

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

INNOVA PATENT LICENSING, LLC	§	
	§	Civil Action No. 2:10-CV-251-DF-CE
Plaintiff,	§	
	§	JURY TRIAL DEMANDED
v.	§	
	§	
	§	
ALCATEL-LUCENT HOLDING, INC.;	§	
ALCATEL-LUCENT USA, INC.;	§	
AMERICAN INTERNATIONAL GROUP,	§	
INC.; AOL, INC.; CAPITAL ONE AUTO	§	
FINANCE, INC.; CAPITAL ONE	§	
FINANCIAL CORPORATION; CINEMARK	§	
HOLDINGS, INC.; CINEMARK USA, INC.;	§	
CISCO IRONPORT SYSTEMS LLC; CISCO	§	
SYSTEMS, INC.; CITIGROUP, INC.;	§	
CROSSMARK, INC.; DELL, INC.; DR	§	
PEPPER SNAPPLE GROUP, INC.; FRITO-	§	
LAY, INC.; FRITO-LAY NORTH	§	
AMERICA, INC.; GOOGLE, INC.;	§	
HEWLETT-PACKARD COMPANY; HP	§	
ENTERPRISE SERVICES, LLC; J.C.	§	
PENNEY COMPANY, INC.; J.C. PENNEY	§	
CORPORATION, INC.; J.P. MORGAN	§	
CHASE & CO.; MCAFEE, INC.; PEROT	§	
SYSTEMS CORPORATION; RENT-A-	§	
CENTER, INC.; SIEMENS PRODUCT	§	
LIFECYCLE MANAGEMENT	§	
SOFTWARE, INC.; SYMANTEC	§	
CORPORATION; WELLS FARGO &	§	
COMPANY; AND YAHOO!, INC.	§	
	§	
Defendants.		

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff InNova Patent Licensing, LLC for its Complaint against Defendants

Alcatel-Lucent Holding, Inc.; Alcatel-Lucent USA, Inc.; American International Group,

Inc.; AOL, Inc.; Capital One Auto Finance, Inc.; Capital One Financial Corporation; Cinemark Holdings, Inc.; Cinemark USA, Inc.; Cisco IronPort Systems LLC; Cisco Systems, Inc.; Citigroup, Inc.; Crossmark, Inc.; Dell, Inc.; Dr Pepper Snapple Group, Inc.; Frito-Lay, Inc.; Frito-Lay North America, Inc.; Google, Inc.; Hewlett-Packard Company; HP Enterprise Services, LLC; J.C. Penney Company, Inc.; J.C. Penney Corporation, Inc.; J.P. Morgan Chase & Co.; McAfee, Inc.; Perot Systems Corporation; Rent-A-Center, Inc.; Siemens Product Lifecycle Management Software, Inc.; Symantec Corporation; Wells Fargo & Company; and Yahoo!, Inc. hereby alleges as follows:

THE PARTIES

1. Plaintiff InNova Patent Licensing, LLC (“InNova”) is a limited liability company organized and existing under the laws of Texas, having its principal place of business at 911 NW Loop 281, Suite 211-14, Longview, TX 75604.

2. On information and belief, Defendant Alcatel-Lucent Holding, Inc. is a corporation organized and existing under the laws of the State of Delaware, having its principal place of business at 3400 W. Plano Pkwy., Plano, TX, 75075.

3. On information and belief, Defendant Alcatel-Lucent USA, Inc. is a corporation organized and existing under the laws of the State of Delaware, having its principal place of business at 600-700 Mountain Avenue, Murray Hill, NJ 07974.

4. On information and belief, Defendant American International Group, Inc. is a corporation organized and existing under the laws of the State of Delaware, having its principal place of business at 70 Pine St., New York, NY 10270.

5. On information and belief, Defendant AOL, Inc. is a corporation organized and existing under the laws of the State of Delaware, having its principal place of business at 770 Broadway, New York, NY 10003.

6. On information and belief, Defendant Capital One Auto Finance, Inc. is a corporation organized and existing under the laws of the State of Texas, having its principal place of business at 3901 N. Dallas Pkwy, Plano, TX 75093.

7. On information and belief, Defendant Capital One Financial Corporation is a corporation organized and existing under the laws of the State of Delaware, having its principal place of business at 1680 Capital One Dr., McLean, VA 22102.

