

FILED  
U.S. DISTRICT COURT  
MAY 4 2005 11:03

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF INDIANA**

Daniel Wallace,  
Plaintiff,

v. Civil Complaint No. 1:05-cv-0618-JDT-TAB

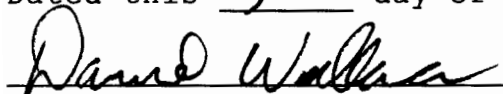
Free Software  
Foundation Inc.,  
Defendant.

**SECOND MOTION TO AMEND COMPLAINT**

Pursuant to Rule 15(a) of the F.R.Civ.P. Plaintiff Daniel Wallace seeks leave to amend his complaint as proposed in the [H.I.] document.

Plaintiff Daniel Wallace seeks to correct harmless error where the word "Maine" should appear as "Massachusetts" and "Hamilton" should appear as "Hancock".

Dated this 3<sup>rd</sup> day of May, 2005.



Daniel Wallace, pro se

P.O. Box 572

New Palestine, IN.

317-861-6415

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF INDIANA**

Daniel Wallace,

Plaintiff,

v. Civil Complaint No. **1:05-cv-0618-JDT-TAB**

Free Software

Foundation Inc.,

Defendant.

**SECOND AMENDED COMPLAINT WITH REQUEST**

**FOR INJUNCTIVE RELIEF**

**INTRODUCTION**

This action is brought for injunctive relief, pursuant to 15 U.S.C. sec. 26, in a matter relating to the restraint of trade by way of a contract licensing scheme to artificially fix prices of computer software products.

**JURISDICTION**

This Court has federal jurisdiction pursuant to 28 U.S.C. sec. 1337(a).

**STANDING**

Plaintiff Daniel Wallace has standing for commencement of this action pursuant to 15 U.S.C. sec. 26

also known as the Clayton Act.

**PARTIES**

Plaintiff Daniel Wallace is a citizen and resident of Hancock County in the State of Indiana with mailing address:

Daniel Wallace

P.O. Box 572

New Palestine, IN 46163

Defendant FREE SOFTWARE FOUNDATION INC. is a 501 (c)(3) non-profit organization based in the State of Massachusetts with mailing address:

Free Software Foundation

59 Temple Place, Suite 330

Boston, MA 02111-1307

**VENUE**

Venue for this action is established pursuant to 28 U.S.C. 1391(a)2.

A substantial number of events concerning this complaint for price-fixing of computer software occurred in the Southern District of Indiana. These events occurred through the sale and distribution of software products at many nationally syndicated retail outlet locations such as

Best Buys and CompUSA stores and through nationally syndicated retail bookstore outlets such as Barnes and Noble as well as downloading of computer software products by way of multiple Internet connections located in this District.

#### **COMPLAINT**

The Defendant FREE SOFTWARE FOUNDATION INC. has entered into contracts and otherwise conspired and agreed with individual software authors and commercial distributors of commodity software products such as Red Hat Inc. and Novell Inc. to artificially fix the prices charged for computer software programs through the promotion and use of an adhesion contract that was created, used and promoted since at least the year 1991 by the FREE SOFTWARE FOUNDATION INC. This license is known as the GNU GENERAL PUBLIC LICENSE. The price fixing scheme implemented with the use of the GNU GENERAL PUBLIC LICENSE substantially lessens the ability of individual software authors to compete in a free market through the creation, sale and distribution of computer software programs.

#### **DAMAGES**

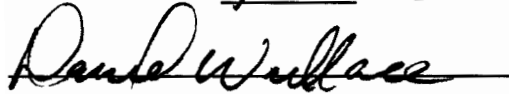
The Plaintiff Daniel Wallace is educated in the art and science of physics and computer programming. The

Plaintiff's ability to work and create commercial computer programs is dependent upon a market free of restraints on trade through price-fixing schemes. The rapid adoption of the GNU GENERAL PUBLIC LICENSE in schemes to deflate or eliminate the free market valuation of computer programs threatens to diminish or destroy the ability of the Plaintiff to earn future revenues in the career field of computer programming.

**REQUEST FOR RELIEF**

The Plaintiff respectfully requests the Court grant a permanent injunction prohibiting the promotion or use of the GNU GENERAL PUBLIC LICENSE by the FREE SOFTWARE FOUNDATION INC. to artificially control the the pricing of computer software programs in the course of commerce conducted in the United States.

Dated this 3<sup>rd</sup> day of May, 2005



Daniel Wallace, pro se

P.O. Box 572

New Palestine, IN.

317-861-6415

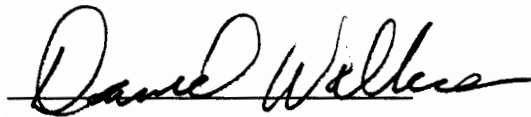
## Certificate of Service

A copy of the foregoing was sent by first-class U.S. mail, postage prepaid, to each party (counsel) of record:

Free Software Foundation

59 Temple Place, Suite 330

Boston, MA 02111-1307

A handwritten signature in black ink that reads "Daniel Wallace". The signature is written in a cursive style and is positioned above a horizontal line.

Daniel Wallace

Dated this 3<sup>rd</sup> day of May, 2005.