

UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF NEW JERSEY

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EON-NET, L.P.

Plaintiff,

v.

JOS. A. BANK CLOTHIERS,

Defendant.

Case No.: _____

**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 British Virgin Islands, with its principal place of business at P.O. Box 116, Road Town, Tortola, British Virgin Islands.

2. Upon information and belief, Jos. A. Bank Clothiers (hereinafter referred to as "Defendant" or "Jos. A. Bank") is a business organized and existing under the laws of the State of Maryland, having a place of business at The Strand, 447 Springfield Avenue, Summit, New Jersey 07901. Jos. A. Bank has been in business for more than 102 years, and sells men's tailored and casual clothing, footwear and accessories in more than 350 stores nationwide and over the Internet.

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).

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

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

CLAIM FOR PATENT INFRINGEMENT

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

7. On July 11, 2006, U.S. Patent No. 7,075,673 (hereinafter referred to as “the ‘673 patent”) was duly and legally issued to Eon-Net for an invention entitled “Information Processing Methodology.” A copy of the ‘673 patent is attached to this Complaint as Exhibit 1.

8. Eon-Net is the owner of all right, title and interest in and to the ‘697 patent.

9. On February 27, 2007, U.S. Patent No. 7,184,162 (hereinafter referred to as “the ‘162 patent”) was duly and legally issued to Eon-Net for an invention entitled “Information Processing Methodology.” A copy of the ‘162 patent is attached to this Complaint as Exhibit 2.

10. Eon-Net is the owner of all right, title and interest in and to the ‘162 patent.

COUNT ONE

11. Plaintiff, Eon-Net, repeats and incorporates herein the entirety of the allegations contained in paragraphs 1 through 10 above.

12. Jos. A. Bank has for a long time past and still is infringing, actively inducing the infringement of and/or contributorily infringing in this judicial district, the ‘673 patent by, among other things, operating a website at www.josbank.com (“the Jos. A. Bank Website”) pursuant to a claim of the ‘673 patent, without permission from Eon-Net, in which information entered by a Jos.

1 Bank customer into an electronic document template displayed on the browser of the customer's
2 computer is extracted according to content instructions and transmitted to an application program
3 operating on Defendant's web server according to customizable transmission format instructions in
4 a manner defined by the claims of the '673 patent. For example, a Jos. A. Bank customer seeking to
5 purchase product can enter information including their first name, last name and address into
6 HTML form elements displayed on the web page found at
7 https://www.josbank.com/OMPlaceOrder.process?RestartFlow=t&ThisUser.Customer_Id=3 of the
8 Jos. A. Bank Website. The foregoing information entered into the HTML forms is extracted by the
9 browser and transmitted to an application program running on the Jos. A. Bank web server for
10 processing the customer's order in a POST format and using an https protocol required by the
11 application program. A copy of the aforementioned web page is attached hereto as Exhibit 3, and a
12 copy of the source code viewable on a customer's browser for such web page is attached hereto as
13 Exhibit 4. A claim chart detailing the infringement of a representative claim of the '673 patent is
14 attached hereto as Exhibit 5.

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16 13. Plaintiff, Eon-Net, has been damaged by such infringing activities by the Defendant
17 of the '673 patent and will be irreparably harmed unless such infringing activities are enjoined by
18 this Court.
19

20 **COUNT TWO**

21 14. Plaintiff, Eon-Net, repeats and incorporates herein the entirety of the allegations
22 contained in paragraphs 1 through 13 above.

23 15. Jos. A. Bank has for a long time past and still is infringing, actively inducing the
24 infringement of and/or contributorily infringing in this judicial district, the '162 patent by, among
25 other things, operating the Jos. A. Bank Website pursuant to a claim of the '162 patent, without
26 permission from Eon-Net, in which information entered by a customer of Defendant into an
27 electronic document template displayed on the browser of the customer's computer is extracted
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1 according to content instructions and transmitted to an application program operating on
 2 Defendant's web server according to customizable transmission format instructions in a manner
 3 defined by the claims of the '162 patent. For example, a Jos. A. Bank customer seeking to purchase
 4 product can enter information including their first name, last name and address into HTML form
 5 elements displayed on the web page found at
 6 https://www.josbank.com/OMPlaceOrder.process?RestartFlow=t&ThisUser.Customer_Id=3 of the
 7 Jos. A. Bank Website. The foregoing information entered into the HTML forms is extracted by the
 8 browser and transmitted to an application program running on the Jos. A. Bank web server for
 9 processing the customer's order in a POST format and using an https protocol required by the
 10 application program. A copy of the aforementioned web page is attached hereto as Exhibit 3, and a
 11 copy of the source code viewable on a customer's browser for such web page is attached hereto as
 12 Exhibit 4. A claim chart detailing the infringement of a representative claim of the '162 patent is
 13 attached hereto as Exhibit 6.

14
 15 16. Plaintiff, Eon-Net, has been damaged by such infringing activities by the Defendant
 16 of the '162 patent and will be irreparably harmed unless such infringing activities are enjoined by
 17 this Court.
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19 **PRAYER FOR RELIEF**

20 WHEREFORE, THE Plaintiff, Eon-Net prays for judgment against the Defendant Jos. A.
 21 Bank on all the counts and for the following relief:

- 22 A. Declaration that the Plaintiff is the owner of the '673 patent, and that the Plaintiff has
 23 the right to sue and to recover for infringement thereof;
- 24 B. Declaration that the '673 patent is valid and enforceable;
- 25 C. Declaration that the Defendant has infringed, actively induced infringement of,
 26 and/or contributorily infringed '673 patent;
- 27 D. A preliminary and permanent injunction against the Defendant, each of its officers,
 28 agents, servants, employees, and attorneys, all parent and subsidiary corporations,

1 their assigns and successors in interest, and those persons acting in active concert or
2 participation with them, enjoining them from continuing acts of infringement, active
3 inducement of infringement, and contributory infringement of Eon-Net's '673
4 patent;

5 E. An accounting for damages under 35 U.S.C. §284 for infringement of Eon-Net's
6 '673 patent by the Defendant and the award of damages so ascertained to the
7 Plaintiff, Eon-Net, together with interest as provided by law;

8 F. Declaration that the Plaintiff is the owner of the '162 patent, and that the Plaintiff has
9 the right to sue and to recover for infringement thereof;

10 G. Declaration that the '162 patent is valid and enforceable;

11 H. Declaration that the Defendant has infringed, actively induced infringement of,
12 and/or contributorily infringed '162 patent;

13 I. A preliminary and permanent injunction against the Defendant, each of its officers,
14 agents, servants, employees, and attorneys, all parent and subsidiary corporations,
15 their assigns and successors in interest, and those persons acting in active concert or
16 participation with them, enjoining them from continuing acts of infringement, active
17 inducement of infringement, and contributory infringement of Eon-Net's '162
18 patent;

19 J. An accounting for damages under 35 U.S.C. §284 for infringement of Eon-Net's
20 '162 patent by the Defendant and the award of damages so ascertained to the
21 Plaintiff, Eon-Net, together with interest as provided by law;

22 K. Award of Eon-Net's costs and expenses; and

23 L. Such other and further relief as this Court may deem proper, just and equitable.
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DEMAND FOR JURY TRIAL

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

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Dated: April 6, 2007
Westfield, NJ