C	Case 2:10-cv-02937-WJM -MF Document 1	Filed 06/10/10 Page 1 of 6 PageID: 1	
1	UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY		
3	Jean-Marc Zimmerman Zimmerman & Levi, LLP		
4	226 St. Paul Street Westfield, NJ 07090		
5	Tel: (908) 654-8000 Fax: (908) 654-7207		
6	Attorneys for Plaintiff Millennium, L.P.		
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8	MILLENNIUM, L.P., Plaintiff,	CIVIL ACTION NO.	
9	i kuntin,	COMPLAINT FOR PATENT	
10	v.	INFRINGEMENT	
11	KNOWLEDGELAKE, INC.,	DEMAND FOR JURY TRIAL	
12	Defendant.	DEMAND FOR JURY IRIAL	
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14	Plaintiff, Millennium, L.P., a limited partnership (hereinafter referred to as "Millennium"),		
15	demands a jury trial and complains against the defendant as follows:		
16	THE PARTIES		
17		hip organized and existing under the laws of the	
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19	Cayman Islands, with its principal place of business at Clifton House, 75 Fort Street, P.O. Box 190,		
20	George Town, Grand Cayman, Cayman Islands.		
21	2. Upon information and belief, KnowledgeLake, Inc. (hereinafter referred to as		
22	"Defendant" or "KnowledgeLake") is a corporation organized and existing under the laws of the		
23	State of Missouri, having regional offices and doing business in this Judicial District.		
24	JURISDICTION AND VENUE		
25	3. This action arises under the patent	laws of the United States of America, Title 35 of	
26	the United States Code. This Court has jurisdiction of this action under 28 U.S.C. §§ 1331 and		
27	1338(a).		
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1 4. On information and belief, Defendant is doing business and committing 2 infringements in this judicial district and are 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, Millennium, repeats and incorporates herein the entirety of the allegations 6 contained in paragraphs 1 through 5 above. 7 7. On November 2, 1993, U.S. Patent No. 5,258,855 (hereinafter referred to as "the 8 '855 patent") was duly and legally issued to System X, L.P. for an invention entitled "Information 9 Processing Methodology." The '855 Patent was subsequently assigned to Millennium. A copy of 10 the '855 patent is attached to this Complaint as Exhibit 1. 11 8. On November 29, 1994, U.S. Patent No. 5,369,508 (hereinafter referred to as "the 12 13 '508 patent') was duly and legally issued to System X, L.P. for an invention entitled "Information 14 Processing Methodology." The '508 Patent was subsequently assigned to Millennium. A copy of 15 the '508 patent is attached to this Complaint as Exhibit 2. 16 9. On April 29, 1997, U.S. Patent No. 5,625,465 (hereinafter referred to as "the '465] 17 patent") was duly and legally issued to International Patent Holdings, Ltd. for an invention entitled 18 "Information Processing Methodology." The '465 Patent was subsequently assigned to Millennium. 19 A copy of the '465 patent is attached to this Complaint as Exhibit 3. 20 10. On June 16, 1998, U.S. Patent No. 5,768,416 (hereinafter referred to as "the '416 21 patent") was duly and legally issued to Millennium for an invention entitled "Information 22 23 Processing Methodology." A copy of the '506 patent is attached to this Complaint as Exhibit 4. 24 11. On July 25, 2000, U.S. Patent No. 6,094,505 (hereinafter referred to as "the '505 25 patent") was duly and legally issued to Millennium for an invention entitled "Information 26 Processing Methodology." A copy of the '505 patent is attached to this Complaint as Exhibit 5. 27

12. Millennium is the owner of all right, title and interest in and to the '855 patent, the '508 patent, the '465 patent, the 506 patent and the '505 patent.

# COUNT ONE

13. Plaintiff, Millennium, repeats and incorporates herein the entirety of the allegations contained in paragraphs 1 through 12 above.

14. KnowledgeLake has for a long time past and still is infringing, actively inducing the infringement of and contributorily infringing in this judicial district, the '855 patent by, among other things, importing, making, using, offering for sale, and/or selling computer hardware, software and systems, including but not limited to its Capture for SharePoint product, in which information from a hard copy document is extracted and transmitted to an application program in a manner defined by the claims of the '855 patent without permission from Millennium and will continue to do so unless enjoined by this Court.

15. Plaintiff, Millennium, has been damaged by such infringing activities by the Defendant of the '855 patent and will be irreparably harmed unless such infringing activities are enjoined by this Court.

COUNT TWO

16. Plaintiff, Millennium, repeats and incorporates herein the entirety of the allegations contained in paragraphs 1 through 15 above.

