

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(GREENBELT DIVISION)

FILED _____ ENTERED
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SEP 28 2006
U.S. DISTRICT COURT
DISTRICT OF MARYLAND
NIGHT DEPOSIT BOX

YUYAMA MANUFACTURING CO., LTD,)
3-3-1 Meishinguchi Toyonaka, Osaka, Japan,)
a Japanese corporation,)

Plaintiff,)

Civil Action No.

RDB 06 CV 2536

JVM CO, LTD.,)
100-23 Galsan-dong, Dalseo-gu, Daegu, Korea,)
a Korean corporation,)

Defendant.)

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT AND PERMANENT INJUNCTION

The plaintiff, Yuyama Manufacturing Co., Ltd., hereby demands a jury trial on all issues triable by a jury and, in support of its Complaint against defendant, JVM Co., Ltd., states as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement arising under the patent laws of the United States, Title 35 U.S.C. § 271 *et seq.*

PARTIES

2. The Plaintiff Yuyama Manufacturing Co., Ltd.. (“Yuyama”) is a Japanese Corporation with its principal place of business at 3-3-1 Meishinguchi Toyonaka, Osaka, Japan.

3. Upon information and belief, the Defendant JVM Co. Ltd. (“JVM”) is a Korean Corporation with its principal place of business at 100-23 Galsan-dong, Dalseo-gu, Daegu, Korea.

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. On information and belief, this Court has jurisdiction over JVM because JVM manufactures and sells infringing technology with the knowledge and/or intent that the technology will be offered for sale, sold, or used throughout the United States, including the State of Maryland.

6. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b and c) and 1400(b) because infringing activities took place within this judicial district and JVM is subject to personal jurisdiction in this district.

FACTS

7. Yuyama is engaged in developing medical equipment, including technologies for the packaging and accurate dispensing of medications. Yuyama is the owner, by assignment, of all right and title in and to United States Patent No. 5,803,309 entitled "Tablet Feeder" (the "Yuyama patent"). A copy of the Yuyama patent is attached hereto as Exhibit A.

8. JVM is engaged in making, using, offering to sell, and/or selling medication dispensing products, including without limitation its ATDPS products, which utilize technologies that are the same as or legally equivalent to the technologies claimed in the Yuyama patent. On information and belief, JVM manufactures these products in Korea, but encourages and/or promotes their sale, offer for sale, and use in the United States through distributors.

COUNT I
(Patent Infringement in Violation of 35 U.S.C. § 271 et seq.)

9. Yuyama realleges and incorporates herein by reference each and every allegation contained in paragraphs 1-8, inclusive.

10. JVM, by making, using, offering to sell, or selling infringing devices with the knowledge and/or intent that they would be offered for sale, sold or used in the United States by others, including JVM's distributors, contributorily infringes the Yuyama patent and actively induces the infringement of the Yuyama patent by others.

11 Upon information and belief, JVM has actual knowledge of the Yuyama patent and its infringement of the Yuyama patent has been willful and deliberate, entitling Yuyama to enhanced damages and making this an exceptional case within the meaning of 35 U.S.C. § 285

12. By infringing the Yuyama patent, JVM is depriving Yuyama of the value of its investment and gaining entry to the market based on misappropriation of technology, thereby causing and continuing to cause Yuyama irreparable harm.

13. Yuyama has been damaged and will be irreparably injured unless the infringing activities of JVM are enjoined.

PRAYER FOR RELIEF

WHEREFORE, Yuyama respectfully requests that this Court enter judgment as follows:

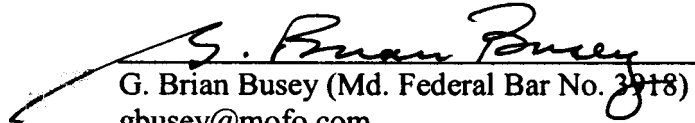
- (1) Finding, declaring and adjudging that JVM has infringed the Yuyama patent;
- (2) preliminarily and permanently enjoining JVM from engaging in activities that infringe the Yuyama patent;
- (3) awarding Yuyama treble its damages caused by the willful infringement of its patent by JVM;

(4) ordering the payment of Yuyama's attorney fees, costs and expenses in this action;

and

(5) any such additional relief as this Court may deem just and proper.

MORRISON & FOERSTER LLP



G. Brian Busey (Md. Federal Bar No. 3918)
gbusey@mof.com
2000 Pennsylvania Avenue, N.W.
Suite 5500
Washington, DC 20006-1888
Phone: (202) 887-1500
Facsimile: (202) 887-0763
Attorneys for Yuyama Co., Ltd.

Of Counsel

Alex Chartove (achartove@mof.com)
John P. Corrado (jcorrado@mof.com)
Michael E. Anderson (manderson@mof.com)
Morrison & Foerster LLP
1650 Tysons Boulevard
Suite 300
McLean, Virginia 22102
Phone: (703) 760-7700
Facsimile: (703) 760-7777

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