

Complaint for Patent Infringement.**Case: Macromedia, Inc. v. Adobe Systems, Inc., Case No. 01-03940 SI****Court: U.S. District Court for the Northern District of California, at San Jose, Judge Susan Illston presiding.****Date Filed: October 19, 2001.**

Editor's Notes:

- Macromedia kindly provided Tech Law Journal with a PDF version of the complaint.
- TLJ converted this PDF version into HTML.
- Several features were eliminated in the conversion, including double spacing, line numbering, pagination, and fonts.
- TLJ added hyperlinks.
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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

MACROMEDIA, INC.,

Plaintiff,

v.

ADOBE SYSTEMS INCORPORATED,

Defendant.

Case No.

**COMPLAINT FOR
PATENT INFRINGEMENT**

(JURY TRIAL DEMANDED)

Plaintiff Macromedia, Inc. ("Macromedia") hereby alleges for its Complaint against defendant Adobe Systems Incorporated ("Adobe"), on personal knowledge as to its own activities and on information and belief as to the activities of others, as follows:

PARTIES

1. Plaintiff Macromedia is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business at 600 Townsend Street, San Francisco, California 94103.

2. On information and belief, defendant Adobe is a corporation organized and existing under the laws of the State of Delaware with its principal place of business at 345 Park Avenue, San Jose, California 95110.

JURISDICTION

3. This court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338. This action includes a claim for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

VENUE

4. Venue is proper in this court pursuant to 28 U.S.C. §§ 1391 and 1400, in that both parties have their respective principal places of business, and thus reside in, the Northern District of California, and a substantial part of the events giving rise to this action occurred in this judicial district.

INTRADISTRICT ASSIGNMENT

5. Pursuant to Civil Local Rule 3-2(c), assignment to the San Francisco Division of the U.S. District Court for the Northern District of California is appropriate in that Macromedia's principal place of business is in, and a substantial part of the events and damages giving rise to this action occurred in, the City and County of San Francisco.

FACTUAL BACKGROUND

6. Plaintiff Macromedia is a leading software development company that has for many years been engaged in the design, development, manufacture, marketing, and sale of software for creating and editing sites and pages for display on the World Wide Web (the "Web"). Macromedia's market-leading products enable Web professionals to efficiently and cost-effectively design and develop dynamic Web content and applications that can be delivered to multiple platforms and devices.

7. Macromedia's product line includes, among others, Dreamweaver, Dreamweaver UltraDev and Fireworks.

8. Upon information and belief, Adobe is also a software development company engaged in the manufacture and sale of software for creating and editing Web sites and pages.

9. Upon information and belief, Adobe has made, used, offered to sell and sold, and continues to make, use, offer to sell and sell, a web creation and editing product it refers to as Adobe GoLive.

10. Upon information and belief, Adobe has also made, used, offered to sell and sold, and continues to make, use, offer to sell and sell, a product with web creation and editing features it refers to as Adobe Photoshop.

FIRST CAUSE OF ACTION (Infringement of the '299 Patent) (35 U.S.C. § 271)

11. Macromedia incorporates the allegations of paragraphs 1-10 above.

12. On December 1, 1998, the United States Patent and Trademark Office duly and legally issued [U.S. Patent No. 5,845,299](#) ("the '299 Patent"), entitled DRAW-BASED EDITOR FOR WEB PAGES, to Samir Arora, Gagan Arora, Rajagopal Lakshminarayan, Gregory Brown, and Martin Fried-Nielsen. Macromedia is the owner, by valid assignment, of all right, title and interest in the '299 Patent. A copy of the '299 Patent is attached to the Complaint as Exhibit A.

13. Upon information and belief, Adobe has been, and currently is, directly and indirectly infringing the '299 Patent by making, using, marketing, selling, reselling, offering for sale, and/or inducing others to use, software for creating and editing Web pages including, without limitation, Adobe GoLive and Adobe Photoshop.

14. Upon information and belief, Adobe has had actual and constructive knowledge of the '299 Patent since at least January 1999, and Adobe's infringement of the '299 Patent has been willful, and will continue unless enjoined by this court. Pursuant to 35 U.S.C. § 283, Macromedia is entitled to a permanent injunction against further infringement.

15. As a direct and proximate consequence of Adobe's infringement of the '299 Patent, Macromedia has suffered and will continue to suffer irreparable injury and damages in an amount not yet determined for which Macromedia is entitled to relief. Pursuant to 35 U.S.C. § 284, Macromedia is entitled to damages for infringement and treble damages.

**SECOND CAUSE OF ACTION
(Infringement of the '145 Patent)
(35 U.S.C. § 271)**

16. Macromedia incorporates the allegations of paragraphs 1-10 above.

17. On June 8, 1999, the United States Patent and Trademark Office duly and legally issued [U.S. Patent No. 5,911,145](#) ("the 145 Patent"), entitled HIERARCHICAL STRUCTURE EDITOR FOR WEB SITES, to Samir Arora, Gagan Arora, Rajagopal Lakshminarayan, Gregory Brown, Martin Fried-Nielsen, Clement Mok and David Kleinberg. Plaintiff Macromedia is the owner, by valid assignment, of all right, title and interest in the '145 Patent. A copy of the '145 Patent is attached to the Complaint as Exhibit B.

18. Upon information and belief, Adobe has been, and currently is, directly and indirectly infringing the '145 Patent by making, using, marketing, selling, reselling, offering for sale, and/or inducing others to use software for creating and editing Web pages that implements a top-down approach to designing a Web site including, without limitation, Adobe GoLive.

19. Upon information and belief, Adobe has had actual and constructive knowledge of the '145 Patent since at least August 1999, and Adobe's infringement of the '145 Patent has been willful, and will continue unless enjoined by this court. Pursuant to 35 U.S.C. § 283, Macromedia is entitled to a permanent injunction against further infringement.

20. As a direct and proximate consequence of Adobe's infringement of the '145 Patent, Macromedia has suffered and will continue to suffer irreparable injury and damages in an amount not yet determined for which Macromedia is entitled to relief. Pursuant to 35 U.S.C. § 284, Macromedia is entitled to damages for infringement and treble damages.

PRAYER FOR RELIEF

WHEREFORE, Macromedia requests entry of judgment in its favor and against Adobe as follows:

- A. For entry of a judgment declaring that Adobe has directly and/or indirectly infringed one or more claims of the '299 Patent;
- B. For entry of a judgment declaring that Adobe has directly and/or indirectly infringed one or more claims of the '145 Patent;
- C. For preliminary and permanent injunctive relief restraining and enjoining Adobe and its officers, agents, servants, employees, attorneys, and those persons in active concert or participation with them who receive actual notice of the order by personal service or otherwise, from (a) any further infringement of the '299 Patent and (b) any further infringement of the '145 Patent;
- D. For damages to compensate Macromedia for Adobe's infringement, pursuant to 35 U.S.C. § 284, said damages to be trebled because of Adobe's willful infringement;

E. For an award of pre-judgment and post-judgment interest and costs to Macromedia in accordance with 35 U.S.C. § 284;

F. For an award of Macromedia's reasonable attorneys' fees pursuant to 35 U.S.C. § 285;

G. For such other and further relief as the court may deem just and fair.

DATED: October ___, 2001 FENWICK & WEST LLP

By: _____

Darryl M. Woo
Attorneys for Plaintiff
MACROMEDIA, INC.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury on all claims.

DATED: October ___, 2001 FENWICK & WEST LLP

By: _____

Darryl M. Woo
Attorneys for Plaintiff
MACROMEDIA, INC.