17. KnowledgeLake has for a long time past and still is infringing, actively inducing the infringement of and contributorily infringing in this judicial district, the '508 patent by, among other things, importing, making, using, offering for sale, and/or selling computer software and systems, including but not limited to its Capture for SharePoint product, in which information from a hard copy document is extracted and transmitted to an application program in a manner defined by the claims of the '508 patent without permission from Millennium and will continue to do so unless enjoined by this Court.

18. Plaintiff, Millennium, has been damaged by such infringing activities by the Defendant, of the '508 patent and will be irreparably harmed unless such infringing activities are 3 enjoined by this Court.

## COUNT THREE

19. Plaintiff, Millennium, repeats and incorporates herein the entirety of the allegations contained in paragraphs 1 through 18 above.

20. KnowledgeLake has for a long time past and still is infringing, actively inducing the infringement of and contributorily infringing in this judicial district, the '465 patent by, among other things, importing, making, using, offering for sale, and/or selling computer software and systems, including but not limited to its Capture for SharePoint product, in which information from a hard copy document is extracted and transmitted to an application program in a manner defined by the claims of the '465 patent without permission from Millennium and will continue to do so unless enjoined by this Court.

Plaintiff, Millennium, has been damaged by such infringing activities by the 21. Defendant of the '465 patent and will be irreparably harmed unless such infringing activities are enjoined by this Court.

# **COUNT FOUR**

22. Plaintiff, Millennium, repeats and incorporates herein the entirety of the allegations contained in paragraphs 1 through 21 above.

23. KnowledgeLake has for a long time past and still is infringing, actively inducing the infringement of and contributorily infringing in this judicial district, the '506 patent by, among other things, importing, making, using, offering for sale, and/or selling computer software and systems, including but not limited to its Capture for SharePoint product, in which information from a hard copy document is extracted and transmitted to an application program in a manner defined by

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the claims of the '506 patent without permission from Millennium and will continue to do so unless
enjoined by this Court.

24. Plaintiff, Millennium, has been damaged by such infringing activities by the Defendant, of the '506 patent and will be irreparably harmed unless such infringing activities are enjoined by this Court.

### **COUNT FIVE**

25. Plaintiff, Millennium, repeats and incorporates herein the entirety of the allegations contained in paragraphs 1 through 24 above.

26. KnowledgeLake has for a long time past and still is infringing, actively inducing the infringement of and contributorily infringing in this judicial district, the '505 patent by, among other things, importing, making, using, offering for sale, and/or selling computer software and systems, including but not limited to its Capture for SharePoint product, in which information from a hard copy document is extracted and transmitted to an application program in a manner defined by the claims of the '505 patent without permission from Millennium and will continue to do so unless enjoined by this Court.

27. Plaintiff, Millennium, has been damaged by such infringing activities by the Defendant, of the '505 patent and will be irreparably harmed unless such infringing activities are enjoined by this Court.

## PRAYER FOR RELIEF

WHEREFORE, Plaintiff, Millennium prays for judgment against the Defendant KnowledgeLake on all the counts and for the following relief:

- A. Declaration that the Plaintiff is the owner of the '855, '508, '465, '416 and '505 patents and that the Plaintiff has the right to sue and to recover for infringement thereof;
- B. Declaration that the '855, '508, '465, '416 and '505 patents are valid and enforceable;

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1	C.	Declaration that the Defendant has infringed, actively induced infringement of, and	
2		contributorily infringed '855, '508, '465, '416 and '505 patents;	
3	D.	A preliminary and permanent injunction against the Defendant, each of its officers,	
4		agents, servants, employees, and attorneys, all parent and subsidiary corporations,	
5		their assigns and successors in interest, and those persons acting in active concert or	
6		participation with them, including distributors and customers, enjoining them from	
7		continuing acts of infringement, active inducement of infringement, and contributory	
8		infringement of Millennium's '855, '508, '465, '416 and '505 patents;	
9	E.	An accounting for damages under 35 U.S.C. §284 for infringement of Millennium's	
10		'855, '508, '465, '416 and '505 patents by the Defendant and the award of damages	
11		so ascertained to the Plaintiff together with interest as provided by law;	
12	F.	Award of Millennium's costs and expenses; and	
13	G.	Such other and further relief as this Court may deem proper, just and equitable.	
14	DEMAND FOR JURY TRIAL		
15	Plaintiff, Millennium, demands a trial by jury of all issues properly triable by jury in this		
16	action.		
17		By: <u>/s/Jean-Marc Zimmerman</u> Jean-Marc Zimmerman	
18		Zimmerman & Levi, LLP 226 St. Paul Street	
19		Westfield, NJ 07090 Attorneys for Plaintiff Millennium, L.P.	
20		Auomeys for Flamum wintennum, L.F.	
21	Dated: May 10, 2010		
22	West	field, NJ	
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