8. On information and belief, Defendant Cinemark Holdings, Inc. is a corporation organized and existing under the laws of the State of Delaware, having its principal place of business at 3900 Dallas Pkwy Ste. 500, Plano, TX 75093.

9. On information and belief, Defendant Cinemark USA, Inc. is a corporation organized and existing under the laws of the State of Texas, having its principal place of business at 3900 Dallas Pkwy Ste. 500, Plano, TX 75093.

10. On information and belief, Defendant Cisco IronPort Systems LLC is a corporation organized and existing under the laws of the State of Delaware, having its principal place of business at 170 West Tasman Dr., San Jose, CA 95134.

11. On information and belief, Defendant Cisco Systems, Inc. is a corporation organized and existing under the laws of the State of California, having its principal place of business at 170 West Tasman Dr., San Jose, CA 95134.

12. On information and belief, Defendant Citigroup, Inc. is a corporation organized and existing under the laws of the State of Delaware, having its principal place of business at 399 Park Ave., New York, NY 10043.

13. On information and belief, Defendant Crossmark, Inc. is a corporation organized and existing under the laws of the State of Delaware, having its principal place of business at 5100 Legacy Dr., Plano, TX 75024.

14. On information and belief, Defendant Dell, Inc. is a corporation organized and existing under the laws of the State of Delaware, having its principal place of business at 1 Dell Way, Round Rock, TX 78682.

15. On information and belief, Defendant Dr Pepper Snapple Group, Inc. is a corporation organized and existing under the laws of the State of Delaware, having its principal place of business at 5301 Legacy Dr., Plano, TX 75024.

16. On information and belief, Defendant Frito-Lay, Inc. is a corporation organized and existing under the laws of the State of Delaware, having its principal place of business at 7701 Legacy Dr., Plano, TX 75024.

17. On information and belief, Defendant Frito-Lay North America, Inc. is a corporation organized and existing under the laws of the State of Delaware, having its principal place of business at 7701 Legacy Dr., Plano, TX 75024.

18. On information and belief, Defendant Google, Inc. is a corporation organized and existing under the laws of the State of Delaware, having its principal place of business at 1600 Amphitheatre Parkway, Mountain View, CA 94043.

19. On information and belief, Defendant Hewlett-Packard Company is a corporation organized and existing under the laws of the State of Delaware, having its principal place of business at 3000 Hanover St., Palo Alto, CA 94304.

20. On information and belief, Defendant HP Enterprise Services, LLC is a corporation organized and existing under the laws of the State of Delaware, having its principal place of business at 5400 Legacy Dr., Plano, TX 75024.

21. On information and belief, Defendant J.C. Penney Company, Inc. is a corporation organized and existing under the laws of the State of Delaware, having its principal place of business at 6501 Legacy Dr., Plano, TX, 75024.

22. On information and belief, Defendant J.C. Penney Corporation, Inc. is a corporation organized and existing under the laws of the State of Delaware, having its principal place of business at 6501 Legacy Dr., Plano, TX, 75024.

23. On information and belief, Defendant J.P. Morgan Chase & Co. is a corporation organized and existing under the laws of the State of Delaware, having its principal place of business at 270 Park Ave., New York, NY, 10017.

24. On information and belief, Defendant McAfee, Inc. is a corporation organized and existing under the laws of the State of Delaware, having its principal place of business at 3965 Freedom Circle, Santa Clara, CA 95054.

25. On information and belief, Defendant Perot Systems Corporation is a corporation organized and existing under the laws of the State of Delaware, having its principal place of business at 2300 W. Plano Pkwy., Plano, TX, 75075.

26. On information and belief, Defendant Rent-A-Center, Inc. is a corporation organized and existing under the laws of the State of Delaware, having its principal place of business at 5501 Headquarters Dr., Plano, TX 75024.

27. On information and belief, Defendant Siemens Product Lifecycle Management Software, Inc. is a corporation organized and existing under the laws of the State of Delaware, having its principal place of business at 5800 Granite Pkwy, Ste. 600, Plano, TX 75024.

28. On information and belief, Defendant Symantec Corporation is a corporation organized and existing under the laws of the State of Delaware, having its principal place of business at 350 Ellis Street, Mountain View, CA 94043.

