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

Daniel Wallace,
Plaintiff,

1:05-cv-0678-SEB-VSS

v. Civil Complaint No.

INTERNATIONAL BUSINESS MACHINES CORPORATION;
RED HAT INC. ;
NOVELL, INC.,
Defendants.

COMPLAINT WITH REQUEST FOR INJUNCTIVE RELIEF

JURISDICTION

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

STANDING

Plaintiff Daniel Wallace has standing for commencement of this action pursuant to 15 U.S.C. section 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 Delaware corporation with business headquarters in

the State of New York.

Defendant RED HAT INC. is a Delaware corporation with business 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

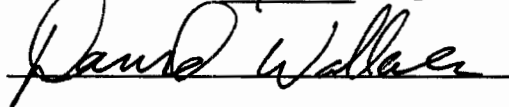
The defendants INTERNATIONAL BUSINESS MACHINES CORPORATION, RED HAT INC. and NOVELL INC. have used or conspired to promote a copyright licensing scheme employing the GNU GENERAL PUBLIC LICENSE [H.I.] to fix the prices of computer programs. This scheme is implemented nationwide in the sale and promotion of computer software products in the United States. This scheme denies the plaintiff Daniel Wallace an opportunity to earn future revenue in the field of computer programming.

DEMAND FOR RELIEF

The Plaintiff respectfully requests the Court grant a permanent injunction prohibiting the promotion or use of section 2(b) of the GNU GENERAL PUBLIC LICENSE by the

defendants INTERNATIONAL BUSINESS MACHINES CORPORATION, RED
HAT INC. and NOVELL INC. in the course of trade or commerce
conducted in the jurisdiction of the United States.

Dated this 9th day of May, 2005



Daniel Wallace, pro se

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317-861-6415