

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

COGNEX CORP. and COGNEX
TECHNOLOGY & INVESTMENT CORP.,

Plaintiffs,

v.

MVTEC SOFTWARE GMBH; MVTEC,
LLC; and FUJI AMERICA CORP.,

Defendants.

Case No:

COMPLAINT AND JURY DEMAND

Plaintiffs Cognex Corporation and its wholly-owned subsidiary Cognex Technology and Investment Corporation (collectively, “Cognex”), by its attorneys Proskauer Rose LLP, bring this action for patent infringement against MvTec Software GmbH (“MvTec Software”), MvTec, LLC (“MvTec”), and Fuji America Corporation (“Fuji America”) (collectively “Defendants”).

Parties

1. Plaintiff Cognex Corporation is a corporation organized under the corporate laws of the Commonwealth of Massachusetts, with corporate headquarters and a principal place of business in Natick, Massachusetts. Plaintiff Cognex Technology and Investment Corporation is a corporation organized under the corporate laws of the State of California, with corporate headquarters and a principal place of business in Mountain View, California. Plaintiff Cognex Technology and Investment Corporation is a wholly-owned subsidiary of Plaintiff Cognex Corporation. Cognex is a worldwide industry leader in the field of machine vision.

2. On information and belief, Defendant MvTec Software makes, uses, offers for sale, sells, and imports into the United States the accused software for machine vision and is organized under the laws of the Republic of Germany.

3. On information and belief, Defendant MvTec is organized as a limited liability company under the corporate laws of the State of Delaware and has as its principal place of business at 1 Broadway, Cambridge, Massachusetts, 02142. On information and belief, Defendant MvTec is a wholly-owned subsidiary of Defendant MvTec Software and offers for sale and sells the accused products in the United States.

4. On information and belief, Defendant Fuji America is a customer of MvTec or MvTec Software, and as such, uses and resells the accused software in its products. On information and belief, Defendant Fuji America is organized under the corporate laws of the State of Illinois and has as its principal place of business 171 Corporate Woods Parkway, Vernon Hills, Illinois, 60061, and is doing business in this district.

Jurisdiction and Venue

5. This case arises under the patent laws of the United States, 35 U.S.C. § 1 et seq. This Court has subject matter jurisdiction over this Complaint pursuant to 28 U.S.C. §§ 1331 and 1338.

6. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b) & (c), and 1400.

COUNT I **Defendants' Infringement of U.S. Patent No. 7,016,539**

7. The allegations of paragraphs 1 through 6 are incorporated by reference into this Count I as though fully set forth herein.

8. Cognex is owner of all right, title, and interest in and to U.S. Patent No. 7,016,539 (“the ’539 Patent”) (Exhibit A hereto) entitled “Method for Fast, Robust, Multi-Dimensional Pattern Recognition.”

9. The ’539 Patent was duly issued by the United States Patent and Trademark Office, and is valid and enforceable.

10. The ’539 Patent describes a method for determining the presence or absence of an instance of a predetermined pattern in an image and for determining the location of each instance within a multidimensional space.

11. On information and belief, Defendants, without authority, make, use, offer to sell, sell within the United States, and/or import into the United States, products and/or software (e.g., MvTec and MvTec Software’s Halcon™ software product) that incorporate or make use of the inventions covered by the ’539 Patent, thereby infringing, contributing to the infringement of, and/or actively inducing infringement of one or more claims of the ’539 Patent. Upon information and belief, Defendant Fuji America’s products incorporate the technology embodied in the ’539 Patent.

12. Upon information and belief, Defendants continue to infringe the ’539 Patent and will continue to do so unless enjoined by this Court, and Cognex has incurred, and will continue to incur, damages as a result of Defendants’ infringement of the ’539 Patent.

13. Cognex has been, is being, and will continue to be, seriously damaged and irreparably harmed unless Defendants are enjoined by this Court from the actions complained of herein, and thus Cognex is without an adequate remedy at law.

COUNT II
Defendants' Infringement of U.S. Patent No. 6,856,698

14. The allegations of paragraphs 1 through 13 are incorporated by reference into this Count II as though fully set forth herein.

15. Cognex is the assignee of and owner of all right, title, and interest in and to U.S. Patent No. 6,856,698 ("the '698 Patent") (Exhibit B hereto) entitled "Fast High-Accuracy Multi-Dimensional Pattern Localization."

