

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK**

XEROX CORPORATION,	)
	)
Plaintiff,	)
	)
v.	)
	)
3COM CORPORATION,	)
U.S. ROBOTICS CORPORATION,	)
U.S. ROBOTICS ACCESS CORP.,	)
PALM COMPUTING, INC.,	)
PALM, INC.,	)
PALMSOURCE, INC., and	)
PALMONE, INC.	)
	)
Defendants.	)
_____	)

Civil Action No. 6:97-CV-06182  
Hon. Judge Michael A. Telesca  
Hon. Mag. Judge Jonathan W. Feldman

**FOURTH AMENDED COMPLAINT**

Plaintiff brings this action for patent infringement against Defendants and alleges as follows:

1. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code. Jurisdiction is conferred on this Court pursuant to 28 U.S.C. §1338(a). Venue lies in this judicial district pursuant to 28 U.S.C. §1400(b).

2. Plaintiff, Xerox Corporation ("Xerox"), is a corporation organized under the laws of the state of New York and has a place of business at Xerox Square, 100 Clinton Avenue South, Rochester, New York 14644.

3. Defendant U.S. Robotics Corporation is or was a corporation organized under the laws of the State of Delaware, and has or had a place of business at 8100 North McCormick Boulevard, Skokie, Illinois 60076.

4. Defendant U.S. Robotics Access Corporation is or was a corporation organized under the laws of the State of Delaware, and has or had a place of business at 8100 North McCormick Boulevard, Skokie, Illinois 60076. On information and belief, U.S. Robotics Access Corporation is or was a wholly-owned subsidiary of U.S. Robotics Corporation.

5. Defendant Palm Computing, Inc. is or was a corporation organized under the laws of the State of California, and has or had a place of business at 1565 Charleston Road, Mountain View, California 94043. On information and belief, Palm Computing, Inc. is or was a wholly-owned subsidiary of U.S. Robotics Corporation.

6. Defendant 3Com Corporation is a corporation organized under the laws of the State of Delaware, and has a place of business at 5400 Bayfront Plaza, Santa Clara, California 95054. On information and belief, 3Com Corporation consummated a merger with U.S. Robotics Corporation on June 12, 1997, and Palm Computing, Inc. became a wholly-owned subsidiary of 3Com Corporation.

7. Defendant Palm, Inc., a successor in interest to Palm Computing, Inc., is or was a corporation organized under the laws of the State of California, and has or had a place of business at 1565 Charleston Road, Mountain View, California 94043. On information and belief, Palm Computing, Inc. changed its name to Palm, Inc. and reincorporated under the laws of the State of Delaware in February 2000 in preparation for becoming an independent, publicly traded company. On February 26, 2000, Palm, Inc. legally separated from 3Com Corporation.

Following the completion of its initial public offering on March 2, 2000, Palm, Inc. became an independent, publicly traded company with 3Com Corporation holding the majority of shares.

8. Defendant PalmSource, Inc. is a corporation organized under the laws of the State of Delaware, and has a place of business at 1240 Crossman Avenue, Sunnyvale, California 94089. On information and belief, Palm, Inc. spun off PalmSource, Inc. as a separate and independent company on October 28, 2003.

9. Defendant palmOne, Inc. is a corporation organized under the laws of the State of Delaware, and has a place of business at 400 N. McCarthy Boulevard, Milpitas, California 95035. On information and belief, Palm, Inc. consummated a merger with Handspring, Inc. on October 29, 2003, and the new combined company was renamed palmOne, Inc.

10. On January 21, 1997, United States Patent No. 5,596,656 (Exhibit A to Plaintiff's First Amended Complaint, the "'656 patent") was duly and legally issued for an invention entitled "Unistrokes for Computerized Interpretation of Handwriting."

11. Xerox is the sole owner of the '656 patent.

12. On information and belief, Defendants have infringed and are continuing to infringe the '656 patent by making, using, offering to sell, selling and/or importing, directly and/or through intermediaries, the invention claimed therein within this judicial district and the United States, by inducing others to do the same, and/or by contributing to others' infringement, and will continue to infringe said patent unless enjoined by this Court.

13. The continuing acts of infringement by Defendants have occurred with full knowledge of the '656 patent and have been willful and deliberate, thereby making this case exceptional within the meaning of the United States patent laws.

**JURY DEMAND**

Xerox demands a jury trial for all issues triable to a jury.

**RELIEF REQUESTED**

WHEREFORE, Plaintiff prays:

A. That this Court adjudge and decree that United States Patent No. 5,596,656 is not invalid and is enforceable against Defendants;

B. That this Court adjudge and decree that Defendants have infringed United States Patent No. 5,596,656;

C. That this Court preliminarily and permanently enjoin Defendants, their agents, servants, employees, attorneys, successors, and assigns, and all others in active concert or participation with Defendants, from making, using, selling, offering for sale or importing any device adjudged to infringe U.S. Patent No. 5,596,656;

D. That this Court order an accounting of damages sustained by Xerox by reason of Defendants' infringement, including Xerox's lost profits, such damages to be trebled pursuant to 35 U.S.C. §284;

E. That this Court order an assessment of interest on the damages awarded to Xerox;

F. That Xerox be awarded its costs, disbursements, and attorney fees for this action, including those pursuant to 35 U.S.C. §285; and

G. That Xerox be awarded such further relief as this Court may deem just and appropriate.

Dated: March 25, 2004

Respectfully submitted,

XEROX CORPORATION

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