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2012 OCT 22 AM 10:11

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CENTRAL DIST. OF CALIF.
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IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

20 ENFISH, LLC

21 Plaintiff,

22 v.

23 MICROSOFT CORPORATION;
24 FISERV, INC.; INTUIT, INC.; SAGE
25 SOFTWARE, INC.; and JACK
26 HENRY & ASSOCIATES, INC.
27 Defendants.

Case No. CV12-7360 MRP (MRWx)

**FIRST AMENDED COMPLAINT
FOR PATENT INFRINGEMENT**

DEMAND FOR JURY TRIAL

1 Plaintiff Enfish, LLC alleges against Defendants Microsoft Corporation;
2 Fiserv, Inc.; Intuit, Inc.; Sage Software, Inc.; and Jack Henry & Associates, Inc.
3 (collectively "Defendants" and individually "Defendant") as follows:
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5 JURISDICTION

6 1. This action arises under the Patent Laws of the United States, 35
7 U.S.C. § 1, *et seq.* The Court has subject matter jurisdiction pursuant to 28 U.S.C.
8 §§ 1331 and 1338(a).
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10 2. This Court has personal jurisdiction over Defendants because they
11 regularly conduct business in the State of California and in this district, including
12 operating systems and/or providing services in California and in this judicial district
13 that infringe one or more claims of the patents-in-suit in this forum. Each
14 Defendant has established minimum contacts with this forum such that the exercise
15 of jurisdiction over these Defendants would not offend traditional notions of fair
16 play and substantial justice.
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20 VENUE

21 3. Venue is proper in this judicial district pursuant to 28 U.S.C. §§
22 1391(b) and (c), and 28 U.S.C. § 1400(b) because each of the Defendants resides in
23 this district.
24

25 JOINDER

26 4. Joinder of the Defendants is proper under 35 U.S.C. § 299 because
27 each Defendant has infringed and is infringing the patents-in-suit by using
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1 Microsoft's .NET Framework software. Microsoft and each of its co-defendants is
2 jointly and severally liable for the co-defendant's infringement, and questions of
3 fact common to all defendants will arise in the action with respect to their
4 infringing use of the .NET Framework.
5

6 THE PARTIES

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8 5. Plaintiff Enfish, LLC is a limited liability company organized and
9 existing under the laws of the State of California, with a principal place of business
10 at 1446 Rose Villa Street, Pasadena, California 91106. Enfish's managing member
11 is Louise Wannier, who is also a co-inventor of each of the patents-in-suit.
12

13 6. Ms. Wannier co-founded Dex Information Systems, Inc. in 1993 to
14 create a patented information storage and retrieval system that the company referred
15 to as the Dex Engine. Dex later changed its name to Enfish, Inc., and after merging
16 with KnowledgeTrack Corporation, to Enfish Corporation. Ms. Wannier was CEO
17 of Dex, Enfish, Inc., and Enfish Corporation (hereinafter collectively referred-to as
18 "Enfish"). Enfish, LLC acquired the patents-in-suit from Enfish Corporation.
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21 7. Enfish developed critically-acclaimed and award-winning software
22 based on its patented Dex Engine technology. Enfish Tracker Pro, an application
23 that tracks and sorts email, text files, and other electronic data, was named "Best
24 Software of 1998" by Investor's Business Daily and was nominated in two
25 categories for the prestigious Codie Awards for Excellence in Software. In
26 November 1998, PC World magazine described Enfish Tracker Pro as "unique"
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1 because of its ability to track useful information. Even in 2006, the eight-year-old
2 Enfish software was described as “ahead of its time.”

3
4 8. Subsequent software releases continued to build on the patented Dex
5 Engine technology. Enfish Find, for example, is a powerful indexing program that
6 allows users to search email, word processing files, and other data on their hard
7 drives. According to *Forbes*, Enfish Find was the best desktop search tool on the
8 market in 2004. Bill Gates, in an interview with *PC Magazine* earlier that same
9 year, even admitted that a competing Windows search tool did not work. Enfish
10 OneSpace added additional features, including a calendar, current news and
11 weather, and a consolidated list of inbound and outbound email from multiple email
12 accounts and clients.
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16 9. Since the initial release in 1998, Enfish products have been
17 downloaded by more than 200,000 users. Enfish last sold or offered for sale
18 products in 2005.
19

20 10. Defendant Microsoft Corporation is a Delaware corporation with a
21 principal place of business located at 1 Microsoft Way, Redmond, Washington
22 98052-6399. Microsoft uses infringing technology, including, for example, the
23 Microsoft .NET Framework and related software, to develop and operate computer
24 applications such as SQL Server, SharePoint, Visual Studio, and ASP.NET rely
25 upon infringing structures in the .NET Framework to store and retrieve various
26 kinds of data. Microsoft also exports infringing software, including, for example,
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1 the Microsoft .NET Framework and related software recited above.