16. The '698 Patent was duly issued by the United States Patent and Trademark Office, and is valid and enforceable.

17. The '698 Patent describes a method and apparatus for rapidly refining a given approximate location of a pattern to produce a more accurate location.

18. On information and belief, Defendants, without authority, make, use, offer to sell, sell within the United States, and/or import into the United States, products and/or software (e.g., MvTec and MvTec Software's Halcon™ software product) that incorporate or make use of the inventions covered by the '698 Patent, thereby infringing, contributing to the infringement of, and/or actively inducing infringement of one or more claims of the '698 Patent. Upon information and belief, Defendant Fuji America's products incorporate the technology embodied in the '698 Patent.

19. Upon information and belief, Defendants continue to infringe the '698 Patent and will continue to do so unless enjoined by this Court, and Cognex has incurred, and will continue to incur, damages as a result of Defendants' infringement of the '698 Patent.

20. Cognex has been, is being, and will continue to be, seriously damaged and irreparably harmed unless Defendants are enjoined by this Court from the actions complained of herein, and thus Cognex is without an adequate remedy at law.

COUNT III
Defendants' Infringement of U.S. Patent No. 7,065,262

21. The allegations of paragraphs 1 through 20 are incorporated by reference into this Count III as though fully set forth herein.

22. Cognex is the assignee of and owner of all right, title, and interest in and to U.S. Patent No. 7,065,262 ("the '262 Patent") (Exhibit C hereto) entitled "Fast High-Accuracy Multi-Dimensional Pattern Inspection."

23. The '262 Patent was duly issued by the United States Patent and Trademark Office, and is valid and enforceable.

24. The '262 Patent describes a method and apparatus for identifying differences between a stored pattern and a matching image subset where variations in pattern position, orientation, and size do not give rise to false differences.

25. On information and belief, Defendants, without authority, make, use, offer to sell, sell within the United States, and/or import into the United States, products and/or software (e.g., MvTec and MvTec Software's Halcon™ software product) that incorporate or make use of the inventions covered by the '262 Patent, thereby infringing, contributing to the infringement of, and/or actively inducing infringement of one or more claims of the '262 Patent. Upon information and belief, Defendant Fuji America's products incorporate the technology embodied in the '262 Patent.

26. Upon information and belief, Defendants continue to infringe the '262 Patent and will continue to do so unless enjoined by this Court, and Cognex has incurred, and will continue to incur, damages as a result of Defendants' infringement of the '262 Patent.

27. Cognex has been, is being, and will continue to be, seriously damaged and irreparably harmed unless Defendants are enjoined by this Court from the actions complained of herein, and thus Cognex is without an adequate remedy at law.

COUNT IV
Defendants' Infringement of U.S. Patent No. 6,850,646

28. The allegations of paragraphs 1 through 27 are incorporated by reference into this Count IV as though fully set forth herein.

29. Cognex is the assignee of and owner of all right, title, and interest in and to U.S. Patent No. 6,850,646 ("the '646 Patent") (Exhibit D hereto) entitled "Fast High-Accuracy Multi-Dimensional Pattern Inspection."

30. The '646 Patent was duly issued by the United States Patent and Trademark Office, and is valid and enforceable.

31. The '646 Patent describes a method and apparatus for identifying differences between a stored pattern and a matching image subset where variations in pattern position, orientation, and size do not give rise to false differences.

32. On information and belief, Defendants, without authority, make, use, offer to sell, sell within the United States, and/or import into the United States, products and/or software (e.g., MvTec and MvTec Software's Halcon™ software product) that incorporate or make use of the inventions covered by the '646 Patent, thereby infringing, contributing to the infringement of, and/or actively inducing infringement of one or more claims of the '646 Patent. Upon information and belief, Defendant Fuji America's products incorporate the technology embodied in the '646 Patent.

33. Upon information and belief, Defendants continue to infringe the '646 Patent and will continue to do so unless enjoined by this Court, and Cognex has incurred, and will continue to incur, damages as a result of Defendants' infringement of the '646 Patent.

34. Cognex has been, is being, and will continue to be, seriously damaged and irreparably harmed unless Defendants are enjoined by this Court from the actions complained of herein, and thus Cognex is without an adequate remedy at law.

