

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

LENDINGTREE, LLC,)	
)	
Plaintiff,)	
)	
v.)	Case No.: 08-164-CV-W-SOW
)	
BLOCK FINANCIAL LLC,)	
BLOCK FINANCIAL CORPORATION,)	
and DOES 1 through 10, inclusive,)	
)	
Defendants.)	

**FIRST AMENDED COMPLAINT FOR
DECLARATORY JUDGMENT OF PATENT INVALIDITY**

Plaintiff LendingTree, LLC for its Complaint against Block Financial LLC, Block Financial Corporation, and Does 1 through 10 inclusive (collectively “Defendants”) alleges the following:

THE PARTIES

1. Plaintiff LendingTree, LLC (“LendingTree”) is a Delaware limited liability company with its principal place of business at 11115 Rushmore Dr., Charlotte, North Carolina 28277. LendingTree operates LendingTree.com, a leading online loan exchange.

2. Upon information and belief, Defendant Block Financial LLC is a Delaware limited liability company with its principal place of business at One H&R Block Way, Kansas City, Missouri 64105.

3. Upon information and belief, Defendant Block Financial Corporation was a Delaware corporation with its principal place of business at 4400 Main Street, Kansas City, Missouri 64111. Upon information and belief, Block Financial Corporation was converted into Block Financial LLC effective January 1, 2008. Upon information and belief, Block Financial LLC is the successor in interest to Block Financial Corporation. Block Financial Corporation is

currently maintaining a related patent infringement lawsuit against LendingTree in this Court (Case No. 01-1007-CV-W-ODS). In that action, Block Financial Corporation has not filed any documents with the Court or otherwise indicated to LendingTree that it has been dissolved or converted into a different corporate entity.

4. Does 1 through 10 are defendants whose identities are presently unknown to LendingTree, but on information and belief are liable in whole or in part for the matters alleged herein. LendingTree will seek leave of court to add them by name when their identities are ascertained.

JURISDICTION AND VENUE

5. U.S. Patent No. 7,310,617 entitled “Real-Time Financial Card Offer and Application System” (“the ‘617 Patent”) indicates on its face that it issued on December 18, 2007. The ‘617 Patent indicates on its face that it was assigned to Block Financial Corporation. Upon information and belief, no further assignments of the ‘617 Patent have been recorded with the United States Patent and Trademark Office.

6. LendingTree seeks to obtain a judgment declaring that the ‘617 Patent is invalid under 35 U.S.C. §§ 102, 103, and/or 112. Jurisdiction is proper by virtue of the provisions of 28 U.S.C. §§ 1331, 1338(a), and 2201. Venue in this district is proper under 28 U.S.C. §§ 1391(b) and 1391(c).

COUNT ONE

(Declaration of Invalidity)

7. LendingTree repeats and realleges the allegations of paragraphs 1 through 6 of this Complaint, and incorporates herein those allegations.

8. This cause of action arises under the Federal Declaratory Judgment Act and the Patent Laws of the United States, and more particularly, under 28 U.S.C. §§ 2201, 2202 and 35 U.S.C. §§ 1, *et seq.*, respectively.

9. LendingTree alleges that the ‘617 Patent is invalid under 35 U.S.C. §§ 102, 103, and/or 112.

10. There exists an actual and justiciable controversy between LendingTree, on the one hand, and Defendants on the other. Defendants have accused LendingTree of infringing the '617 Patent. LendingTree has asserted that the '617 Patent is invalid. Therefore, there exists an actual and justiciable controversy concerning the validity of the '617 Patent.

PRAYER FOR RELIEF

WHEREFORE, LendingTree prays for a judgment against Defendants:

- (a) declaring that the '617 patent is invalid;
- (b) awarding LendingTree its costs and attorneys' fees; and
- (c) awarding LendingTree such other relief that this Court deems just and reasonable.

DEMAND FOR JURY TRIAL

LendingTree demands a trial by jury for all issues so triable.

Respectfully submitted,

DATED: March 7, 2008

/s/Clinton G. Newton
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