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18 Attorneys for Plaintiffs  
19 HARK CHAN, TECHSEARCH LLC, and IP  
20 INNOVATION, L.L.C.

21 UNITED STATES DISTRICT COURT  
22 NORTHERN DISTRICT OF CALIFORNIA  
23 SAN FRANCISCO DIVISION

24 HARK CHAN, a California resident,  
25 TECHSEARCH LLC, an Illinois limited  
26 liability company, and IP  
27 INNOVATION, L.L.C., a Texas limited  
28 liability company,

Plaintiffs,

v.

INTUIT, INC., a Delaware corporation,  
SYMANTEC CORPORATION, a  
Delaware Corporation, and  
ELECTRONIC ARTS, INC., a  
Delaware corporation,

Defendants.

Case No. C 02-2878 VRW

**AMENDED FIRST AMENDED  
COMPLAINT FOR PATENT  
INFRINGEMENT**

**DEMAND FOR JURY TRIAL**

27 Plaintiffs Hark Chan, TechSearch LLC, and IP Innovation, L.L.C., (collectively referred  
28 to as “plaintiffs”), allege as follows:

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**PARTIES**

1. Plaintiff Hark Chan (“Chan”) is a resident of the state of California and maintains his residence in Cupertino, California.

2. Plaintiff TechSearch LLC (“TechSearch”) is an Illinois limited liability company with its principal place of business in Northbrook, Illinois.

3. Plaintiff IP Innovation, L.L.C. (“IP”) is a Texas limited liability company with its principal place of business in Northbrook, Illinois.

4. Defendant Intuit, Inc. (“Intuit”) is a publicly held Delaware corporation with its principal place of business in Mountain View, California.

5. Defendant Symantec Corporation (“Symantec”) is a publicly held Delaware corporation with its principal place of business in Cupertino, California.

6. Defendant Electronic Arts, Inc. (“EA”) is a publicly held Delaware corporation with its principal place of business in Redwood City, California.

**JURISDICTION**

7. This action arises under the federal patent statute, 35 U.S.C. § 271, §§ 281 et seq., and this Court therefore has jurisdiction under 28 U.S.C. § 1331 and § 1338(a).

**VENUE**

8. Venue is proper in this district under 28 U.S.C. § 1391(b) and § 1400(b).

**INTRADISTRICT ASSIGNMENT**

9. This is a patent infringement action and, under General Order 44 of this Court, venue is therefore proper in any Courthouse in this district.

**FACTUAL BACKGROUND**

10. Chan holds an undergraduate degree in electrical engineering and has a Ph.D. in nuclear engineering from Massachusetts Institute of Technology (“MIT”). Among other things, he was a tenured associate professor of engineering at Arkansas Tech University and also worked at the MIT Research Laboratory of Electronics. TechSearch is generally engaged in the business of assisting, principally individual inventors, in commercializing their technological innovations.

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1 11. Intuit's May 21, 2002, press release claims that Intuit is the leading provider of  
 2 financial software and web-based services for consumers, small businesses and accounting  
 3 professionals. Its flagship products and services include Quicken®, QuickBooks®, Quicken®  
 4 TurboTax® and Quicken Loans®, which are intended to simplify personal finance, small  
 5 business management and payroll processing, tax preparation and filing and home loans. Intuit  
 6 has annual revenues of more than \$1 billion.

7 12. Many of Intuit's products are sold on CD-ROM with Internet hyperlinks.

8 13. Symantec's March 21, 2002, press release claims that Symantec is the world  
 9 leader in Internet security technology. Symantec manufactures, offers and sells, among other  
 10 things, the popular Norton AntiVirus, Norton System Works and Norton Internet Security  
 11 products. Symantec has annual sales of more than \$1 billion.

12 14. Many Symantec products are sold on CD-ROM with Internet hyperlinks. In  
 13 addition, several Symantec products use a tool called "LiveUpdate," which allows customers to  
 14 immediately connect to a remote database and receive new virus protection software. In a letter  
 15 to shareholders in the 2001 Annual Report, Symantec's Chairman of the Board and Chief  
 16 Executive Officer wrote:

17 Symantec is renowned for fast response to virus emergencies. As  
 18 part of the new Symantec Security Response™ organization, our  
 19 intrusion experts, security engineers and virus hunters work  
 20 together to provide comprehensive coverage around the clock. Our  
 21 LiveUpdate™ technology delivers new virus protection signatures  
 to millions of customers every week. Furthermore, this proven  
 response technology will soon be used to augment our intrusion  
 detection and vulnerability management products---a first in the  
 industry.