COUNT V
Defendants' Infringement of U.S. Patent No. 6,959,112

35. The allegations of paragraphs 1 through 34 are incorporated by reference into this Count V as though fully set forth herein.

36. Cognex is the owner of all right, title, and interest in and to U.S. Patent No. 6,959,112 ("the '112 Patent") (Exhibit E hereto) entitled "Method For Finding a Pattern Which May Fall Partially Outside an Image."

37. The '112 Patent was duly issued by the United States Patent and Trademark Office, and is valid and enforceable.

38. The '112 Patent describes a method for finding a whole pattern in an image when a portion of the whole pattern falls outside the image boundary.

39. On information and belief, Defendants, without authority, make, use, offer to sell, sell within the United States, and/or import into the United States, products and/or software (e.g., MvTec and MvTec Software's Halcon™ software product) that incorporate or make use of the inventions covered by the '112 Patent, thereby infringing, contributing to the infringement of, and/or actively inducing infringement of one or more claims of the '112 Patent. Upon information and belief, Defendant Fuji America's products incorporate the technology embodied in the '112 Patent.

40. Upon information and belief, Defendants continue to infringe the '112 Patent and will continue to do so unless enjoined by this Court, and Cognex has incurred, and will continue to incur, damages as a result of Defendants' infringement of the '112 Patent.

41. Cognex has been, is being, and will continue to be, seriously damaged and irreparably harmed unless Defendants are enjoined by this Court from the actions complained of herein, and thus Cognex is without an adequate remedy at law.

COUNT VI
Defendants' Infringement of U.S. Patent No. 6,804,416

42. The allegations of paragraphs 1 through 41 are incorporated by reference into this Count VI as though fully set forth herein.

43. Cognex is the assignee of and owner of all right, title, and interest in and to U.S. Patent No. 6,804,416 ("the '416 Patent") (Exhibit F hereto) entitled "Method and System For Aligning Geometric Object Models With Images."

44. The '416 Patent was duly issued by the United States Patent and Trademark Office, and is valid and enforceable.

45. The '416 Patent describes a method and apparatus for aligning a geometric object model with a pixel image.

46. On information and belief, Defendants, without authority, make, use, offer to sell, sell within the United States, and/or import into the United States, products and/or software (e.g., MvTec and MvTec Software's Halcon™ software product) that incorporate or make use of the inventions covered by the '416 Patent, thereby infringing, contributing to the infringement of, and/or actively inducing infringement of one or more claims of the '416 Patent. Upon information and belief, Defendant Fuji America's products incorporate the technology embodied in the '416 Patent.

47. Upon information and belief, Defendants continue to infringe the '416 Patent and will continue to do so unless enjoined by this Court, and Cognex has incurred, and will continue to incur, damages as a result of Defendants' infringement of the '416 Patent.

48. Cognex has been, is being, and will continue to be, seriously damaged and irreparably harmed unless Defendants are enjoined by this Court from the actions complained of herein, and thus Cognex is without an adequate remedy at law.

COUNT VII
Defendants' Infringement of U.S. Patent No. 7,190,834

49. The allegations of paragraphs 1 through 48 are incorporated by reference into this Count VII as though fully set forth herein.

50. Cognex is the assignee of and owner of all right, title, and interest in and to U.S. Patent No. 7,190,834 ("the '834 Patent") (Exhibit G hereto) entitled "Methods for Finding And Characterizing a Deformed Pattern in an Image."

51. The '834 Patent was duly issued by the United States Patent and Trademark Office, and is valid and enforceable.

52. The '834 Patent describes a method for finding a deformed pattern in an image using a plurality of sub-patterns and a method for characterizing a deformed pattern in an image by using results from feature-based search tools to create a mapping that models the deformation of the pattern.

53. On information and belief, Defendants, without authority, make, use, offer to sell, sell within the United States, and/or import into the United States, products and/or software (e.g., MvTec and MvTec Software's Halcon™ software product) that incorporate or make use of the inventions covered by the '834 Patent, thereby infringing, contributing to the infringement of, and/or actively inducing infringement of one or more claims of the '834 Patent. Upon

information and belief, Defendant Fuji America's products incorporate the technology embodied in the '834 Patent.

54. Upon information and belief, Defendants continue to infringe the '834 Patent and will continue to do so unless enjoined by this Court, and Cognex has incurred, and will continue to incur, damages as a result of Defendants' infringement of the '834 Patent.

