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Attorneys for Plaintiff
Intuit Inc.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

INTUIT INC., a Delaware corporation,

Plaintiff,

v.

ENPAT, INC., a Florida company,

Defendant.

Case No. CV 10 2942

COMPLAINT FOR DECLARATORY JUDGMENT

Plaintiff Intuit Inc. ("Intuit"), for its Complaint for Declaratory Judgment against defendant Enpat, Inc. ("Defendant"), avers the following:

NATURE OF THE ACTION

1. This action is based on the patent laws of the United States, Title 35 of the United States Code. Defendant has asserted rights under U.S. Patent Nos. RE38,633 ("the '633 patent) based on certain ongoing activity by Intuit, and Intuit contends that it has the right to engage in this activity without license. A true and correct copy of the patent-in-suit is attached hereto as Exhibit A. Intuit thus seeks a declaration that it does not infringe the patent-in-suit and/or that the patent-in-suit is invalid.

THE PARTIES

2. Plaintiff Intuit is a corporation organized under the laws of Delaware, with its headquarters and principal place of business at 2700 Coast Avenue, Mountain View, California.

3. On information and belief, Enpat is a company existing under the laws of Florida with a place of business at 610 Baytree Drive, Melbourne, Florida.

JURISDICTION AND VENUE

4. This is a civil action regarding allegations of patent infringement arising under the patent laws of the United States, Title 35 of the United States Code, in which Intuit seeks declaratory relief under the Declaratory Judgment Act. Thus, the court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1338, 2201, and 2202.

5. An actual controversy exists between Intuit and Defendant by virtue of Defendant's assertion of rights under the patent-in-suit based on certain ongoing activity by Intuit.

6. Intuit contends that it has a right to engage in making, using, offering to sell, and selling its products and services, including QuickBase, without license from Defendant.

7. The Court has personal jurisdiction over Defendant because Defendant has purposely directed its activities relating to the '633 patent, which is the subject matter of this action, into the Northern District of California. For example, and without limitation, Defendant has entered into a contractual agreement with an individual residing in the Northern District of California under which the '633 patent was assigned to Defendant, and on information and belief, Defendant has entered into one or more other agreements and/or transactions relating to the'633 patent with the same individual. Further, Defendant has directed enforcement activities relating to the '633 patent, including but not necessarily limited to the assertion of rights against Intuit referenced above, toward the Northern District of California. Moreover, the inventor as well as information related to conception and reduction to practice is located in this District. Accordingly, Defendant has established the requisite minimum contacts with this District, and exercise of jurisdiction here would comport with traditional notions of substantial justice and fair play.

8. Venue is proper in this court pursuant to 28 U.S.C. § 1391 because Defendant is subject to personal jurisdiction in this district. Venue is also proper pursuant to 28 U.S.C. § 1391(b) because the events which give rise to the remedy requested herein occurred in this district.

INTRADISTRICT ASSIGNMENT

9. This is an Intellectual Property Action subject to district-wide assignment under Local Rule 3-2(c).

FACTUAL BACKGROUND

10. Intuit is a leading provider of financial software and related products and services to individuals and small businesses, including the award-winning Quicken, QuickBooks, and TurboTax products. Additionally, Intuit develops and provides the number-one online database software and service, called QuickBase, used by over half of all Fortune 100 companies. QuickBase allows businesses to create custom database applications without writing source code.

11. On information and belief, Defendant is a patent licensing company that neither makes nor sells any products or services, and markets itself to individual inventors as an enforcer of patents, thus the name "Enpat."

12. The '633 patent is entitled "Automated, Electronic Network Based, Project Management Server Systems." The '633 patent on its face states that it was reissued on October 14, 2004. The '633 patent appears to have been originally issued to Seshan R. Srinivasa of Sunnyvale, California, and was assigned to Defendant on April 1, 2004.

13. Defendant has asserted all right, title, and interest in the '633 patent. In March 2010, Defendant contacted Intuit regarding licensing the '633 patent and has since accused Intuit of infringement.

14. Intuit believes its products and services do not infringe the patent-in-suit and the claims of the patent-in-suit are invalid. Accordingly, an actual controversy exists between Intuit and Defendant as to whether Intuit's manufacture, use or sale of its products and/or services infringes any valid and enforceable claim of the patent-in-suit. Absent a declaration of non-

infringement and/or invalidity, Defendant will continue to wrongly assert the patent-in-suit against Intuit, and thereby cause Intuit irreparable harm.

FIRST CAUSE OF ACTION

(Declaratory Judgment of Non-Infringement of the '633 Patent)

15. Intuit hereby incorporates by reference its allegations contained in paragraphs 1 through 14 of this Complaint as though fully set forth herein.

16. Defendant contends that products and services imported, made, used, sold or offered for sale by Intuit infringe the '633 patent.

17. Intuit denies Defendant's contentions and alleges that Intuit's products and services do not directly or indirectly infringe the '633 patent.

18. An actual controversy thus exists between Intuit and Defendant as to whether Intuit's products and services infringe the '633 patent.

19. Accordingly, Intuit seeks and is entitled to a judgment against Defendant that it does not infringe and has not infringed, directly or indirectly, contributorily or by inducement, the '633 patent.

SECOND CAUSE OF ACTION

(Declaratory Judgment of Invalidity of the '633 Patent)

20. Intuit hereby incorporates by reference its allegations contained in paragraphs 1 through 14 of this Complaint as though fully set forth herein.

21. Defendant contends that the '633 patent is valid.

22. Intuit denies Defendant's contention and alleges that the '633 patent is invalid. The '633 patent is invalid for failure to meet at least one of the conditions of patentability specified in Title 35 of the United States Code. No claim of the '633 patent can be validly construed to cover any products and/or services imported, made, used, sold or offered for sale by Intuit.

23. An actual controversy thus exists between Intuit and Defendant as to whether the '633 patent is valid.

24. Accordingly, Intuit seeks and is entitled to a judgment against Defendant that the '633 patent is invalid.

PRAYER FOR RELIEF

WHEREFORE, Intuit prays for a declaratory judgment against Defendant as follows:

A. Judgment against Defendant declaring that the '633 patent is not infringed by Intuit;

B. Judgment against Defendant declaring that the '633 patent is invalid;

C. A declaration that Intuit's case against Defendant is an exceptional case within the meaning of 35 U.S.C. § 285;

D. An award of costs and attorneys' fees to Intuit; and

E. Such other and further relief as the Court deems just and reasonable.

Dated: July 2, 2010

FENWICK & WEST LLP

By: David D. Schumann

Attorneys for Plaintiff
Intuit Inc.