22 15. Symantec products sold on CD-ROM have Internet hyperlinks in addition to the  
 23 LiveUpdate technology.

24 16. EA manufactures, offers and sells products for personal computers ("PC") and  
 25 other devices. According to its website, EA "is the world's leading independent developer and  
 26 publisher of interactive entertainment software for personal computers and advanced  
 27 entertainment systems." Among others, EA markets the widely popular games entitled "The  
 28 Sims," "Sim City 3000" and "Command and Conquer, Tiberian Sun."

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1 17. EA manufactures, offers and sells PC electronic games on CD-ROM with Internet  
2 hyperlinks. EA claims that “Internet connectivity offers a unique element to PC games that, so  
3 far, can't be duplicated on consoles.”

4 18. On November 6, 2001, the United States Patent and Trademark Office (USPTO)  
5 duly and properly issued United States Letters Patent 6,314,574 B1 (the ‘574 patent), entitled  
6 “Information Distribution System,” to Chan. A copy of the '574 patent is attached as Exhibit A.

7 19. Chan, TechSearch, and IP collectively own all right, title and interest in the ‘574  
8 patent.

9 **COUNT ONE**  
10 **Infringement by Intuit**

11 20. Plaintiffs restate and reallege each of the allegations in paragraphs 1 through 19 of  
12 the First Amended Complaint and incorporate them herein.

13 21. Intuit has infringed the claims of the ‘574 patent, in this judicial district and  
14 throughout the United States, by making, using, offering to sell and selling CD-ROMs and other  
15 read only storage devices with links to remote sites.

16 22. Intuit will continue to infringe the ‘574 patent unless enjoined by this Court.

17 23. Intuit's infringement of the ‘574 patent has injured plaintiffs and caused them  
18 significant financial damage.

19 **COUNT TWO**  
20 **Infringement by Symantec**

21 24. Plaintiffs restate and reallege each of the allegations in paragraphs 1 through 23 of  
22 the First Amended Complaint and incorporate them herein.

23 25. Symantec has infringed the claims of the ‘574 patent, in this judicial district and  
24 throughout the United States, by making, using, offering to sell and selling CD-ROMs and other  
25 read only storage devices with links to remote sites.

26 26. Symantec will continue to infringe the ‘574 patent unless enjoined by this Court.

27 27. Symantec's infringement of the ‘574 patent has injured plaintiffs and caused them  
28 significant financial damage.

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**COUNT THREE**  
**Infringement by EA**

28. Plaintiffs restate and reallege each of the allegations in paragraphs 1 through 27 of the First Amended Complaint and incorporate them herein.

29. EA has infringed the claims of the '574 patent, in this judicial district and throughout the United States, by making, using, offering to sell and selling CD-ROMs and other read only storage devices with links to remote sites.

30. EA will continue to infringe the '574 patent unless enjoined by this Court.

31. EA's infringement of the '574 patent has injured plaintiffs and caused them significant financial damage.

**PRAYER FOR RELIEF**

WHEREFORE, plaintiffs Chan, TechSearch, and IP pray for the following relief against each of defendants Intuit, Symantec and EA:

1. An award of compensatory damages for infringement in an amount no less than a reasonable royalty.

2. An order enjoining said defendants from infringing the '574 patent.

3. An award of prejudgment interest, attorneys' fees and such other and further relief as the Court may deem just and proper.

Dated: November 25, 2002

COBLENTZ, PATCH, DUFFY & BASS, LLP

By: /s/ William H. Orrick, III  
WILLIAM H. ORRICK, III

-and-

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**DEMAND FOR JURY TRIAL**

Pursuant to Fed. R. Civ. P. 38(a), plaintiffs demand a jury trial on all counts of this First Amended Complaint.

Dated: November 25, 2002

COBLENTZ, PATCH, DUFFY & BASS, LLP

By /s/ William H. Orrick, III  
WILLIAM H. ORRICK, III

-and-

ROBINS, KAPLAN, MILLER & CIRESI L.L.P.

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