

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

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DIGITAL DEVELOPMENT CORPORATION,

Plaintiff,

v.

HEWLETT-PACKARD COMPANY,

Defendant.

Case No.: 04-5785
(WHW)

COMPLAINT FOR PATENT
INFRINGEMENT

DEMAND FOR JURY TRIAL

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Plaintiff, Digital Development Corporation, a corporation (hereinafter referred to as "DDC"), demands a jury trial and complains against the defendant as follows:

THE PARTIES

1. DDC is a corporation organized and existing under the laws of the State of Arizona, with its principal place of business at 5726 N. 10th Street, Suite 10, Phoenix, Arizona 85014.

2. On information and belief, Defendant, Hewlett-Packard Company (hereinafter referred to as "HP") is a corporation organized and existing under the laws of the State of California, having a place of business at 3000 Hanover Street, Palo Alto, CA 94304-1185.

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. On information and belief, Defendants are doing business and committing infringements in this judicial district and are 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, DDC, repeats and incorporates herein the entirety of the allegations contained in paragraphs 1 through 5 above.

7. On December 4, 1990, U.S. Patent No. 4,975,950 (hereinafter referred to as "the '950 patent") was duly and legally issued to Stephen Lentz for an invention entitled "System and Method of Protecting Integrity of Computer Data and Software." A copy of the '950 patent is attached to this Complaint as Exhibit 1.

8. On June 9, 1992, U.S. Patent No. 5,121,345 (hereinafter referred to as "the '345 patent") was duly and legally issued to Stephen Lentz for an invention entitled "System and Method of Protecting Integrity of Computer Data and Software." A copy of the '345 patent is attached to this Complaint as Exhibit 2.

9. DDC is the owner of all right, title and interest in and to the '950 patent and the '345 patent.

COUNT ONE

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

11. HP has for a long time past and still is infringing, actively inducing the infringement of and contributorily infringing in this judicial district, the '950 patent by, among other things,

1 importing, making, using, offering for sale, and/or selling computer hardware, software and systems
2 as defined by the claims of the '950 patent without permission from DDC and will continue to do so
3 unless enjoined by this Court.

4 12. Plaintiff, DDC, has been damaged by such infringing activities by the Defendants of
5 the '950 patent and will be irreparably harmed unless such infringing activities are enjoined by this
6 Court.

7
8 **COUNT TWO**

9 13. Plaintiff, DDC, repeats and incorporates herein the entirety of the allegations
10 contained in paragraphs 1 through 12 above.

11 14. HP has for a long time past and still is infringing, actively inducing the infringement
12 of and contributorily infringing in this judicial district, the '345 patent by, among other things,
13 importing, making, using, offering for sale, and/or selling computer hardware, software and systems
14 as defined by the claims of the '345 patent without permission from DDC and will continue to do so
15 unless enjoined by this Court.

16 15. Plaintiff, DDC, has been damaged by such infringing activities by the Defendant, of
17 the '345 patent and will be irreparably harmed unless such infringing activities are enjoined by this
18 Court.

19
20 **COUNT THREE**

21 16. Plaintiff, DDC, repeats and incorporates herein the entirety of the allegations
22 contained in paragraphs 1 through 15 above.

23 17. HP's infringement has been willful and deliberate, justifying the assessment of treble
24 damages pursuant to 35 U.S.C. §284 and attorneys' fees pursuant to 35 U.S.C. §285 against that
25 entity.

PRAYER FOR RELIEF

WHEREFORE, THE Plaintiff, DDC prays for judgment against the Defendant HP on all the counts and for the following relief:

- A. Declaration that the Plaintiff is the owner of the '950 patent, and that the Plaintiff has the right to sue and to recover for infringement thereof;
- B. Declaration that the '950 patent is valid and enforceable;
- C. Declaration that the Defendant has infringed, actively induced infringement of, and contributorily infringed the '950 patent;
- D. Declaration that the Plaintiff is the owner of the '345 patent, and that the Plaintiff has the right to sue and to recover for infringement thereof;
- E. Declaration that the '345 patent is valid and enforceable;
- F. Declaration that the Defendant has infringed, actively induced infringement of, and contributorily infringed the '345 patent;
- II. A preliminary and permanent injunction against the Defendant, its officers, agents, servants, employees, and attorneys, all parent and subsidiary corporations, its assigns and successors in interest, and those persons acting in active concert or participation with the Defendant, including distributors and customers, enjoining them from continuing acts of infringement, active inducement of infringement, and contributory infringement of DDC's '950 and '345 patents;
- I. An accounting for damages under 35 U.S.C. §284 for infringement of DDC's '950 and '345 patents by the Defendant and the award of damages so ascertained to the Plaintiff, DDC, together with interest as provided by law;
- J. A judgment that the Defendant is a willful infringer and an award of treble damages to the Plaintiff, DDC, pursuant to 35 U.S.C. §284 against the Defendant HP;
- K. Award of reasonable attorney's fees to the Plaintiff, DDC, pursuant to 35 U.S.C. §285;
- L. Award of DDC's costs and expenses; and

1 M. Such other and further relief as this Court may deem proper, just and equitable.

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4 **DEMAND FOR JURY TRIAL**

5 The Plaintiff, DDC, demands a trial by jury of all issues properly triable by jury in this
6 action.

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12 Dated: November 22, 2004
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