2 11. Defendant Fiserv, Inc. is a Wisconsin corporation with a principal
3 place of business located at 255 Fiserv Drive, Brookfield, Wisconsin 53945. Fiserv
4 uses infringing technology, including the Microsoft .NET Framework and related
5 software, to develop and operate computer applications that store and retrieve
6 various kinds of data, including, for example, computer applications related to
7 Fiserv's Corillian and Voyager platforms, Premier banking solution, and
8 CubicsPlus credit union product.
9

10 12. Defendant Intuit, Inc. is a Delaware corporation with a principal place
11 of business located at 2700 Coast Avenue, Mountain View, California 94043.
12 Intuit uses infringing technology, including the Microsoft .NET Framework and
13 related software, to develop and operate computer applications that store and
14 retrieve various kinds of data, including, for example, Intuit's QuickBooks line of
15 software products.
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17 13. Defendant Sage Software, Inc. is a Delaware corporation with a
18 principal place of business located at 6561 Irvine Center Drive, Irvine, California
19 92618-3415. Sage uses infringing technology, including the Microsoft .NET
20 Framework and related software, to develop and operate computer applications that
21 store and retrieve various kinds of data, including, for example, computer
22 applications related to the Sage 50 and Sage Peachtree software products.
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24 14. Defendant Jack Henry & Associates, Inc. ("JHA") is a Delaware
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1 corporation with a principal place of business located at 663 West Highway 60,
2 Monett, Missouri 65708-8215. JHA uses infringing technology, including the
3 Microsoft .NET Framework and related software, to develop and operate computer
4 applications that store and retrieve various kinds of data, including, for example,
5 computer applications related to JHA's Core Director, Cruise, and ProfitStars
6 software products.
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9 THE PATENTS-IN-SUIT

10 15. U.S. Patent No. 6,151,604 ("the '604 Patent"), entitled "Method and
11 Apparatus for Improved Information Storage and Retrieval System," was duly and
12 legally issued to Enfish on November 21, 2000. A true and correct copy of the '604
13 Patent is attached as Exhibit A.
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16 16. U.S. Patent No. 6,163,775 ("the '775 Patent"), entitled "Method and
17 Apparatus Configured According to a Logical Table Having Cell and Attributes
18 Containing Address Segments," was duly and legally issued to Enfish on December
19 19, 2000. A true and correct copy of the '775 Patent is attached as Exhibit B.
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21 17. Enfish is the sole holder of all right, title, and interest in the '604 and
22 '775 Patents, including all rights to obtain equitable relief or damages for past or
23 present infringement, all rights to prevent others from making, having made, using,
24 offering for sale, or selling products or services covered by such patents, and all
25 rights to enforce the '604 and '775 Patents with respect to Defendants.
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FIRST CAUSE OF ACTION
(INFRINGEMENT OF THE '604 PATENT)
ALL DEFENDANTS

18. Enfish realleges and incorporates by reference the preceding paragraphs of this Complaint as if fully set forth herein.

19. Microsoft, Fiserv, Intuit, Sage, and JHA have infringed, and are continuing to infringe, one or more claims of the '604 Patent in violation of 35 U.S.C. § 271(a) by making, using, offering for sale, and selling infringing systems and methods, including software such as the Microsoft .NET Framework, to create and operate computer applications for the storage and retrieval of various kinds of data.

20. Intuit had actual knowledge of the '604 Patent at least as early as August 30, 2012. Fiserv had actual knowledge of the '604 Patent at least as early as August 31, 2012. Microsoft and Sage had actual knowledge of the '604 Patent at least as early as September 4, 2012. JHA had actual knowledge of the '604 Patent at least as early as September 5, 2012.

21. Since obtaining actual knowledge of the '604 Patent, Microsoft, Fiserv, Intuit, Sage, and JHA have indirectly infringed and continue to indirectly infringe the '604 Patent by actively inducing infringement by others of one or more of the claims of the '604 Patent in violation of 35 U.S.C. § 271(b), including at least by providing infringing technology including, for example, the Microsoft .NET

1 Framework and related software applications indicated above in Paragraphs 10-14
2 to their respective end-users and/or customers, along with user guides and product
3 documentation that instruct end-users and customers to use the .NET Framework
4 and related software applications in an infringing manner.
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6 22. Upon information and belief, Microsoft's, Fiserv's, Intuit's, Sage's,
7 and JHA's end-users and/or customers directly infringe the '604 Patent by using the
8 accused computer applications in violation of 35 U.S.C. § 271(a).
9

