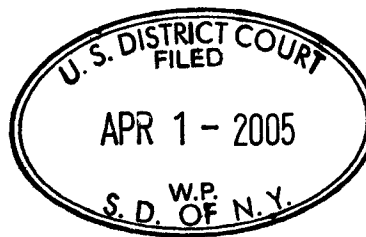


UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF NEW YORK

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Attorneys for Plaintiff Eon-Net, L.P.

EON-NET, L.P.,  
  
Plaintiff,  
  
v.  
  
ING BANK d/b/a ING DIRECT,  
  
Defendant.

Case No. 05 CV 2049 (CLB)

**FIRST AMENDED COMPLAINT  
FOR PATENT INFRINGEMENT**

**DEMAND FOR JURY TRIAL**

Plaintiff, Eon-Net, L.P., a limited partnership (hereinafter referred to as "Eon-Net"), demands a jury trial and complains against the defendant as follows:

**THE PARTIES**

1. Eon-Net is a limited partnership organized and existing under the laws of the Cayman Islands, with its principal place of business at P.O. Box 116, Road Town, Tortola, British Virgin Islands.

2. Upon information and belief, ING Bank d/b/a ING Direct (hereinafter referred to as "Defendant" or "ING") is a business organized and existing under the laws of the State of Delaware, having a place of business at One South Orange Street, Wilmington, Delaware 19801.

**JURISDICTION AND VENUE**

3. This action arises under the patent laws of the United States of America, Title 35 of the United States Code. This Court has jurisdiction of this action under 28 U.S.C. §§ 1331 and 1338(a).

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EON-NET V. ING

1 4. Upon information and belief, Defendant is doing business and committing  
2 infringements in this judicial district and is subject to personal jurisdiction in this judicial district.

3 5. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400(b).

4 **CLAIM FOR PATENT INFRINGEMENT**

5 6. Plaintiff, Eon-Net, repeats and incorporates herein the entirety of the allegations  
6 contained in paragraphs 1 through 5 above.

7 7. On January 27, 2004, U.S. Patent No. 6,683,697 (hereinafter referred to as “the ‘697  
8 patent”) was duly and legally issued to Eon-Net for an invention entitled “Information Processing  
9 Methodology.” A copy of the ‘697 patent is attached to this Complaint as Exhibit 1.

10 8. Eon-Net is the owner of all right, title and interest in and to the ‘697 patent by way  
11 of Assignment from Millennium.  
12

13 **COUNT ONE**

14 9. Plaintiff, Eon-Net, repeats and incorporates herein the entirety of the allegations  
15 contained in paragraphs 1 through 8 above.

16 10. ING has for a long time past and still is infringing, actively inducing the  
17 infringement of and contributorily infringing in this judicial district the ‘697 patent by operating the  
18 web site [www.ingdirect.com](http://www.ingdirect.com), enabling ING to collect and extract information provided by its  
19 banking customers on its web site and subsequently process said information pursuant to a claim of  
20 the ‘697 patent, without permission from Eon-Net and will continue to do so unless enjoined by this  
21 Court. Specifically, ING is collecting, extracting and processing information on its web site from  
22 pages having the following Uniform Resource Locators:  
23

24 [https://banking.ingdirect.com/savings/express\\_savings.asp?function=step1;](https://banking.ingdirect.com/savings/express_savings.asp?function=step1;)

25 <https://banking.ingdirect.com/orangehomeloan/loanapp;>

26 <https://banking.ingdirect.com/orangehomeloan/loanapp?command=Step2&type=0>  
27  
28

1 M;

2 [https://banking.ingdirect.com/savings/express\\_savings.asp?function=step1.](https://banking.ingdirect.com/savings/express_savings.asp?function=step1)

3 11. Plaintiff, Eon-Net, has been damaged by such infringing activities by the Defendant  
4 of the '697 patent and will be irreparably harmed unless such infringing activities are enjoined by  
5 this Court.

6 **PRAYER FOR RELIEF**

7 WHEREFORE, THE Plaintiff, Eon-Net prays for judgment against the Defendant ING on  
8 all the counts and for the following relief:

- 9 A. Declaration that the Plaintiff is the owner of the '697 patent, and that the Plaintiff has  
10 the right to sue and to recover for infringement thereof;
- 11 B. Declaration that the '697 patent is valid and enforceable;
- 12 C. Declaration that the Defendant has infringed, actively induced infringement of, and  
13 contributorily infringed '697 patent;
- 14 D. A preliminary and permanent injunction against the Defendant, each of its officers,  
15 agents, servants, employees, and attorneys, all parent and subsidiary corporations,  
16 their assigns and successors in interest, and those persons acting in active concert or  
17 participation with them, enjoining them from continuing acts of infringement, active  
18 inducement of infringement, and contributory infringement of Eon-Net's '697  
19 patent;
- 20 E. An accounting for damages under 35 U.S.C. §284 for infringement of Eon-Net's  
21 '697 patent by the Defendant and the award of damages so ascertained to the  
22 Plaintiff, Eon-Net, together with interest as provided by law;
- 23 F. Award of Eon-Net's costs and expenses; and
- 24 G. Such other and further relief as this Court may deem proper, just and equitable.
- 25  
26  
27  
28

**DEMAND FOR JURY TRIAL**

1  
2 The Plaintiff, Eon-Net, demands a trial by jury of all issues properly triable by jury in this  
3 action.

4 By: Jean-Marc Zimmerman  
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9 Attorneys for Plaintiff Eon-Net, L.P.

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Dated: March 30, 2005  
Westfield, NJ