

3. Defendant Kodak is a New Jersey corporation having a place of business at 343 State Street, Rochester, New York 14650.

JURISDICTION AND VENUE

4. This action arises under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.* The Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a).

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

BACKGROUND FACTS

6. Sony has established an impeccable reputation throughout the world as an innovator and manufacturer of high-quality consumer electronic products. In fact, for the fourth straight year, *The Harris Poll*[®] has reported that the SONY[®] brand name is recognized by consumers as the number one brand in the United States. Sony has invested and continues to invest substantial amounts in research and development in order to maintain its leadership position in this field. To protect its products and the SONY[®] brand name from imitations, Sony has applied for and has obtained numerous patents in the United States and abroad.

7. This action relates to Kodak's infringement of Sony patents covering various products and methods including: (1) kiosks; (2) imaging and film developing labs; (3) scanners; (4) photographic film systems and methods including cameras, film, printers, and imaging systems marketed by Kodak in connection with its Advanced Photo System (APS) products; and (5) systems, software, and methods related to the above products.

8. On July 29, 2003, the United States Patent and Trademark Office ("the USPTO") duly and legally issued United States Patent No. 6,600,880 invented by Takahiko Saito *et al.*

("the '880 patent") for an invention entitled "Photographic Camera System." A copy of the '880 patent is attached as Exhibit 1.

9. On June 24, 2003, the USPTO duly and legally issued United States Patent No. 6,583,851 invented by Takahiko Saito *et al.* ("the '851 patent") for an invention entitled "Photographic And Video Image System." A copy of the '851 patent is attached as Exhibit 2.

10. On June 3, 2003, the USPTO duly and legally issued United States Patent No. 6,574,440 invented by Takahiko Saito *et al.* ("the '440 patent") for an invention entitled "Photographic Camera System." A copy of the '440 patent is attached as Exhibit 3.

11. On May 27, 2003, the USPTO duly and legally issued United States Patent No. 6,571,067 invented by Takahiro Saito *et al.* ("the '067 (I) patent") for an invention entitled "Photographic Camera System." A copy of the '067 patent is attached as Exhibit 4.

12. On August 13, 2002, the USPTO duly and legally issued United States Patent No. 6,434,339 invented by Takahiko Saito *et al.* ("the '339 patent") for an invention entitled "Photographic and Video System." A copy of the '339 patent is attached as Exhibit 5.

13. On November 27, 2001, the USPTO duly and legally issued United States Patent No. 6,323,968 invented by Makoto Goto *et al.* ("the '968 patent") for an invention entitled "Picture Reading Apparatus." A copy of the '968 patent is attached as Exhibit 6.

14. On May 1, 2001, the USPTO duly and legally issued United States Patent No. 6,226,462 invented by Takahiko Saito *et al.* ("the '462 patent") for an invention entitled "Photographic And Video Image System." A copy of the '462 patent is attached as Exhibit 7.

15. On November 28, 2000, the USPTO duly and legally issued United States Patent No. 6,154,616 invented by Takahiko Saito *et al.* ("the '616 patent") for an invention entitled "Photographic Camera System." A copy of the '616 patent is attached as Exhibit 8.

16. On September 12, 2000, the USPTO duly and legally issued United States Patent No. 6,118,116 invented by Koichi Sawada *et al.* ("the '116 patent") for an invention entitled "Image Reading Apparatus Having A Memory With Compressed Image Data." A copy of the '116 patent is attached as Exhibit 9.

17. On May 2, 2000, the USPTO duly and legally issued United States Patent No. 6,058,272 invented by Takahiko Saito *et al.* ("the '272 patent") for an invention entitled "Photographic And Video Image System." A copy of the '272 patent is attached as Exhibit 10.

18. On March 21, 2000, the USPTO duly and legally issued United States Patent No. 6,041,191 invented by Takahiko Saito *et al.* ("the '191 patent") for an invention entitled "Photographic Camera System." A copy of the '191 patent is attached as Exhibit 11.

