

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

DISC LINK CORPORATION,

Plaintiff,

v.

H&R BLOCK DIGITAL TAX SOLUTIONS,
LLC F/K/A H&R BLOCK DIGITAL TAX
SOLUTIONS, INC., BLOCK FINANCIAL
CORPORATION and RIVERDEEP INC., A
LIMITED LIABILITY COMPANY,

Defendants.

DISC LINK CORPORATION,

Plaintiff,

v.

ORACLE CORPORATION, SAP
AMERICA, INC. d/b/a SAP AMERICAS,
SAP AG, BENTLEY SYSTEMS, INC.,
SPSS, INC., SOLIDWORKS
CORPORATION, CMS PRODUCTS, INC.,
SONIC SOLUTIONS, COREL
CORPORATION, COREL, INC., MISYS
INTERNATIONAL BANKING SYSTEMS,
INC., ADTRAN, INC., EASTMAN KODAK
COMPANY, CA, INC., UGS CORP.,
NUANCE COMMUNICATIONS, INC.,
KOFAX IMAGE PRODUCTS, INC.,
BUSINESS OBJECTS AMERICAS,
BUSINESS OBJECTS SA, TREND MICRO
INCORPORATED (CALIFORNIA
CORPORATION), EMC CORPORATION,
BORLAND SOFTWARE CORPORATION,
NOVELL, INC., COMPUWARE
CORPORATION and
AVID TECHNOLOGY, INC.,

Defendants.

CIVIL ACTION NO. 5:06cv00295

JURY TRIAL DEMANDED

CONSOLIDATED WITH:

CIVIL ACTION NO. 5:07-CV-58

FOURTH AMENDED COMPLAINT

Plaintiff DISC LINK CORPORATION files this Fourth Amended Complaint against Defendants H&R BLOCK DIGITAL TAX SOLUTIONS, LLC, f/k/a H&R BLOCK DIGITAL TAX SOLUTIONS, INC., BLOCK FINANCIAL CORPORATION, RIVERDEEP INC., A LIMITED LIABILITY COMPANY, ORACLE CORPORATION, SAP AMERICA, INC. d/b/a SAP AMERICAS, SAP AG, BENTLEY SYSTEMS, INC., SPSS, INC., SOLIDWORKS CORPORATION, CMS PRODUCTS, INC., SONIC SOLUTIONS, COREL CORPORATION, COREL, INC., MISYS INTERNATIONAL BANKING SYSTEMS, INC., ADTRAN, INC., EASTMAN KODAK COMPANY, CA, INC., UGS CORP., NUANCE COMMUNICATIONS, INC., KOFAX IMAGE PRODUCTS, INC., BUSINESS OBJECTS AMERICAS, BUSINESS OBJECTS SA, TREND MICRO INCORPORATED (CALIFORNIA CORPORATION), EMC CORPORATION, BORLAND SOFTWARE CORPORATION, NOVELL, INC., COMPUWARE CORPORATION and AVID TECHNOLOGY, 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, H&R BLOCK DIGITAL TAX SOLUTIONS, LLC f/k/a H&R BLOCK DIGITAL TAX SOLUTIONS, INC. (“H&R Block”) is a limited liability company organized and existing under the laws of the State of Delaware, with its principle place of business located in Kansas City, Missouri. H&R Block has been served with process.

3. Upon information and belief, BLOCK FINANCIAL CORPORATION (“Block Financial”) is a corporation organized and existing under the laws of the State of Delaware, with

its principle place of business located in Kansas City, Missouri. Block Financial has been served with process.

4. Upon information and belief, RIVERDEEP INC., A LIMITED LIABILITY COMPANY (“Riverdeep”) is a limited liability company organized and existing under the laws of the State of Delaware, with its principle place of business located in San Francisco, California. Riverdeep has been served with process.

5. Upon information and belief, ORACLE CORPORATION (“Oracle”) is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located in Redwood City, CA. Oracle has been served with process.

6. Upon information and belief, SAP AMERICA, INC. d/b/a SAP AMERICAS (“SAP Americas”) is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located in Newtown Square, PA. SAP Americas has been served with process.

7. Upon information and belief, SAP AG (“SAP”) is a corporation organized and existing under the laws of Germany, with its principal places of business located in Waldorf, Germany. SAP has been served with process.

8. Upon information and belief, BENTLEY SYSTEMS, INC. (“Bentley”) is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located in Exton, PA. Bentley has been served with process.

9. Upon information and belief, SPSS, INC. (“SPSS”) is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located in Chicago, IL. SPSS has been served with process.

10. Upon information and belief, SOLIDWORKS CORPORATION (“SolidWorks”) is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located in Concord, MA. SolidWorks has been served with process.

