Disc Link the following relief:

- a. Judgment that one or more claims of United States Patent No. 6,314,574 have been infringed, either literally and/or under the doctrine of equivalents, by one or more Defendants and/or by others to whose infringement Defendants have contributed and/or by others whose infringement has been induced by Defendants;

- b. Judgment that Defendants account for and pay to Disc Link all damages to and costs incurred by Disc Link because of Defendants' infringing activities and other conduct complained of herein;
- c. That Defendants' infringements be found to be willful from the time that Defendants became aware of the infringing nature of their respective products and services, which is the time of filing of Plaintiff's original Complaint at the latest, and that the Court award treble damages for the period of such willful infringement pursuant to 35 U.S.C. § 284;
- d. That Disc Link be granted pre-judgment and post-judgment interest on the damages caused to by Defendants' infringing activities and other conduct complained of herein;
- e. That this Court declare this an exceptional case and award Disc Link its reasonable attorney's fees and costs in accordance with 35 U.S.C. § 285; and
- f. That Disc Link be granted such other and further relief as the Court may deem just and proper under the circumstances.

Dated: February 22, 2008.

Respectfully submitted,



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