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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA

E-filing

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RICHARD W. MEYER  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
MT  
IS

CV 10 2942  
Case No.

DWT

10  
11 INTUIT INC., a Delaware corporation,  
12 Plaintiff,  
13 v.  
14 ENPAT, INC., a Florida company,  
15 Defendant.

COMPLAINT FOR DECLARATORY JUDGMENT

FENWICK & WEST LLP  
ATTORNEYS AT LAW  
MOUNTAIN VIEW

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17  
18 Plaintiff Intuit Inc. ("Intuit"), for its Complaint for Declaratory Judgment against  
19 defendant Enpat, Inc. ("Defendant"), avers the following:

20 NATURE OF THE ACTION

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

27 THE PARTIES



1 8. Venue is proper in this court pursuant to 28 U.S.C. § 1391 because Defendant is  
2 subject to personal jurisdiction in this district. Venue is also proper pursuant to 28 U.S.C. §  
3 1391(b) because the events which give rise to the remedy requested herein occurred in this  
4 district.

5 **INTRADISTRICT ASSIGNMENT**

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

8 **FACTUAL BACKGROUND**

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

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

17 12. The '633 patent is entitled "Automated, Electronic Network Based, Project  
18 Management Server Systems." The '633 patent on its face states that it was reissued on October  
19 14, 2004. The '633 patent appears to have been originally issued to Seshan R. Srinivasa of  
20 Sunnyvale, California, and was assigned to Defendant on April 1, 2004.

21 13. Defendant has asserted all right, title, and interest in the '633 patent. In March  
22 2010, Defendant contacted Intuit regarding licensing the '633 patent and has since accused Intuit  
23 of infringement.

24 14. Intuit believes its products and services do not infringe the patent-in-suit and the  
25 claims of the patent-in-suit are invalid. Accordingly, an actual controversy exists between Intuit  
26 and Defendant as to whether Intuit's manufacture, use or sale of its products and/or services  
27 infringes any valid and enforceable claim of the patent-in-suit. Absent a declaration of non-  
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1 infringement and/or invalidity, Defendant will continue to wrongly assert the patent-in-suit  
2 against Intuit, and thereby cause Intuit irreparable harm.

3 **FIRST CAUSE OF ACTION**

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

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

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

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

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

13 19. Accordingly, Intuit seeks and is entitled to a judgment against Defendant that it  
14 does not infringe and has not infringed, directly or indirectly, contributorily or by inducement, the  
15 '633 patent.

16 **SECOND CAUSE OF ACTION**

17 **(Declaratory Judgment of Invalidity of the '633 Patent)**

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

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

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

26 23. An actual controversy thus exists between Intuit and Defendant as to whether the  
27 '633 patent is valid.

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1 24. Accordingly, Intuit seeks and is entitled to a judgment against Defendant that the  
2 '633 patent is invalid.

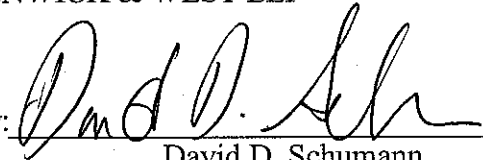
3 **PRAYER FOR RELIEF**

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

- 5 A. Judgment against Defendant declaring that the '633 patent is not infringed by
- 6 Intuit;
- 7 B. Judgment against Defendant declaring that the '633 patent is invalid;
- 8 C. A declaration that Intuit's case against Defendant is an exceptional case within the
- 9 meaning of 35 U.S.C. § 285;
- 10 D. An award of costs and attorneys' fees to Intuit; and
- 11 E. Such other and further relief as the Court deems just and reasonable.

12  
13 Dated: July 2, 2010

FENWICK & WEST LLP

14  
15 By:   
16 David D. Schumann

17 Attorneys for Plaintiff  
18 Intuit Inc.  
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