

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

Daniel Wallace,

Plaintiff,

v.

Civil Complaint No. 1:05-cv-0678-SEB-VSS

INTERNATIONAL BUSINESS MACHINES CORPORATION;

RED HAT INC.;

NOVELL, INC.,

Defendants.

FILED

JUL 12 2005

U.S. DISTRICT COURT
INDIANAPOLIS, INDIANA

AMENDED COMPLAINT

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.

PARTIES

Plaintiff Daniel Wallace is a citizen and resident of Hancock County in the State of Indiana.

Defendant INTERNATIONAL BUSINESS MACHINES CORPORATION is a New York corporation with business headquarters in the State of New York.

Defendant RED HAT INC. is a Delaware corporation with business

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headquarters in the State of North Carolina.

Defendant NOVELL INC. is a Delaware corporation with business headquarters in the State of Utah.

VENUE

Venue for this action is established pursuant to 15 U.S.C. Section 15(a) and supplemented by 28 U.S.C. Section 1391(a)(2).

COMPLAINT

The Defendants INTERNATIONAL BUSINESS MACHINES CORPORATION, RED HAT INC. and NOVELL INC. have conspired with the FREE SOFTWARE FOUNDATION INC. and others to fix the price of intellectual property in computer programs that are collectively known as the Linux (or GNU/Linux) operating system.

The Defendants have conspired by using a price-fixing agreement known as the GNU GENERAL PUBLIC LICENSE to develop, distribute and leverage the Linux operating system to provide computing services for consumers.

The Defendants' per se horizontal price-fixing scheme is rapidly foreclosing competition in the market for computer operating systems. Said price-fixing scheme threatens to prevent Plaintiff Daniel Wallace from entering into the free market with his own computer operating system.

REQUEST FOR RELIEF

The Plaintiff respectfully requests the Court grant equitable relief in the form of an injunction prohibiting the development and distribution of the Linux

operating system under GNU GENERAL PUBLIC LICENSE in the course of
commerce by the defendants INTERNATIONAL BUSINESS MACHINES
CORPORATION, RED HAT INC. and NOVELL INC.

Dated this 5th day of July, 2005.



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Certificate of Service

A copy of the document(s) concerning this matter were sent by first-class
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Dated this 5th day of July, 2005


Daniel Wallace