29. On information and belief, Defendant Wells Fargo & Company is a corporation organized and existing under the laws of the State of Delaware, having its principal place of business at 420 Montgomery St., San Francisco, CA 94163.

30. On information and belief, Defendant Yahoo!, Inc. is a corporation organized and existing under the laws of the State of Delaware, having its principal place of business at 701 1st Ave., Sunnyvale, CA 94089.

JURISDICTION AND VENUE

31. This is an action for patent infringement arising under the Patent Act, 35 U.S.C. §§ 101 *et seq.* This Court has jurisdiction over Plaintiff's federal law claims under 28 U.S.C. §§ 1331 and 1338(a).

32. This Court has specific and/or general personal jurisdiction over Defendants because they have committed acts giving rise to this action within this judicial district and/or have established minimum contacts within Texas and within this

judicial district such that the exercise of jurisdiction over Defendants would not offend traditional notions of fair play and substantial justice.

33. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b)-(c) and 1400(b) because each Defendant resides in this district, has and continues to conduct business in this district, and/or has committed acts of patent infringement within this District giving rise to this action.

CLAIMS

INFRINGEMENT OF U.S. PATENT 6,018,761

34. InNova re-alleges and incorporates by reference the allegations set forth in Paragraphs 1-33 above as if fully set forth herein.

35. On January 25, 2000, the United States Patent and Trademark Office duly and lawfully issued United States Patent Number 6,018,761 (“the ’761 patent”) entitled “System for Adding to Electronic Mail Messages Information Obtained from Sources External to the Electronic Mail Transport Process.” A true and correct copy of the ’761 patent is attached hereto as Exhibit A.

36. InNova is the owner and assignee of all right, title and interest in and to the ’761 patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

37. On information and belief, Defendant Alcatel-Lucent Holding, Inc. has been and/or now is infringing the ’761 patent in the State of Texas, in this judicial district, and elsewhere in the United States, by using email spam filtering products and/or services including, without limitation, Symantec Brightmail.

38. On information and belief, Defendant Alcatel-Lucent USA, Inc. has been and/or now is infringing the '761 patent in the State of Texas, in this judicial district, and elsewhere in the United States, by using email spam filtering products and/or services including, without limitation, Symantec Brightmail.

39. On information and belief, Defendant American International Group, Inc. has been and/or now is infringing the '761 patent in the State of Texas, in this judicial district, and elsewhere in the United States, by using email spam filtering products and/or services including, without limitation, Proofpoint products and/or services.

40. On information and belief, Defendant AOL, Inc. has been and/or now is infringing the '761 patent in the State of Texas, in this judicial district, and elsewhere in the United States, by using email spam filtering products and/or services including, without limitation, AOL Mail and/or Cisco IronPort Email Security.

41. On information and belief, Defendant Capital One Auto Finance, Inc. has been and/or now is infringing the '761 patent in the State of Texas, in this judicial district, and elsewhere in the United States, by using email spam filtering products and/or services including, without limitation, Cisco IronPort products and/or services.

42. On information and belief, Defendant Capital One Financial Corporation has been and/or now is infringing the '761 patent in the State of Texas, in this judicial district, and elsewhere in the United States, by using email spam filtering products and/or services including, without limitation, Cisco IronPort products and/or services.

43. On information and belief, Defendant Cinemark Holdings, Inc. has been and/or now is infringing the '761 patent in the State of Texas, in this judicial district, and elsewhere in the United States, by using email spam filtering products and/or services

including, without limitation, Microsoft Forefront Online Protection for Exchange. For Microsoft Forefront Online Protection for Exchange, on information and belief, Defendant Cinemark Holdings, Inc. alternatively indirectly infringes the '761 patent by actively inducing Microsoft, Inc. to use Forefront Online Protection for Exchange to filter Cinemark Holdings, Inc.'s spam email thereby infringing the '761 patent in the United States. On information and belief, Defendant Cinemark Holdings, Inc. knew or should have known its actions would induce Microsoft, Inc.'s infringement of the '761 patent.

