

Jurisdiction & Venue

3. This action arises under the patent statutes of the United States, 35 U.S.C. § 271 *et seq.* Accordingly, this court has federal question jurisdiction over this matter under 28 U.S.C. §§ 1331 and 1338(a).

4. The court has specific and general personal jurisdiction over Jackson Hewitt.

5. Venue is proper within this district in accordance with 28 U.S.C. § 1391(b) and (c) and § 1400(b) because Jackson Hewitt resides, has committed acts of infringement, and has a regular and established place of business in this district.

Count 1: Patent Infringement

6. On July 4, 2006, United States Patent No. 7,072,862 (the '862 patent attached as Exhibit A) was duly and legally issued for an invention relating to Spending Vehicles for Payments. H&R Block owns the '862 Patent by a recorded assignment.

7. On February 13, 2007, United States Patent No. 7,177,829 (the '829 patent attached as Exhibit B) was duly and legally issued for an invention relating to a Tax Refund System. H&R Block owns the '829 patent by a recorded assignment.

8. Collectively, the above-mentioned patents are the H&R Block patents.

9. Upon information and belief, since at least 2005, Jackson Hewitt has engaged in making, using, selling, and/or offering for sale financial products and services through its ipowerTM CashCard in this district and throughout the United States.

10. On information and belief, Jackson Hewitt has infringed, induced others to infringe, and/or contributed to others infringing one or more claims of each of the H&R Block patents through the financial products and services associated with the ipowerTM CashCard.

11. Jackson Hewitt will continue to infringe the claims in the H&R Block patents and irreparably harm H&R Block unless enjoined by this Court.

12. H&R Block has been damaged and will continue to be damaged by Jackson Hewitt's infringing acts. H&R Block therefore is entitled to adequate compensation, which cannot be less than a reasonable royalty, together with costs and interest.

13. Any continued infringement by Jackson Hewitt warrants a finding that Jackson Hewitt has willfully infringed and that this is an exceptional case pursuant to 35 U.S.C. § 285, entitling H&R Block to treble damages and an award of attorneys' fees against Jackson Hewitt.

Jury Demand

14. H&R Block requests a trial by jury.

PRAYER FOR RELIEF

H&R Block prays the court to:

- (a) grant a permanent injunction against continued infringement by Jackson Hewitt;
- (b) award damages resulting from Jackson Hewitt's infringement;
- (c) find that Jackson Hewitt's infringement has been willful and under 35 U.S.C. § 284 and increase such damages to three times the awarded amount;
- (d) award prejudgment and postjudgment interest;
- (e) find that this case is an exceptional case under 35 U.S.C. § 285 and award attorneys' fees to H&R Block;
- (f) award costs to H&R Block; and
- (g) grant all other relief to which H&R Block is entitled.

Respectfully submitted,

/s/Charles B. Walker, Jr.
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