19. On March 7, 2000, the USPTO duly and legally issued United States Patent No. 6,035,143 invented by Takahiko Saito *et al.* ("the '143 patent") for an invention entitled "Photographic Camera System." A copy of the '143 patent is attached as Exhibit 12.

20. On November 2, 1999, the USPTO duly and legally issued United States Patent No. 5,978,067 invented by Takahiko Saito *et al.* ("the '067 (II) patent") for an invention entitled "Photographic Camera System." A copy of the '067 patent is attached as Exhibit 13.

21. On September 7, 1999, the USPTO duly and legally issued United States Patent No. 5,950,024 invented by Takahiko Saito *et al.* ("the '024 patent") for an invention entitled "Photographic And Video Image System." A copy of the '024 patent is attached as Exhibit 14.

22. On April 21, 1998, the USPTO duly and legally issued United States Patent No. 5,742,855 invented by Takahiko Saito *et al.* ("the '855 patent") for an invention entitled "Photographic And Video Image System." A copy of the '855 patent is attached as Exhibit 15.

23. On February 24, 1998, the USPTO duly and legally issued United States Patent No. 5,721,991 invented by Takahiko Saito *et al.* ("the '991 patent") for an invention entitled "Photographic Camera System." A copy of the '991 patent is attached as Exhibit 16.

24. On July 29, 1997, the USPTO duly and legally issued United States Patent No. 5,652,643 invented by Takahiko Saito *et al.* ("the '643 patent") for an invention entitled "Photographic And Video Image System." A copy of the '643 patent is attached as Exhibit 17.

25. On October 29, 1996, the USPTO duly and legally issued United States Patent No. 5,570,147 invented by Takahiko Saito *et al.* ("the '147 patent") for an invention entitled "Photographic Camera System." A copy of the '147 patent is attached as Exhibit 18.

26. On November 21, 1995, the USPTO duly and legally issued United States Patent No. 5,469,209 invented by Erhan Gunday *et al.* ("the '209 patent") for an invention entitled "Apparatus For Generating Video Signals Representing A Photographic Image Previously Recorded In A Frame On a Photographic Film-Type Medium." A copy of the '209 patent is attached as Exhibit 19.

27. On May 2, 1995, the USPTO duly and legally issued United States Patent No. 5,412,773 invented by John Carlucci *et al.* ("the '773 patent") for an invention entitled "Computerized Interactive Menu-Driven Video Signal Processing Apparatus And Method. A copy of the '773 patent is attached as Exhibit 20.

28. On September 10, 1991, the USPTO duly and legally issued United States Patent No. 5,047,864 invented by Shogo Fujito ("the '864 patent") for an invention entitled "Colors Video Printer With Monitor For Displaying Mixed Video Signals And Character Messages Indicating Printer Operating Conditions." A copy of the '864 patent is attached as Exhibit 21.

29. On May 28, 1991, the USPTO duly and legally issued United States Patent No. 5,019,915 invented by Shogo Fujito ("the '915 patent") for an invention entitled "Apparatus For Printing Or Clearing A Displayed Stored Video Signal." A copy of the '915 patent is attached as Exhibit 22.

30. On November 20, 1990, the USPTO duly and legally issued United States Patent No. 4,972,341 invented by Teruyasu Hanagami *et al.* ("the '341 patent") for an invention entitled "Graphic Printer." A copy of the '341 patent is attached as Exhibit 23.

31. On September 15, 1987, the USPTO duly and legally issued United States Patent No. 4,694,354 invented by Hiroshi Tanaka *et al.* ("the '354 patent") for an invention entitled "Method And Apparatus For Printing Trimming Instructions For Developer Of Photographs." A copy of the '354 patent is attached as Exhibit 24.

