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Attorneys for Plaintiff Sony Corporation

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

Sony Corporation,	:	
	:	Civil Action No.
Plaintiff,	:	
v.	:	
	:	
Eastman Kodak Company,	:	
	:	
Defendant.	:	
	x	

COMPLAINT AND DEMAND FOR TRIAL BY JURY

Plaintiff Sony Corporation ("Sony") by its complaint of patent infringement against defendant Eastman Kodak Company ("Kodak") alleges and avers as follows:

PARTIES

1. Sony is a corporation organized under the laws of Japan and having a place of business at 7-35 Kitashinagawa 6-Chome, Shinagawa-ku, Tokyo, 141-0001, Japan.
2. Defendant Kodak is a New Jersey corporation having a place of business at 343 State Street, Rochester, New York 14650.

JURISDICTION AND VENUE

3. 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).

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

BACKGROUND FACTS

5. Sony has established an impeccable reputation throughout the world as an innovator and manufacturer of high-quality consumer electronic products, including digital cameras. 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.

6. This action is about Kodak's infringement of Sony patents covering digital camera products and related technologies pioneered by Sony.

7. On February 17, 2004, the United States Patent and Trademark Office ("the USPTO") duly and legally issued United States Patent No. 6,693,665 invented by Mitsuyoshi Shindo *et al.* ("the '665 patent") for an invention entitled "System And Apparatus For Facilitating Printing Of Images From An Electronic Camera." A copy of the '665 patent is attached as Exhibit A.

8. On December 17, 2002, the USPTO duly and legally issued United States Patent No. 6,496,879 invented by Mitsuhiro Hirabayashi *et al.* ("the '879 patent") for an invention

entitled "Data Processing Apparatus, External Storage Apparatus, Data Processing System And Data Transmitting Method." A copy of the '879 patent is attached as Exhibit B.

9. On July 23, 2002, the USPTO duly and legally issued United States Patent No. 6,424,385 invented by Noboru Koyama *et al.* ("the '385 patent") for an invention entitled "Still Image System." A copy of the '385 patent is attached as Exhibit C.

10. On January 29, 2002, the USPTO duly and legally issued United States Patent No. 6,342,921 invented by Masanori Yamaguchi ("the '921 patent") for an invention entitled "Lattice-Type Solid State Image Pickup Device." A copy of the '921 patent is attached as Exhibit D.

11. On December 28, 1999, the USPTO duly and legally issued United States Patent No. 6,009,233 invented by Takashi Tsujimura *et al.* ("the '233 patent") for an invention entitled "Apparatus And Method For Recording And Reproducing A Video Signal With Camera Setting Data." A copy of the '233 patent is attached as Exhibit E.

12. On March 21, 1995, the USPTO duly and legally issued United States Patent No. 5,400,074 invented by Shuji Shimizu ("the '074 patent") for an invention entitled "Video Camera Device Having An Exposure Control Circuit." A copy of the '074 patent is attached as Exhibit F.

13. On August 3, 1993, the USPTO duly and legally issued United States Patent No. 5,233,430 invented by Yoji Takamura *et al.* ("the '430 patent") for an invention entitled "Solid State Imager Wherein The Horizontal Transfer Is Accomplished With First And Second Clock Voltages And The Cross-Over Point Between The Voltages Is Above The Medium Level Between The Peak Values Of The Voltages." A copy of the '430 patent is attached as Exhibit G.

14. On March 5, 1991, the USPTO duly and legally issued United States Patent No. 4,998,162 invented by Toshiharu Kondo *et al.* ("the '162 patent") for an invention entitled "Video Camera." A copy of the '162 patent is attached as Exhibit H.

15. On October 17, 1989, the USPTO duly and legally issued United States Patent No. 4,875,100 invented by Kazuya Yonemoto *et al.* ("the '100 patent") for an invention entitled "Electronic Shutter For A CCD Image Sensor." A copy of the '100 patent is attached as Exhibit I.

16. On May 24, 1988, the USPTO duly and legally issued United States Patent No. 4,746,993 invented by Kanehiro Tada ("the '993 patent") for an invention entitled "Electronic Still Camera With Indicator For Number Of Tracks Available For Video And/Or Audio Recording." A copy of the '993 patent is attached as Exhibit J.

CLAIM FOR RELIEF

Kodak's Infringement Of The Sony Patents

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

18. Sony is the owner of the entire right, title, and interest in and to the '665, '879, '385, '921, '233, '074, '430, '162, '100, and '993 patents (collectively "the Sony Patents").

19. Upon information and belief, Defendant Kodak has made, used, offered to sell and sold products and practiced methods in the United States that infringe, contribute to infringement and/or induce infringement of the Sony Patents. Kodak's infringement is ongoing.

20. 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.

21. 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.

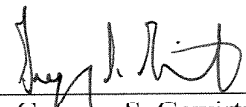
JURY DEMAND

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 Plaintiff Sony Corporation

Dated: March 31, 2004

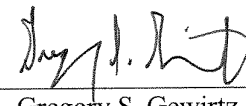
By: 
Gregory S. Gewirtz

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 an action 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 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.

Dated: March 31, 2004

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
Attorneys for Plaintiff Sony Corporation

By: 
Gregory S. Gewirtz