

FILED

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

03/19/08 2:18 PM
CLERK OF COURT
FEDERAL BUILDING
1000 BROADWAY
ALEXANDRIA, VA 22304

PICTURE PATENTS, LLC,)
)
Plaintiff,)
)
v.)
)
MONUMENT REALTY LLC,)
)
Defendant.)

Civil Case No. 1:08CV 264
TSE/BRP

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Picture Patents, LLC (hereinafter referred to as "Picture Patents"), by and through undersigned counsel, hereby brings this Complaint against Defendant Monument Realty LLC, Inc. (hereinafter referred to as "Monument Realty" or "Defendant") and alleges as follows:

THE PARTIES, JURISDICTION AND VENUE

1. Plaintiff Picture Patents, LLC is a limited liability company organized and existing under the laws of the State of Delaware, having a principal place of business at 325 Riverside Drive, New York, NY 10025.

2. Upon information and belief, Monument Realty is a Limited Liability Company organized and existing under the laws of the State of Delaware, having a principal place of business located at 1700 K Street, NW, Suite 600, Washington, DC 20006. Upon information and belief, Monument Realty is also a registered foreign Limited Liability Company in the State of Virginia whose Virginia Registered Agent is Corporation Service Company, 11 S 12th St., PO Box 1463, Richmond, VA 23218. Monument Realty has been and is doing business in the State

of Virginia and within this District, with a regular and established place of business located at 1700 K Street, NW, Suite 600, Washington, DC 20006.

3. This action for infringement arises under the patent laws of the United States, including 35 U.S.C. §§ 271, 281 and 283-85, et seq.

4. This Court has jurisdiction over the subject matter of this action on at least the following grounds:

- a. 28 U.S.C. § 1331, this being a civil action arising under the laws of the United States;
- b. 28 U.S.C. § 1337(a), this being a civil action arising under an Act of Congress regulating commerce and protecting trade and commerce; and
- c. 28 U.S.C. § 1338(a), this being a civil action arising under an Act of Congress relating to patent rights.

5. This Court has personal jurisdiction over Monument Realty because, *inter alia*, upon information and belief, it has conducted, and at the time of the filing of this Complaint is conducting business in this State and District and otherwise has committed acts in this State and in this District that are the subjects of and/or related to the claims set forth herein.

6. Venue is properly laid in this Court under the provisions of 28 U.S.C. §§ 1391 and 1400(b).

CLAIMS FOR PATENT INFRINGEMENT

7. On August 21, 2001, United States Patent No. 6,278,455 (“the ‘455 patent”) was duly and legally issued for a “Pictorial Interface For Accessing Information In An Electronic File System.” A true and correct copy of the ‘455 patent is attached hereto as Exhibit “A” and made a part hereof.

8. Picture Patents, LLC is the owner, by assignment, of all right, title, and interest in the ‘455 patent. Picture Patents has the right to bring and maintain the present action.

9. Upon information and belief, Monument Realty manufactures, makes, has made, uses, sells and/or offers for sale devices and/or services that infringe claims in the ‘455 patent. Monument Realty is infringing directly, by inducement, and/or by contributing to the infringement of the ‘455 patent by offering, providing, using and operating services through one or more websites, such as the “www.monumentrealty.com” website the “www.thechaseatbethesda.com” website, and the “www.potomacplacetower.com” website, the “www.stratecomm.net” website, including but not limited to providing a pictorial interface on said websites that permits access of electronic files. Monument Realty has committed these acts of infringement throughout the United States, including in this judicial district.

10. Plaintiff has been damaged as a result of Monument Realty’s infringing conduct.

11. Plaintiff has been irreparably harmed by the actions of each of the above Defendant and has no adequate remedy at law.

JURY DEMAND

12. Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER

13. WHEREFORE, Plaintiff respectfully requests that the Court find in its favor and against Defendant and the Court enter a judgment or order granting Plaintiff the following relief:

- a. That one or more claims of United States Patent No. 6,278,455 have been infringed, either literally and/or under the doctrine of equivalents, by Monument Realty and/or by others whose infringement has been contributed to by Monument Realty and/or by others whose infringement has been induced by Monument Realty ;
- b. That Defendant account for and pay to Plaintiff damages caused by Monument Realty's infringing activities complained of herein;
- c. That Plaintiff be granted pre-judgment and post-judgment interest at the maximum rate allowable by law on the damages caused by reason of Monument Realty's infringing activities complained of herein;
- d. That Plaintiff be awarded costs;
- e. That Monument Realty be permanently enjoined from any conduct or activity that infringes United States Patent No. 6,278,455; and
- f. That Plaintiff be granted such other and further relief, both legal and equitable, as the Court may deem is just and proper under the circumstances.

Respectfully submitted this 19th day of March, 2008.

PICTURE PATENTS LLC



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