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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

Jean-Marc Zimmerman (JZ 7743)
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Attorneys for Plaintiff Millennium, L.P.

MILLENNIUM, L.P.,

Plaintiff,

v.

IMAGING BUSINESS MACHINES, LLC,

Defendant.

Case No.

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

Plaintiff, Millennium, L.P., a limited partnership (hereinafter referred to as “Millennium”),
demands a jury trial and complains against the defendant as follows:

THE PARTIES

1. Millennium is a limited partnership organized and existing under the laws of the
Cayman Islands, with its principal place of business at Clifton House, 75 Fort Street, P.O. Box 190,
George Town, Grand Cayman, Cayman Islands.

2. Upon information and belief, International Business Machines, LLC (hereinafter
referred to as “Defendant” or “IBML”) is a corporation organized and existing under the laws of the
State of Alabama, having a place of business at 2750 Crestwood Boulevard, Birmingham, Alabama
35210.

1 **JURISDICTION AND VENUE**

2 3. This action arises under the patent laws of the United States of America, Title 35 of
3 the United States Code. This Court has jurisdiction of this action under 28 U.S.C. §§ 1331 and
4 1338(a).

5 4. On information and belief, Defendant is doing business and committing
6 infringements in this judicial district and are subject to personal jurisdiction in this judicial district.

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

8 **CLAIM FOR PATENT INFRINGEMENT**

9 6. Plaintiff, Millennium, repeats and incorporates herein the entirety of the allegations
10 contained in paragraphs 1 through 5 above.

11 7. On November 2, 1993, U.S. Patent No. 5,258,855 (hereinafter referred to as “the
12 ‘855 patent”) was duly and legally issued to System X, L.P. for an invention entitled “Information
13 Processing Methodology.” The ‘855 Patent was subsequently assigned to Millennium. A copy of
14 the ‘855 patent is attached to this Complaint as Exhibit 1.

15 8. On November 29, 1994, U.S. Patent No. 5,369,508 (hereinafter referred to as “the
16 ‘508 patent”) was duly and legally issued to System X, L.P. for an invention entitled “Information
17 Processing Methodology.” The ‘508 Patent was subsequently assigned to Millennium. A copy of
18 the ‘508 patent is attached to this Complaint as Exhibit 2.

19 9. On April 29, 1997, U.S. Patent No. 5,625,465 (hereinafter referred to as “the ‘465
20 patent”) was duly and legally issued to International Patent Holdings, Ltd. for an invention entitled
21 “Information Processing Methodology.” The ‘465 Patent was subsequently assigned to Millennium.
22 A copy of the ‘465 patent is attached to this Complaint as Exhibit 3.

23 10. On June 16, 1998, U.S. Patent No. 5,768,416 (hereinafter referred to as “the ‘416
24 patent”) was duly and legally issued to Millennium for an invention entitled “Information
25 Processing Methodology.” A copy of the ‘506 patent is attached to this Complaint as Exhibit 4.
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1 manner defined by the claims of the '508 patent without permission from Millennium and will
2 continue to do so unless enjoined by this Court.

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

6 **COUNT THREE**

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

9 20. IBML has and still is infringing, actively inducing the infringement of and
10 contributorily infringing in this judicial district, the '465 patent by, among other things, importing,
11 making, using, offering for sale, and/or selling computer hardware, software and systems in which
12 information from a hard copy document is extracted and transmitted to an application program in a
13 manner defined by the claims of the '465 patent without permission from Millennium and will
14 continue to do so unless enjoined by this Court.

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

18 **COUNT FOUR**

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

21 23. IBML has and still is infringing, actively inducing the infringement of and
22 contributorily infringing in this judicial district, the '506 patent by, among other things, importing,
23 making, using, offering for sale, and/or selling computer hardware, software and systems in which
24 information from a hard copy document is extracted and transmitted to an application program in a
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1 manner defined by the claims of the '506 patent without permission from Millennium and will
2 continue to do so unless enjoined by this Court.

