

ORIGINAL

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

2002 DEC 19 AM 11:30
CLERK OF COURT

HARK CHAN and IP INNOVATION, LLC §

Plaintiffs, §

v. §

BROTHER INTERNATIONAL
CORPORATION, CANON U.S.A., INC.,
CASIO, INC., EPSON AMERICA INC.,
and LOGITECH, INC. §

Defendants. §

CIVIL ACTION NO _____

4-02CV1022-A

ORIGINAL COMPLAINT

Plaintiffs Hark Chan and IP Innovation, L.L.C (collectively referred to as “plaintiffs”) allege this patent infringement claim against defendants Brother International Corporation, Canon U.S.A., Inc., Casio, Inc., Epson America Inc., and Logitech, Inc (collectively referred to as “defendants”) as follows.

JURISDICTION AND VENUE

1. Jurisdiction exists under 28 U.S.C § 1331 and § 1338(a) because the defendants are charged with patent infringement under 35 U.S.C. § 271, §§ 281 *et seq*
2. The defendants each transact business in this judicial district by manufacturing, selling or offering to sell products that are the subject of the patent at issue in this lawsuit or by practicing methods covered by that patent or by inducing others to infringe the patent or by conducting other business in this judicial district.

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

PARTIES

4. Plaintiff Hark Chan (“Chan”) is a resident of the state of California and maintains his residence in Cupertino, California.

5. Plaintiff IP Innovation, L.L.C. (“IP Innovation”) is a Texas limited liability company with a place of business in Fort Worth, Texas.

6. Defendant Brother International Corporation (“Brother”) is a Delaware corporation with its principal place of business in Bridgewater, New Jersey, and may be served with process by serving its registered agent, Corporation Service Company at 800 Brazos Street, Suite 750, Austin, Texas 78701

7. Defendant Canon U.S.A., Inc. (“Canon”) is a New York corporation with its principal place of business in Lake Success, New York, and may be served with process by serving its registered agent, CT Corporation System at 350 North St Paul Street, Dallas, Texas 75201.

8. Defendant Casio, Inc. (“Casio”) is a New York corporation with its principal place of business in Dover, New Jersey, and may be served with process by serving its registered agent, United States Corp Company, 800 Brazos Street, Suite 750, Austin, Texas 78701

9. Defendant Epson America Inc. (“Epson”) is a California corporation with its principal place of business in Long Beach, California, and may be served with process by serving its registered agent, United States Corp Company, 800 Brazos Street, Suite 750, Austin, Texas 78701

10. Defendant Logitech, Inc. ("Logitech") is a California corporation with its principal place of business in Austin, Texas, and may be served with process by serving its registered agent, CT Corporation System, 350 N. St. Paul Street, Dallas, Texas 75201

BACKGROUND FACTS

Plaintiffs Chan and IP Innovation

11. Chan holds an undergraduate degree in electrical engineering and has a Ph.D. in nuclear engineering from Massachusetts Institute of Technology ("MIT") Among other things, he was a tenured associate professor of engineering at Arkansas Tech University and also worked at the MIT Research Laboratory of Electronics. IP Innovation is generally engaged in the business of assisting, principally individual inventors, in commercializing their technological innovations.

Brother

12. Brother manufactures, offers for sale and sells, among other things, consumer electronics accompanied by CD-ROMs, one of which is a printer such as the P-Touch label printer product.

13. Brother's P-touch label printer products are sold with a CD-ROM containing software that, when run or installed, includes links to remote sites such as the Brother Home Page. *See, e.g.*, Exhibit A. Exhibit A includes screenshots of the software from the CD-ROM.

Canon

14. Canon manufactures, offers for sale and sells, among other things, professional business and consumer imaging equipment and information systems accompanied by CD-ROMs, one of which is a printer such as Canon's s530D.

15. The CD-ROM accompanying at least some of Canon's printers, including Canon's s530D, contains software that, when run or installed, includes links to remote sites such as www.photorecord.com. *See, e.g.*, Exhibit B. Exhibit B includes screenshots of the software from the CD-ROM.

Casio

16. Casio manufactures, offers for sale and sells, among other things, consumer electronics accompanied by CD-ROMs, one of which is a personal digital assistant ("PDA") such as the Cassiopeia line of PDAs.

17. The Cassiopeia PDAs are sold with a CD-ROM containing software that, when run or installed, includes links to remote sites such as Product Information at Casio's web site. *See, e.g.*, Exhibit C. Exhibit C includes screenshots of the software from the CD-ROM.

Epson

18. Epson manufactures, offers for sale and sells, among other things, consumer electronics accompanied by CD-ROMs, one of which is a printer such as the Epson Stylus Photo 825.

19. Epson's printers, including but not limited to the Epson Stylus Photo 825, are sold with a CD-ROM containing software that, when run or installed, includes links to remote sites such as Epson's web site. *See, e.g.*, Exhibit D. Exhibit D includes screenshots of the software from the CD-ROM.

Logitech

20. Logitech manufactures, offers for sale and sells, among other things, consumer electronics accompanied by CD-ROMs, one of which is a mouse product such as the Cordless Optical Mouse product.

21. Logitech's Cordless Optical Mouse products are sold with a CD-ROM containing software that, when run or installed, includes links to remote sites such as www.logitech.com. See, e.g., Exhibit E. Exhibit E includes screenshots of the software from the CD-ROM.

The '574 Patent

22. On November 6, 2001, the United States Patent and Trademark Office (USPTO) duly and properly issued United States Patent No. 6,314,574 B1 ("the '574 patent"), entitled "Information Distribution System," to Chan. A copy of the '574 patent is attached as Exhibit F.

23. Chan and IP Innovation collectively own all right, title and interest in the '574 patent.

COUNT ONE **PATENT INFRINGEMENT BY DEFENDANTS**

24. Each defendant has infringed directly, indirectly, contributorily and/or by inducement the claims of the '574 patent, in this judicial district and throughout the United States, by making, using, offering to sell, and selling products with CD-ROMS and other read only storage devices with links to remote sites.

25. Each defendant will continue to infringe the '574 patent unless enjoined by this Court.

26. Each defendant's infringement of the '574 patent has injured plaintiffs and caused them significant financial damage.

PRAYER FOR RELIEF

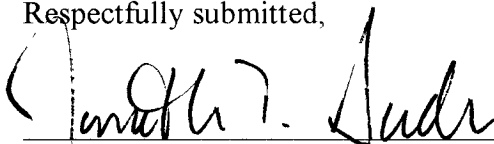
WHEREFORE, plaintiffs Chan and IP Innovation respectfully demand judgment against each defendant as follows:

A. An award of damages adequate to compensate plaintiffs Chan and IP Innovation for the patent infringement that has occurred in an amount no less than a reasonable royalty;

B. An order preliminarily and/or permanently enjoining said defendants from infringing the '574 patent; and

C. An award of prejudgment interest and costs, attorneys' fees, and such other and further relief as this Court or a jury may deem proper and just.

Respectfully submitted,



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