44. On information and belief, Defendant Cinemark USA, Inc. has been and/or now is infringing the '761 patent in the State of Texas, in this judicial district, and elsewhere in the United States, by using email spam filtering products and/or services including, without limitation, Microsoft Forefront Online Protection for Exchange. For Microsoft Forefront Online Protection for Exchange, on information and belief, Defendant Cinemark USA, Inc. alternatively indirectly infringes the '761 patent by actively inducing Microsoft, Inc. to use Forefront Online Protection for Exchange to filter Cinemark USA, Inc.'s spam email thereby infringing the '761 patent in the United States. On information and belief, Defendant Cinemark USA, Inc. knew or should have known its actions would induce Microsoft, Inc.'s infringement of the '761 patent.

45. On information and belief, Defendant Cisco IronPort Systems LLC has been and/or now is infringing the '761 patent in the State of Texas, in this judicial district, and elsewhere in the United States, by using, selling, and/or offering to sell email spam filtering products and/or services including, without limitation, Cisco IronPort Email Security Appliance X1070, Cisco IronPort Email Security Appliance X1060, Cisco IronPort Email Security Appliance X1050, Cisco IronPort Email Security Appliance

C600, Cisco IronPort Email Security Appliance C670, Cisco IronPort Email Security Appliance C660, Cisco IronPort Email Security Appliance C650, Cisco IronPort Email Security Appliance C370, Cisco IronPort Email Security Appliance C360, Cisco IronPort Email Security Appliance C350, Cisco IronPort Email Security Appliance C160, Cisco IronPort Email Security Appliance C150, Cisco IronPort Cloud Email Security, Cisco IronPort Hybrid Email Security, and/or Cisco IronPort Managed Email Security. On information and belief, Defendant Cisco IronPort Systems LLC indirectly infringes the '761 patent by actively inducing its customers to use email spam filtering products and/or services including, without limitation, Cisco IronPort Email Security Appliance X1070, Cisco IronPort Email Security Appliance X1060, Cisco IronPort Email Security Appliance X1050, Cisco IronPort Email Security Appliance C600, Cisco IronPort Email Security Appliance C670, Cisco IronPort Email Security Appliance C660, Cisco IronPort Email Security Appliance C650, Cisco IronPort Email Security Appliance C370, Cisco IronPort Email Security Appliance C360, Cisco IronPort Email Security Appliance C350, Cisco IronPort Email Security Appliance C160, Cisco IronPort Email Security Appliance C150, Cisco IronPort Cloud Email Security, Cisco IronPort Hybrid Email Security, and/or Cisco IronPort Managed Email Security to filter their spam email thereby infringing the '761 patent in the United States. On information and belief, Defendant Cisco IronPort Systems LLC knew or should have known its actions would induce its customers' infringement of the '761 patent.

46. On information and belief, Defendant Cisco Systems, Inc. has been and/or now is infringing the '761 patent in the State of Texas, in this judicial district, and elsewhere in the United States, by using, selling, and/or offering to sell email spam

filtering products and/or services including, without limitation, Cisco IronPort Email Security Appliance X1070, Cisco IronPort Email Security Appliance X1060, Cisco IronPort Email Security Appliance X1050, Cisco IronPort Email Security Appliance C600, Cisco IronPort Email Security Appliance C670, Cisco IronPort Email Security Appliance C660, Cisco IronPort Email Security Appliance C650, Cisco IronPort Email Security Appliance C370, Cisco IronPort Email Security Appliance C360, Cisco IronPort Email Security Appliance C350, Cisco IronPort Email Security Appliance C160, Cisco IronPort Email Security Appliance C150, Cisco IronPort Cloud Email Security, Cisco IronPort Hybrid Email Security, and/or Cisco IronPort Managed Email Security. On information and belief, Defendant Cisco Systems, Inc. indirectly infringes the '761 patent by actively inducing its customers to use email spam filtering products and/or services including, without limitation, Cisco IronPort Email Security Appliance X1070, Cisco IronPort Email Security Appliance X1060, Cisco IronPort Email Security Appliance X1050, Cisco IronPort Email Security Appliance C600, Cisco IronPort Email Security Appliance C670, Cisco IronPort Email Security Appliance C660, Cisco IronPort Email Security Appliance C650, Cisco IronPort Email Security Appliance C370, Cisco IronPort Email Security Appliance C360, Cisco IronPort Email Security Appliance C350, Cisco IronPort Email Security Appliance C160, Cisco IronPort Email Security Appliance C150, Cisco IronPort Cloud Email Security, Cisco IronPort Hybrid Email Security, and/or Cisco IronPort Managed Email Security to filter their spam email thereby infringing the '761 patent in the United States. On information and belief, Defendant Cisco Systems, Inc. knew or should have known its actions would induce its customers' infringement of the '761 patent.