55. Cognex has been, is being, and will continue to be, seriously damaged and irreparably harmed unless Defendants are enjoined by this Court from the actions complained of herein, and thus Cognex is without an adequate remedy at law.

COUNT VIII
Defendants' Infringement of U.S. Patent No. 7,088,862

56. The allegations of paragraphs 1 through 55 are incorporated by reference into this Count VIII as though fully set forth herein.

57. Cognex is the assignee of and owner of all right, title, and interest in and to U.S. Patent No. 7,088,862 ("the '862 Patent") (Exhibit H hereto) entitled "Fast High-Accuracy Multi-Dimensional Pattern Inspection."

58. The '862 Patent was duly issued by the United States Patent and Trademark Office, and is valid and enforceable.

59. The '862 Patent describes a method and apparatus for identifying differences between a stored pattern and a matching image subset where variations in pattern position, orientation, and size do not give rise to false differences.

60. Information about Defendants' products and/or software sufficient to determine infringement of the '862 Patent is not publicly available. Cognex believes, based on information that is publicly available, that Defendants may be using the technology disclosed in the '862 Patent and therefore may infringe the '862 Patent. Cognex will amend this Complaint upon

disclosure or discovery of information sufficient to determine whether Defendants' products and/or software are infringing.

61. To the extent Defendants are infringing the '862 Patent, Cognex has incurred, and will continue to incur, damages as a result of Defendants' infringement of the '862 Patent.

62. To the extent Defendants are infringing the '862 Patent, Cognex has been, is being, and will continue to be, seriously damaged and irreparably harmed unless Defendants are enjoined by this Court from the actions complained of herein, and thus Cognex is without an adequate remedy at law.

COUNT IX
Defendants' Infringement of U.S. Patent No. 6,771,808

63. The allegations of paragraphs 1 through 62 are incorporated by reference into this Count IX as though fully set forth herein.

64. Cognex is the assignee of and owner of all right, title, and interest in and to U.S. Patent No. 6,771,808 ("the '808 Patent") (Exhibit I hereto) entitled "System and Method for Registering Patterns Transformed in Six Degrees of Freedom Using Machine Vision."

65. The '808 Patent was duly issued by the United States Patent and Trademark Office, and is valid and enforceable.

66. The '808 Patent describes a system and method for utilizing a search tool that registers transformation of a trained pattern by at least four degrees of freedom to register the instance of a pattern in an arbitrary six-degree-of-freedom pose.

67. Information about Defendants' products and/or software sufficient to determine infringement of the '808 Patent is not publicly available. Cognex believes, based on information that is publicly available, that Defendants may be using the technology disclosed in the '808 Patent and therefore may infringe the '808 Patent. Cognex will amend this Complaint upon

disclosure or discovery of information sufficient to determine whether Defendants' products and/or software are infringing.

68. To the extent Defendants are infringing the '808 Patent, Cognex has incurred, and will continue to incur, damages as a result of Defendants' infringement of the '808 Patent.

69. To the extent Defendants are infringing the '808 Patent, Cognex has been, is being, and will continue to be, seriously damaged and irreparably harmed unless Defendants are enjoined by this Court from the actions complained of herein, and thus Cognex is without an adequate remedy at law.

REQUEST FOR RELIEF

WHEREFORE, Cognex prays for judgment against Defendants as follows:

- (a) Declaring that Defendants have infringed the asserted patents;
- (b) Ordering that Defendants, including each Defendant's officers, agents, servants, employees, attorneys, and all other persons in active concert or participation with Defendants, be preliminarily and permanently enjoined and restrained from further infringing the asserted Patents;
- (c) Awarding Cognex all relief available under the patent laws of the United States, including but not limited to monetary damages, including prejudgment interest and enhanced damages, based on Defendants' infringement of the asserted Patents;
- (d) Finding this to be an exceptional case, and awarding Cognex its costs and reasonable attorneys' fees in respect thereto in accordance with 35 U.S.C. §§ 284-85; and
- (e) Granting Cognex such other relief as the Court deems just and equitable.

DEMAND FOR JURY TRIAL

Cognex demands a trial by jury on all issues so triable.

Respectfully Submitted,

Cognex Corporation,
By its Attorneys,

/s/ Steven M. Bauer

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/s/ Steven M. Bauer

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