

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

AKAMAI TECHNOLOGIES, INC.)	
)	Civil Action No. 03-10934 RWZ
Plaintiff,)	
)	JURY TRIAL DEMANDED
v.)	
)	
SPEEDERA NETWORKS, INC.)	
)	
Defendant.)	
)	

FIRST AMENDED COMPLAINT

Plaintiff Akamai Technologies, Inc. ("Akamai") brings this Complaint for patent infringement, and alleges as follows:

1. Akamai is a corporation organized under the laws of Delaware with its principal place of business at 8 Cambridge Center, Cambridge, Massachusetts. Akamai has a place of business in this Judicial District.

2. Speedera Networks, Inc. ("Speedera") is a corporation organized under the laws of Delaware with its principal place of business at 4800 Great America Parkway, Santa Clara, California.

3. On information and belief, Speedera has committed and is committing acts of patent infringement in this Judicial District and elsewhere.

JURISDICTION AND VENUE

4. Jurisdiction is proper pursuant to 28 U.S.C. §§ 1331 and 1338(a) in that the claim for relief arises under the Patent Laws of the United States, 35 U.S.C. § 271 *et seq.*; and under 28 U.S.C. §§ 1331 and 1338(a).

5. Speedera is subject to personal jurisdiction and venue in this Court, under 28 U.S.C. § 1391(b), (c) and § 1400(b).

Count I: Infringement of U.S. Patent No. 6,502,125

6. Akamai repeats and incorporates by reference paragraphs 1-5 hereof.

7. On December 31, 2002, U.S. Patent No. 6,502,125 B1 (the "'125 patent") was duly and legally issued to the named inventors. Akamai is the assignee of all the right, title and interest to the patent. A copy of the '125 patent is attached to this Complaint as Exhibit A.

8. Speedera has been and still is infringing the '125 patent, literally or under the doctrine of equivalents, by using, inducing others to use, or contributing to the infringement of, the content delivery methods claimed in the '125 patent, in the District of Massachusetts and elsewhere in the United States, and Speedera will continue to do so unless enjoined by this Court.

9. Speedera's infringement of the '125 patent has been and continues to be willful and deliberate and with full knowledge of Akamai's patent rights.

10. Speedera's infringement of the '125 patent has caused and, unless enjoined by this Court, will continue to cause damage and irreparable injury to Akamai.

Count II: Infringement of U.S. Patent No. 6,665,706

11. Akamai repeats and incorporates by reference paragraphs 1-5 hereof.

12. On December 16, 2003, U.S. Patent No. 6,665,706 B2 (the "'706 patent") was duly and legally issued to the named inventors. Akamai is the assignee of all the right, title and

interest to the patent. The '706 patent contains the same written description as the '125 patent. A copy of the '706 patent is attached as Exhibit B.

13. Speedera has been and still is infringing the '706 patent, literally or under the doctrine of equivalents, by using, inducing others to use, or contributing to the infringement of, the content delivery methods claimed in the '706 patent, in the District of Massachusetts and elsewhere in the United States, and Speedera will continue to do so unless enjoined by this Court.

14. Speedera's infringement of the '706 patent has been and continues to be willful and deliberate and with full knowledge of Akamai's patent rights.

15. Speedera's infringement of the '706 patent has caused and, unless enjoined by this Court, will continue to cause damage and irreparable injury to Akamai.

REQUEST FOR RELIEF

WHEREFORE, plaintiff Akamai prays for judgment against Speedera as follows:

- (a) preliminarily and permanently enjoining any further infringement by Speedera, its officers, agents, servants, employees, attorneys and all those persons in active concert or participation with them;
- (b) ordering Speedera to account for the infringement, and to pay monetary damages to Akamai sufficient to compensate for the infringement;
- (c) enhancing damages up to treble damages under 35 U.S.C. § 284, for the deliberate and willful nature of Speedera's infringement;
- (d) ordering Speedera to pay interest on the damages award in the form of both pre-judgment and post-judgment interest;

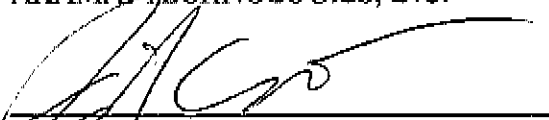
- (e) Declaring that this case is exceptional within the meaning of 35 U.S.C. § 285, and ordering Spedera to pay Akamai's costs and expenses and its reasonable attorneys' fees under 35 U.S.C. § 285; and
- (f) Granting Akamai such other relief as the Court deems just and equitable.

JURY TRIAL DEMANDED

Pursuant to Federal Rule of Civil Procedure 38, Plaintiff demands a jury trial on all issues triable of right by a jury.

Respectfully submitted,

AKAMATECHNOLOGIES, INC.



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