47. On information and belief, Defendant Citigroup, Inc. has been and/or now is infringing the '761 patent in the State of Texas, in this judicial district, and elsewhere in the United States by using email spam filtering products and/or services including, without limitation, Symantec MessageLabs. For Symantec MessageLabs, on information and belief, Defendant Citigroup, Inc. alternatively indirectly infringes the '761 patent by actively inducing Symantec, Inc. to use MessageLabs to filter Citigroup, Inc.'s spam email thereby infringing the '761 patent in the United States. On information and belief, Defendant Citigroup, Inc. knew or should have known its actions would induce Symantec, Inc.'s infringement of the '761 patent.

48. On information and belief, Defendant Crossmark, Inc. has been and/or now is infringing the '761 patent in the State of Texas, in this judicial district, and elsewhere in the United States, by using email spam filtering products and/or services including, without limitation, McAfee products and/or services.

49. On information and belief, Defendant Dell, Inc. has been and/or now is infringing the '761 patent in the State of Texas, in this judicial district, and elsewhere in the United States, by using, offering to sell, and/or selling email spam filtering products and/or services including, without limitation, Dell EMS Email Security, Symantec MessageLabs, and/or McAfee AntiSpam products and/or services. On information and belief, Defendant Dell, Inc. indirectly infringes the '761 patent by actively inducing its customers to use email spam filtering products and/or services including, without limitation, Dell EMS Email Security, Symantec MessageLabs, and/or McAfee AntiSpam products and/or services to filter their spam email thereby infringing the '761 patent in

the United States. On information and belief, Defendant Dell, Inc. knew or should have known its actions would induce its customers' infringement of the '761 patent.

50. On information and belief, Defendant Dr Pepper Snapple Group, Inc. has been and/or now is infringing the '761 patent in the State of Texas, in this judicial district, and elsewhere in the United States, by using email spam filtering products and/or services including, without limitation, Postini. For Postini, on information and belief, Defendant Dr. Pepper Snapple Group, Inc. alternatively indirectly infringes the '761 patent by actively inducing Google, Inc. to use Postini to filter Dr Pepper Snapple Group, Inc.'s spam email thereby infringing the '761 patent in the United States. On information and belief, Defendant Dr. Pepper Snapple Group, Inc. knew or should have known its actions would induce Google, Inc.'s infringement of the '761 patent.

51. On information and belief, Defendant Frito-Lay, Inc. has been and/or now is infringing the '761 patent in the State of Texas, in this judicial district, and elsewhere in the United States, by using email spam filtering products and/or services including, without limitation, the products and/or services used to filter spam email sent to Frito-Lay, Inc. at the domain "pbsg.com."

52. On information and belief, Defendant Frito-Lay North America, Inc. has been and/or now is infringing the '761 patent in the State of Texas, in this judicial district, and elsewhere in the United States, by using email spam filtering products and/or services including, the products and/or services used to filter spam email sent to Frito-Lay North America, Inc. at the domain "pbsg.com."

53. On information and belief, Defendant Google, Inc. has been and/or now is infringing the '761 patent in the State of Texas, in this judicial district, and elsewhere in

the United States, by using, offering to sell, and/or selling email spam filtering products and/or services including, without limitation, Postini and/or GMail.

54. On information and belief, Defendant Hewlett-Packard Company has been and/or now is infringing the '761 patent in the State of Texas, in this judicial district, and elsewhere in the United States, by using, offering to sell, and/or selling email spam filtering products and/or services including, without limitation, HP Enterprise-Class Anti-Spam Suite. On information and belief, Defendant Hewlett-Packard Company indirectly infringes the '761 patent by actively inducing its customers to use email spam filtering products and/or services including, without limitation HP Enterprise-Class Anti-Spam Suite to filter their spam email thereby infringing the '761 patent in the United States. On information and belief, Defendant Hewlett-Packard Company knew or should have known its actions would induce its customers' infringement of the '761 patent. On information and belief, Hewlett-Packard Company knew of the '761 patent and its contents from about 2003 when the '761 patent was cited in the prosecution of U.S. patent application number 09/507,043, and Hewlett-Packard Company willfully infringed the '761 patent thus entitling InNova to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in litigating this action under 35 U.S.C. § 285.