10 23. Microsoft's, Fiserv's, Intuit's, Sage's, and JHA's active inducement of
11 infringement has occurred with the specific intent of encouraging others to infringe,
12 or with willful blindness to the fact that their actions would induce infringement of,
13 the '604 Patent, as demonstrated by, *inter alia*, providing specifications and
14 instructions for the installation and operation of their respective accused computer
15 applications, including uses that infringe one or more claims of the '604 Patent.
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18 24. Microsoft has infringed and is continuing to infringe one or more
19 claims of the '604 Patent in violation of 35 U.S.C. § 271(f) by exporting infringing
20 systems and methods, including software for the storage and retrieval of various
21 kinds of data such as the Microsoft .NET Framework and related programs that rely
22 on .NET such as SQL Server, SharePoint, Visual Studio, and ASP.NET.
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25 25. Enfish has suffered damages as a result of the infringement of the '604
26 Patent by Microsoft, Fiserv, Intuit, Sage, and JHA, and will suffer additional
27 damages as a result of Defendants' continuing infringement.
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1 Fiserv, Intuit, Sage, and JHA have indirectly infringed and continue to indirectly
2 infringe the '775 Patent by actively inducing infringement by others of one or more
3 of the claims of the '775 Patent in violation of 35 U.S.C. § 271(b), including at least
4 by providing infringing technology including, for example, the Microsoft .NET
5 Framework and related software applications indicated above in Paragraphs 10-14
6 to their respective end-users and/or customers, along with user guides and product
7 documentation that instruct end-users and customers to use the .NET Framework
8 and related software applications that rely upon .NET in an infringing manner.
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12 32. Upon information and belief, Microsoft's, Fiserv's, Intuit's, Sage's,
13 and JHA's end-users and/or customers directly infringe the '775 Patent by using the
14 accused computer applications in violation of 35 U.S.C. § 271(a).
15

16 33. Microsoft's, Fiserv's, Intuit's, Sage's, and JHA's active inducement of
17 infringement has occurred with the specific intent of encouraging others to infringe,
18 or with willful blindness to the fact that their actions would induce infringement of,
19 the '775 Patent, as demonstrated by, *inter alia*, providing specifications and
20 instructions for the installation and operation of their respective accused computer
21 applications, including uses that infringe one or more claims of the '775 Patent.
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24 34. Microsoft has infringed and is continuing to infringe one or more
25 claims of the '775 Patent in violation of 35 U.S.C. § 271(f) by exporting infringing
26 systems and methods, including software for the storage and retrieval of various
27 kinds of data such as the Microsoft .NET Framework and related programs that rely
28

1 on .NET such as SQL Server, SharePoint, Visual Studio, and ASP.NET.

2 35. Enfish has suffered damages as a result of the infringement of the '775
3 Patent by Microsoft, Fiserv, Intuit, Sage, and JHA, and will suffer additional
4 damages as a result of Defendants' continuing infringement.
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6 36. Enfish is entitled to recover damages from Microsoft, Fiserv, Intuit,
7 Sage, and JHA of not less than a reasonable royalty adequate to compensate for
8 Defendants' infringement.
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10 37. Enfish is entitled to recover past damages from all Defendants because
11 Enfish had no obligation to mark any products during the past six years.
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13 **PRAYER FOR RELIEF**

14 WHEREFORE, Enfish respectfully requests the following relief:
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16 a) That this Court adjudge and decree that Defendants have been, and are
17 currently, infringing each of the '604 and '775 patents;
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19 b) That this Court award damages to Enfish to compensate it for each of
20 the unlawful actions set forth in Enfish's Complaint, including damages for
21 Defendants' past infringement of the '604 and '775 patents and a running royalty
22 for Defendants' ongoing infringement of the '604 and '775 patents;
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24 c) That this Court award pre- and post-judgment interest on such
25 damages to Enfish;
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27 d) That this Court order an accounting of damages incurred by Enfish
28 between the close of fact discovery and the entry of a final, non-appealable

1 judgment;

2 e) That this Court determine that this patent infringement case is
3
4 exceptional pursuant to 35 U.S.C. §§ 284 and 285 and award Enfish its costs and
5 attorneys' fees incurred in this action; and

6 f) That this Court award such other relief as the Court deems just and
7
8 proper.

9 **DEMAND FOR JURY TRIAL**

10 Enfish respectfully requests a trial by jury on all issues triable thereby.
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1 Dated: October 22, 2012

Respectfully submitted,

2
3 /s/ Orion Armon

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via email transmittal and/or the Court's CM/ECF system per Local Rule CV-5(a)(3) on October 22, 2012.

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