IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

TEXAS PATENT IMAGING LLC	§	
	§	
Plaintiff,	§	Case No:
	§	
vs.	§	PATENT CASE
	§	
EASTMAN KODAK COMPANY,	§	
	§	
Defendant.	§	
_____	§	

COMPLAINT

Plaintiff Texas Patent Imaging LLC ("Plaintiff" or "TPI") files this original Complaint against Eastman Kodak Company ("Defendant" or "Kodak") for infringement of United States Patent No. 8,437,797 (hereinafter "the '797 Patent").

PARTIES AND JURISDICTION

1. This is an action for patent infringement under Title 35 of the United States Code. Plaintiff is seeking injunctive relief as well as damages.

2. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patents) because this is a civil action for patent infringement arising under the United States patent statutes.

3. Plaintiff is a Texas limited liability company with its principal office located at 1400 Preston Rd., Suite 400, Plano, TX 75093.

4. On information and belief, Defendant Kodak is a corporation organized under the laws of New Jersey with a principal place of business in Rochester, NY. It can be served through its registered agent for service of process in Texas: Corporation Service Company, 211 E. 7th St., Suite 620, Austin, TX 78701.

5. On information and belief, this Court has personal jurisdiction over Defendant because Defendant has committed, and continues to commit, acts of infringement in the state of Texas, has conducted business in the state of Texas, and/or has engaged in continuous and systematic activities in the state of Texas.

6. On information and belief, Defendant's instrumentalities that are alleged herein to infringe were and continue to be used, imported, offered for sale, and/or sold in the Eastern District of Texas.

VENUE

7. Venue is proper in the Eastern District of Texas pursuant to 28 U.S.C. §§ 1391(c) and 1400(b) because Defendant is deemed to reside in this district. In addition, and in the alternative, Defendant has committed acts of infringement in this District.

COUNT I
(INFRINGEMENT OF UNITED STATES PATENT NO 8,437,797)

8. Plaintiff incorporates paragraphs 1-7 herein by reference.

9. This cause of action arises under the patent laws of the United States and, in particular, under 35 U.S.C. §§ 271, et seq.

10. Plaintiff is the owner by assignment of the '797 patent with sole rights to enforce the '797 patent and sue infringers.

11. A copy of the '797 Patent, titled "Wireless Image Distribution System and Method," is attached hereto as Exhibit A.

12. The '797 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

13. Upon information and belief, Defendant has infringed and continues to infringe one or more claims, including at least claim 6, of the '797 patent by making, using, importing,

selling, and/or offering for sale cameras covered by one or more claims of the '797 patent.

14. On information and belief, Defendants sell, offer to sell, and/or use cameras, including, without limitation, the Kodak M750, which infringes at least Claim 6 of the '797 Patent.

15. The Kodak M750 is a portable, or mobile, device, which may be used for capturing images.

16. The Kodak M750 is Wi-Fi equipped and has a wireless transmitter and receiver.

17. The Kodak M750 includes a processor for processing images. The Kodak M750 is advertised as capable of transmitting images to other systems and devices. On information and belief, the Kodak M750's processor is operably connected to camera's Wi-Fi system, such that images can be sent and received via the Wi-Fi system.

18. On information and belief, the Kodak M750's processor can receive and process images captured by the camera. The processor can cause images captured by the camera to be stored and available for access by a user.

19. On information and belief, at least when working with the Kodak Easyshare Camera application linked to the camera, the Kodak M750's processor can filter images, such as its stored images, according to a transfer criterion. The transfer criterion, according to one example, may be a user's selection of images stored on the camera, the selected images being intended for transfer from the camera to a second mobile device, such as, for example, a smartphone.

20. On information and belief, the Kodak M750 receives the transfer criterion (e.g., the user's selection of images) from the second mobile device via the camera's Wi-Fi receiver.

21. On information and belief, the processor can cause the selected (i.e., filtered)

images to be transmitted to a second mobile device.

22. Defendant's actions complained of herein will continue unless Defendant is enjoined by this court.

23. Defendant's actions complained of herein are causing irreparable harm and monetary damage to Plaintiff and will continue to do so unless and until Defendant is enjoined and restrained by this Court.

24. Plaintiff is in compliance with 35 U.S.C. § 287.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff asks the Court to:

(a) Enter judgment for Plaintiff on this Complaint on all causes of action asserted herein;

(b) Enter an Order enjoining Defendant, its agents, officers, servants, employees, attorneys, and all persons in active concert or participation with Defendant who receive notice of the order from further infringement of United States Patent No. 8,437,797 (or, in the alternative, awarding Plaintiff a running royalty from the time of judgment going forward);

(c) Award Plaintiff damages resulting from Defendant's infringement in accordance with 35 U.S.C. § 284;

(d) Award Plaintiff pre-judgment and post-judgment interest and costs; and

(e) Award Plaintiff such further relief to which the Court finds Plaintiff entitled under law or equity.

Dated: April 6, 2016

Respectfully submitted,

/s/ Jay Johnson

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EXHIBIT A