55. On information and belief, Defendant HP Enterprise Services, LLC has been and/or now is infringing the '761 patent in the State of Texas, in this judicial district, and elsewhere in the United States, by using, offering to sell, and/or selling email spam filtering products and/or services including, without limitation, Managed Messaging Services and Cisco IronPort products and/or services. On information and belief, HP Enterprise Services, LLC indirectly infringes the '761 patent by actively

inducing its customers to use email spam filtering products and/or services including, without limitation, Managed Messaging Services and Cisco IronPort products and/or services to filter their spam email thereby infringing the '761 patent in the United States. On information and belief, HP Enterprise Services, LLC knew or should have known its actions would induce its customers' infringement of the '761 patent.

56. On information and belief, Defendant J.C. Penney Company, Inc. has been and/or now is infringing the '761 patent in the State of Texas, in this judicial district, and elsewhere in the United States, by using email spam filtering products and/or services including, without limitation, the products and/or services used to filter spam email sent to J.C. Penney Company, Inc. at the domain "jcpenny.com."

57. On information and belief, Defendant J.C. Penney Corporation, Inc. has been and/or now is infringing the '761 patent in the State of Texas, in this judicial district, and elsewhere in the United States, by using email spam filtering products and/or services including, without limitation, the products and/or services used to filter spam email sent to J.C. Penney Corporation, Inc. at the domain "jcpenny.com."

58. On information and belief, Defendant J.P. Morgan Chase & Co. has been and/or now is infringing the '761 patent in the State of Texas, in this judicial district, and elsewhere in the United States, by using email spam filtering products and/or services including, without limitation, the products and/or services used to filter email sent to J.P. Morgan Chase & Co.'s email domains including "jpmchase.com."

59. On information and belief, Defendant McAfee, Inc. has been and/or now is infringing the '761 patent in the State of Texas, in this judicial district, and elsewhere in the United States, by using, offering to sell, and/or selling email spam filtering

products and/or services including, without limitation, McAfee SpamKiller, McAfee Total Protection for Internet Gateways, McAfee Total Protection for Secure Business, McAfee SaaS Email Protection, McAfee Internet Security, McAfee Total Protection, McAfee Security for Email Servers, McAfee Email Gateway, McAfee Email & Web Security Appliance, McAfee Content Security Blade Server, SaaS Email Inbound Filtering, SaaS Email Protection and Continuity, SaaS Email Security and Archiving Suite, SaaS Endpoint Protection Advanced Suite, SaaS Endpoint Protection and Email Protection Suite, SaaS Total Protection, SaaS Web & Email Protection Suite, SaaS Web & Email Security with Archiving, and/or McAfee Groupshield. On information and belief, McAfee, Inc. indirectly infringes the '761 patent by actively inducing its customers to use email spam filtering products and/or services including, without limitation, McAfee SpamKiller, McAfee Total Protection for Internet Gateways, McAfee Total Protection for Secure Business, McAfee SaaS Email Protection, McAfee Internet Security, McAfee Total Protection, McAfee Security for Email Servers, McAfee Email Gateway, McAfee Email & Web Security Appliance, McAfee Content Security Blade Server, SaaS Email Inbound Filtering, SaaS Email Protection and Continuity, SaaS Email Security and Archiving Suite, SaaS Endpoint Protection Advanced Suite, SaaS Endpoint Protection and Email Protection Suite, SaaS Total Protection, SaaS Web & Email Protection Suite, SaaS Web & Email Security with Archiving, and/or McAfee Groupshield to filter their spam email thereby infringing the '761 patent in the United States. On information and belief, McAfee, Inc. knew or should have known its actions would induce its customers' infringement of the '761 patent.

60. On information and belief, Defendant Perot Systems Corporation has been and/or now is infringing the '761 patent in the State of Texas, in this judicial district, and elsewhere in the United States, by using, offering to sell, and/or selling email spam filtering products and/or services including, without limitation, Postini. For Postini, on information and belief, Defendant Perot Systems Corporation alternatively indirectly infringes the '761 patent by actively inducing Google, Inc. to use Postini to filter Perot Systems Corporation's spam email thereby infringing the '761 patent in the United States. On information and belief, Defendant Perot Systems Corporation knew or should have known its actions would induce Google, Inc.'s infringement of the '761 patent.