CLAIM FOR RELIEF

Kodak's Infringement Of The Sony Patents

32. Sony realleges the foregoing allegations as if set forth in their entirety.

33. Sony is the owner of the entire right, title and interest in and to the '880, '851, '440, '067 (I), '339, '968, '462, '616, '116, '272, '191, '143, '067 (II), '024, '855, '991, '643, '147, '209, '773, '864, '915, '341, and '354 patents (collectively "the Sony Patents").

34. Upon information and belief, defendant Kodak has made, used, offered to sell, and sold products and practiced methods in the United States that infringe the Sony Patents and has actively induced infringement of, and has contributorily infringed, the Sony Patents. Kodak's infringement is ongoing.

35. Kodak's scanner products, kiosks, imaging systems, printers, film developing labs including at least Kodak's Picture Maker products, i250 scanner, i800 scanner, SRP 30 laser printer, HR series scanners and associated software, DLS software, and related products and

methods infringe one or more claims of at least one of the following Sony Patents: the '341, '915, '968, '116, '864, '354, '773, and '209 patents.

36. Kodak's APS products, film developing and imaging labs, and methods infringe one or more claims of at least one of the following Sony Patents: the '880, '851, '440, '067 (I), '339, '462, '616, '272, '191, '143, '067 (II), '024, '855, '991, '643, '147 and '354 patents.

37. Kodak has received actual notice of its infringement of many of the Sony Patents. Kodak's infringement of the foregoing patents has been and continues to be willful and deliberate, thus rendering this case "exceptional" pursuant to 35 U.S.C. § 285.

38. The foregoing acts of patent infringement by Kodak have caused, and unless restrained by this Court will continue to cause, immediate and irreparable injury to Sony, and Sony has no adequate remedy at law.

PRAYER FOR RELIEF

WHEREFORE, Sony prays for the following relief and an entry of judgment from this Court:

- A. Holding that each of the Sony Patents was duly and legally issued, is valid, and is enforceable;
- B. Holding that Kodak has directly infringed, contributorily infringed and/or induced infringement of one or more of the claims of each of the Sony Patents;
- C. Holding that Kodak has willfully infringed one or more claims of each of the Sony Patents;
- D. Finding that this action is an "exceptional" case within the meaning of 35 U.S.C. § 285, and awarding Sony its reasonable attorney fees and expenses;

E. Permanently enjoining Kodak and its respective officers, agents, servants, employees, attorneys, and those persons in active concert or participation with them who receive actual notice of the order from committing further acts of infringement;

F. Awarding damages to Sony and trebling such damages under 35 U.S.C. § 284;

G. Awarding costs to Sony; and

H. Such other relief as this Court deems necessary and just.

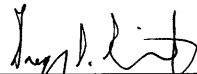
JURY DEMAND

Pursuant to Fed. R. Civ. P. 38(b), plaintiffs hereby demand a trial by jury on all issues so triable.

Respectfully submitted,

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
*Attorneys for Plaintiffs Sony Corporation and
Sony Electronics Inc.*

Dated: July 6, 2004

By: 

Gregory S. Gewirtz

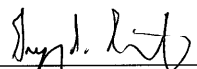
CERTIFICATION PURSUANT TO LOCAL CIVIL RULE 11.2

The undersigned hereby certifies, pursuant to Local Civil Rule 11.2, that with respect to the matter in controversy herein, Sony is aware of Civil Action No. 6:2004cv06095, filed by Kodak in the United States District Court for the Western District of New York on March 8, 2004, alleging infringement by Sony of ten (10) Kodak patents. While this action involves the same parties, it has not been identified as a related case as it involves different patents and products.

Sony has also filed an action against Kodak in this Court on March 31, 2004, alleging patent infringement of ten (10) Sony patents covering digital cameras and related technology. This action has been assigned Civil Action No. 04-1506 (DMC).

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
*Attorneys for Plaintiffs Sony Corporation
and Sony Electronics Inc.*

Dated: July 6, 2004

By: 

Gregory S. Gewirtz