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

6 **COUNT FIVE**

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

9 26. IBML has and still is infringing, actively inducing the infringement of and
10 contributorily infringing in this judicial district, the '505 patent by, among other things, importing,
11 making, using, offering for sale, and/or selling computer hardware, software and systems in which
12 information from a hard copy document is extracted and transmitted to an application program in a
13 manner defined by the claims of the '505 patent without permission from Millennium and will
14 continue to do so unless enjoined by this Court.

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

18 **PRAYER FOR RELIEF**

19 WHEREFORE, THE Plaintiff, Millennium prays for judgment against the Defendant IBML
20 on all the counts and for the following relief:

- 21 A. Declaration that the Plaintiff is the owner of the '855 patent, and that the Plaintiff has
22 the right to sue and to recover for infringement thereof;
23 B. Declaration that the '855 patent is valid and enforceable;
24 C. Declaration that the Defendant has infringed, actively induced infringement of, and
25 contributorily infringed '855 patent;
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- 1 D. Declaration that the Plaintiff is the owner of the '508 patent, and that the Plaintiff has
2 the right to sue and to recover for infringement thereof;
- 3 E. Declaration that the '508 patent is valid and enforceable;
- 4 F. Declaration that the Defendant has infringed, actively induced infringement of, and
5 contributorily infringed '508 patent;
- 6 G. Declaration that the Plaintiff is the owner of the '465 patent, and that the Plaintiff has
7 the right to sue and to recover for infringement thereof;
- 8 H. Declaration that the '465 patent is valid and enforceable;
- 9 I. Declaration that the Defendant has infringed, actively induced infringement of, and
10 contributorily infringed '465 patent;
- 11 J. Declaration that the Plaintiff is the owner of the '506 patent, and that the Plaintiff has
12 the right to sue and to recover for infringement thereof;
- 13 K. Declaration that the '506 patent is valid and enforceable;
- 14 L. Declaration that the Defendant has infringed, actively induced infringement of, and
15 contributorily infringed '506 patent;
- 16 M. Declaration that the Plaintiff is the owner of the '505 patent, and that the Plaintiff has
17 the right to sue and to recover for infringement thereof;
- 18 N. Declaration that the '505 patent is valid and enforceable;
- 19 O. Declaration that the Defendant has infringed, actively induced infringement of, and
20 contributorily infringed '505 patent;
- 21 P. A preliminary and permanent injunction against the Defendant, each of its officers,
22 agents, servants, employees, and attorneys, all parent and subsidiary corporations,
23 their assigns and successors in interest, and those persons acting in active concert or
24 participation with them, including distributors and customers, enjoining them from
25 continuing acts of infringement, active inducement of infringement, and contributory
26 infringement of Millennium's '855, '508, '465, '506 and '505 patents;
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- 1 Q. An accounting for damages under 35 U.S.C. §284 for infringement of Millennium’s
- 2 ‘855, ‘508, ‘465, 506 and ‘505 patents by the Defendant and the award of damages
- 3 so ascertained to the Plaintiff, Millennium, together with interest as provided by law;
- 4 R. Award of reasonable attorney’s fees to the Plaintiff, Millennium, pursuant to 35
- 5 U.S.C. §285;
- 6 S. Award of Millennium’s costs and expenses; and
- 7 T. Such other and further relief as this Court may deem proper, just and equitable.
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9 **DEMAND FOR JURY TRIAL**

10 The Plaintiff, Millennium, demands a trial by jury of all issues properly triable by jury in
11 this action.

12 By: /s/Jean-Marc Zimmerman
13 Jean-Marc Zimmerman (JZ 7743)
14 Zimmerman, Levi & Korsinsky, LLP
15 226 St. Paul Street
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Attorneys for Plaintiff Millennium, L.P.

16 Dated: September 14, 2007
17 Westfield, New Jersey