61. On information and belief, Defendant Rent-A-Center, Inc. has been and/or now is infringing the '761 patent in the State of Texas, in this judicial district, and elsewhere in the United States, by using email spam filtering products and/or services including, without limitation, Proofpoint products and/or services. For Proofpoint's hosted email service, on information and belief, Defendant Rent-A-Center, Inc. alternatively indirectly infringes the '761 patent by actively inducing Proofpoint to use Proofpoint's hosted email service to filter Rent-A-Center, Inc.'s spam email thereby infringing the '761 patent in the United States. On information and belief, Defendant Rent-A-Center, Inc. knew or should have known its actions would induce Proofpoint's infringement of the '761 patent.

62. On information and belief, Defendant Siemens Product Lifecycle Management Software, Inc. has been and/or now is infringing the '761 patent in the State of Texas, in this judicial district, and elsewhere in the United States, by using email spam

filtering products and/or services including, without limitation, eleven eXpurgate Email Security.

63. On information and belief, Defendant Symantec Corporation has been and/or now is infringing the '761 patent in the State of Texas, in this judicial district, and elsewhere in the United States, by using, offering to sell, and/or selling email spam filtering products and/or services including, without limitation, Brightmail Message Filter, Brightmail Gateway, Brightmail Gateway Small Business Edition, Symantec Premium AntiSpam, Symantec Mail Security for Domino, Symantec Mail Security for Microsoft Exchange, and Symantec MessageLabs. On information and belief, Symantec, Inc. indirectly infringes the '761 patent by actively inducing its customers to use email spam filtering products and/or services including, without limitation, Brightmail Message Filter, Brightmail Gateway, Brightmail Gateway Small Business Edition, Symantec Premium AntiSpam, Symantec Mail Security for Domino, Symantec Mail Security for Microsoft Exchange, and/or Symantec MessageLabs to filter their spam email thereby infringing the '761 patent in the United States. On information and belief, Symantec, Inc. knew or should have known its actions would induce its customers' infringement of the '761 patent.

64. On information and belief, Defendant Wells Fargo & Company has been and/or now is infringing the '761 patent in the State of Texas, in this judicial district, and elsewhere in the United States, by using email spam filtering products and/or services including, without limitation, Proofpoint products and/or services and/or Sendmail.

65. On information and belief, Defendant and Yahoo!, Inc. has been and/or now is infringing the '761 patent in the State of Texas, in this judicial district, and

elsewhere in the United States, by using, offering to sell, and/or selling email filtering products and/or services including, without limitation, Yahoo! Mail's and Yahoo! Mail Plus's SpamGuard.

66. Upon information and belief, Defendants will continue to infringe the '761 patent unless enjoined by this Court.

67. Defendants' acts of infringement have damaged InNova in an amount to be proven at trial, but in no event less than a reasonable royalty. Defendants' infringement of InNova's rights under the '761 patent will continue to damage InNova causing irreparable harm, for which there is no adequate remedy at law, unless enjoined by this Court.

PRAYER FOR RELIEF

68. Wherefore, InNova respectfully requests that this Court enter judgment against Defendants as follows:

- a. For a judgment that Defendants have infringed and continue to infringe the '761 patent;
- b. For judgment that Hewlett-Packard Company's acts of infringement and inducing infringement have been and are willful;
- c. For a permanent injunction against each Defendant and its respective officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringing the '761 patent;
- d. For an accounting of all damages caused to InNova by Defendants' acts of infringement;

- e. For a judgment and order requiring each Defendant to pay InNova its damages, costs, expenses, and pre- and post-judgment interest for its infringement of the '761 patent as provided under 35 U.S.C. § 284.
- f. For a judgment and order finding this to be an exceptional case, and awarding InNova attorney fees under 35 U.S.C. § 285; and
- g. For such relief at law and in equity as the Court may deem just and proper.

DEMAND FOR A JURY TRIAL

69. InNova demands a trial by jury of all issues triable by a jury.

Dated: March 21, 2011

Respectfully submitted,

/s/ Christopher D. Banys

Christopher D. Banys - *Lead Attorney*

LANIER LAW FIRM, P.C.

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CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this 21st day of March, 2011.

/s/ Georgia Perivoliotis
Georgia Perivoliotis