11. Upon information and belief, CMS PRODUCTS, INC. (“CMS”) is a corporation organized and existing under the laws of the State of California, with its principal place of business located in Costa Mesa, CA. CMS has been served with process.

12. Upon information and belief, SONIC SOLUTIONS (“Sonic”) is a corporation organized and existing under the laws of the State of California, with its principal place of business located in Novato, CA. Sonic has been served with process.

13. Upon information and belief, COREL CORPORATION (“Corel”) is a corporation organized and existing under the laws of Canada, with its principal places of business located in Ottawa, Ontario. Corel has been served with process.

14. Upon information and belief, COREL, INC. (“Corel Inc.”) is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located in Ottawa, Ontario. Corel Inc. has been served with process.

15. Upon information and belief, MISYS INTERNATIONAL BANKING SYSTEMS, INC. (“Misys”) is a corporation organized and existing under the laws of the State of New York, with its principal place of business located in New York, New York. Misys has agreed to accept service through its counsel Tonya R. Deem, KILPATRICK STOCKTON LLP, 1001 West Fourth Street, Winston-Salem, NC 27101-2400.

16. Upon information and belief, ADTRAN, INC. (“Adtran”) is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located in Huntsville, AL. Adtran has been served with process.

17. Upon information and belief, EASTMAN KODAK COMPANY (“Kodak”) is a corporation organized and existing under the laws of the State of New Jersey, with its principal place of business located in Rochester, NY. Kodak has been served with process.

18. Upon information and belief, CA, INC. (“CA”) is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located in Islandia, NY. CA has been served with process.

19. Upon information and belief, UGS CORP. (“UGS”) is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located in Plano, TX. UGS has been served with process.

20. Upon information and belief, NUANCE COMMUNICATIONS, INC. (“Nuance”) is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located in Peabody, MA. Nuance has been served with process.

21. Upon information and belief, KOFAX IMAGE PRODUCTS, INC (“Kofax”) is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located in Irvine, CA. Kofax has been served with process.

22. Upon information and belief, BUSINESS OBJECTS AMERICAS (“Business Objects Americas”) is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located in San Jose, CA. Business Objects Americas has been served with process.

23. Upon information and belief, BUSINESS OBJECTS SA (“Business Objects”) is a corporation organized and existing under the laws of France, with its principal places of business located in Levallois-Perret. Business Objects has been served with process.

24. Upon information and belief, TREND MICRO INCORPORATED (CALIFORNIA CORPORATION) (“Trend Micro”) is a corporation organized and existing

under the laws of the State of California, with its principal place of business located in Cupertino, CA. Trend Micro California has been served with process.

25. Upon information and belief, EMC CORPORATION (“EMC”) is a corporation organized and existing under the laws of the State of Massachusetts, with its principal place of business located in Hopkinton, MA. EMC has been served with process.

26. Upon information and belief, BORLAND SOFTWARE CORPORATION, (“Borland”) is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located in Cupertino, CA. Borland has been served with process.

27. Upon information and belief, NOVELL, INC. (“Novell”) is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located in Waltham, MA. Novell has been served with process.

28. Upon information and belief, COMPUWARE CORPORATION (“Compuware”) is a corporation organized and existing under the laws of the State of Michigan, with its principal place of business located in Detroit, MI. Compuware has been served with process.

29. Upon information and belief, AVID TECHNOLOGY, INC. (“Avid”) is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located in Tewksbury, MA. Avid has been served with process.

II. JURISDICTION AND VENUE

30. This is an action for infringement of a United States patent. This Court has exclusive jurisdiction of such action under Title 28 U.S.C. § 1338(a).

31. 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

32. 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.

33. 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.

34. 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.

35. 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.

36. 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.

37. Excepting Defendants CMS, Misys, UGS, SolidWorks, and Avid, Disc Link notified each Defendant in writing (between August 2006 and January 2007) of their respective infringing conduct.

38. Those Defendants have knowingly and willfully infringed the '574 patent since at least the time of their notices and, upon information and belief, gained knowledge of their infringing conduct, and began willfully infringing the '574 patent, at a time prior to such 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 such damages be trebled as a result of Defendant's actions complained of herein;
- d. That Disc Link be granted pre-judgment and post-judgment interest on the damages caused to it by reason of 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: July 23, 2007

Respectfully submitted,

/s/ Edward R. Nelson, III

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**ATTORNEYS FOR PLAINTIFF
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CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of July, 2007, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Eastern District of Texas, Texarkana Division, using the electronic case filing system of the Court. The electronic case filing system sent a “Notice of Electronic Filing” to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Edward R. Nelson, III