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U.S. DISTRICT COURT
INDIANA

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LAURA A. BRIGGS
CLERK

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.

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

Hamilton 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 Maine

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
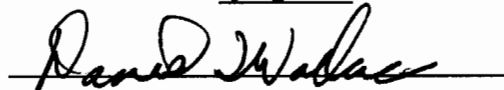
software programs.

DAMAGES

The Defendant Daniel Wallace is educated in the art

and science of physics and computer programming. The

Defendant'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 Defendant to earn future revenues in the career field of computer programming.

REQUEST FOR RELIEF

The Defendant 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 _28th_ day of April, 2005

Daniel Wallace, pro se

P.O. Box 572

New Palestine, IN.

317-861-6415