

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

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U.S. DISTRICT COURT  
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TX EASTERN-MARSHALL  
BY \_\_\_\_\_

PRODUCT ACTIVATION CORPORATION,

Plaintiff,

v.

ABBY USA SOFTWARE HOUSE, INC.,  
ADOBE SYSTEMS INCORPORATED  
and AUTODESK, INC.

Defendants.

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CIVIL ACTION NO. \_\_\_\_\_

JURY TRIAL DEMANDED

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**PLAINTIFF'S ORIGINAL COMPLAINT**

Plaintiff PRODUCT ACTIVATION CORPORATION files this Original Complaint against Defendants ABBY USA SOFTWARE HOUSE, INC. ("ABBY"), ADOBE SYSTEMS INCORPORATED ("Adobe"), and AUTODESK, INC. (Autodesk"), alleging as follows:

**I. THE PARTIES**

1. Plaintiff PRODUCT ACTIVATION CORPORATION is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business in Newport Beach, California.

2. ABBY USA SOFTWARE HOUSE, INC. is a corporation organized and existing under the laws of the State of California, with its principal place of business located in Fremont, California. Upon information and belief, Abby engages in business in the State of Texas but does not maintain a regular place of business in the State or a designated agent for service of process. Therefore, pursuant to § 17.044 of the TEX. CIV. PRAC. & REM. CODE, Abby has designated the

Secretary of State as its agent for service of process and may be served with process by serving the Secretary of State

3. Upon information and belief, ADOBE SYSTEMS INCORPORATED is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located in San Jose, California. Adobe may be served with process by serving its registered agent, Corporation Service Company located at 701 Brazos Street, Suite 1050, Austin, Texas 78701.

4. Upon information and belief, AUTODESK, INC. is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located in San Rafael, California. Autodesk may be served with process by serving its registered agent, CT Corporation System located at 350 N. St. Paul, Dallas, Texas 75201.

## **II. JURISDICTION AND VENUE**

5. This is an action for infringement of a United States patent. This Court has exclusive jurisdiction of such action under Title 28 U.S.C. § 1338(a).

6. Upon information and belief, Defendants each have minimum contacts with the Marshall Division of the Eastern District of Texas such that this venue is a fair and reasonable one. Defendants have committed such purposeful acts and/or transactions in Texas that they reasonably knew and expected that they could be haled into a court as a future consequence of such activity. Upon information and belief Defendants have transacted and, at the time of the filing of this Complaint, are transacting business within the Marshall Division of the Eastern District of Texas. For these reasons, personal jurisdiction exists and venue is proper in this Court under 28 U.S.C. §§ 1391(b) and (c) and 28 U.S.C. § 1400(b).

### III. PATENT INFRINGEMENT

7. On September 7, 2004, United States Patent No 6,789,198 (“the ‘198 patent”) was duly and legally issued for an “Information Distribution and Processing System.” A true and correct copy of the ‘198 patent is attached hereto as Exhibit “A” and made a part hereof.

8. Plaintiff is the exclusive licensee of the ‘198 patent with the exclusive right to enforce the ‘198 patent against infringers, and collect damages for all relevant times, including the right to prosecute this action

9. Upon information and belief, Defendants manufacture, make, have made, and/or use products and/or systems that infringe at least one or more claims in the ‘198 patent; and/or induce and/or contribute to the infringement of at least one or more of the claims in the ‘198 patent by others.

10. Plaintiff notified ABBYY of its infringing conduct as early as December 28, 2005, Adobe of its infringing conduct as early as December 29, 2005, and Autodesk of its infringing conduct as early as December 28, 2005.

11. Defendants have knowingly and willfully infringed the ‘198 patent since at least the time of their respective notices and, upon information and belief, gained knowledge of their infringing conduct, and began willfully infringing the ‘198 patent, at a time prior to such notices.

12. Plaintiff has been damaged as a result of Defendants’ infringing conduct. Defendants are, thus, liable to Plaintiff in an amount that adequately compensates it for their infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

13. Upon information and belief, Defendants will continue their infringements of the '198 patent unless enjoined by the Court. Defendants' infringing conduct causes Plaintiff irreparable harm and will continue to cause such harm without the issuance of an injunction.

#### **IV. JURY DEMAND**

Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

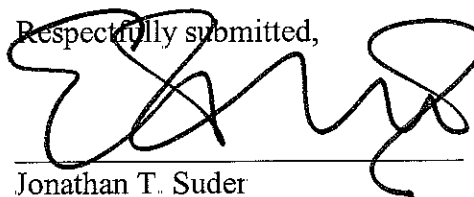
#### **V. PRAYER FOR RELIEF**

Plaintiff respectfully requests that the Court find in its favor and against Defendants, and that the Court grant Plaintiff the following relief:

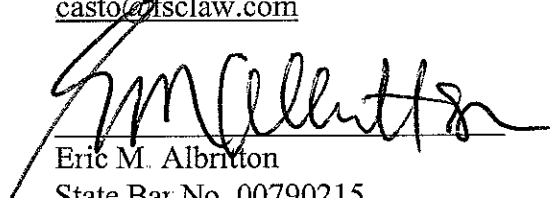
- a. Judgment that one or more claims of United States Patent No. 6,789,198 have been infringed, either literally and/or under the doctrine of equivalents, by one or more Defendants and/or by others to whose infringement Defendants have contributed and/or by others whose infringement has been induced by Defendants;
- b. Judgment that Defendants account for and pay to Plaintiff all damages to and costs incurred by Plaintiff because of Defendants' infringing activities and other conduct complained of herein;
- c. That such damages be trebled as a result of Defendant's actions complained of herein;
- d. That Plaintiff be granted pre-judgment and post-judgment interest on the damages caused to it by reason of Defendants' infringing activities and other conduct complained of herein;
- e. That this Court declare this an exceptional case and award Plaintiff its reasonable attorney's fees and costs in accordance with 35 U.S.C. § 285;
- f. That Defendants be permanently enjoined from any further activity or conduct that infringes one or more claims of United States Patent No. 6,789,198; and
- g. That Plaintiff be granted such other and further relief as the Court may deem just and proper under the circumstances.

Dated: August \_\_, 2006

Respectfully submitted,



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