

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

2008 AUG -6 P 4:58

COURT REPORTER  
ALEXANDRIA, VIRGINIA

PICTURE PATENTS, LLC,	)
	)
Plaintiff,	)
	)
v.	)
	)
DIAMOND SPRINGS WATER, INC.,	)
	)
Defendant.	)

Civil Case No. 3:08cv501  
HEH

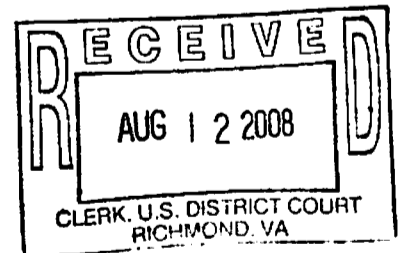
JURY TRIAL DEMANDED

**COMPLAINT**

Plaintiff Picture Patents, LLC (hereinafter referred to as "Picture Patents"), by and through undersigned counsel, hereby brings this Complaint against Defendant Diamond Springs Water, Inc. (hereinafter referred to as "Diamond Springs Water" or "Defendant") and alleges as follows:

**THE PARTIES, JURISDICTION AND VENUE**

1. Plaintiff Picture Patents, LLC is a limited liability company organized and existing under the laws of the State of Delaware, having a principal place of business at 325 Riverside Drive, New York, NY 10025.
2. Upon information and belief, Diamond Springs Water is a corporation organized and existing under the laws of the Commonwealth of Virginia, having a principal place of business located at 2400 Charles City Road, Richmond, VA 23231. Upon information and belief, Diamond Springs Water's Virginia Registered Agent is Joseph Conte at 2400 Charles



City Road, Richmond, VA 23231. Diamond Springs Water has been and is doing business in the Commonwealth of Virginia and within this District, with a regular and established place of business located at 2400 Charles City Road, Richmond, VA 23231.

3. This action for infringement arises under the patent laws of the United States, including 35 U.S.C. §§ 271, 281 and 283-85, et seq.

4. This Court has jurisdiction over the subject matter of this action on at least the following grounds:

- a. 28 U.S.C. § 1331, this being a civil action arising under the laws of the United States;
- b. 28 U.S.C. § 1337(a), this being a civil action arising under an Act of Congress regulating commerce and protecting trade and commerce; and
- c. 28 U.S.C. § 1338(a), this being a civil action arising under an Act of Congress relating to patent rights.

5. This Court has personal jurisdiction over Diamond Springs Water because, *inter alia*, upon information and belief, it has conducted, and at the time of the filing of this Complaint is conducting business in this State and District and otherwise has committed acts in this State and in this District that are the subjects of and/or related to the claims set forth herein.

6. Venue is properly laid in this Court under the provisions of 28 U.S.C. §§ 1391 and 1400(b).

#### **CLAIMS FOR PATENT INFRINGEMENT**

7. On August 21, 2001, United States Patent No. 6,278,455 (“the ’455 patent”) was duly and legally issued for a “Pictorial Interface For Accessing Information In An Electronic File

System.” A true and correct copy of the ’455 patent is attached hereto as Exhibit “A” and made a part hereof.

8. Picture Patents, LLC is the owner, by assignment, of all right, title, and interest in the ’455 patent. Picture Patents has the right to bring and maintain the present action.

9. Upon information and belief, Diamond Springs Water manufactures, makes, has made, uses, sells and/or offers for sale devices and/or services that infringe claims in the ’455 patent. Diamond Springs Water is infringing directly, by inducement, and/or by contributing to the infringement of the ’455 patent by offering, providing, using and operating services through one or more websites, such as the “www.diamondsprings.com” website, including but not limited to providing a pictorial interface on said websites that permits access of electronic files. See example in Exhibit “B.” Diamond Springs Water has committed these acts of infringement throughout the United States, including in this judicial district.

10. Plaintiff has been damaged as a result of Diamond Springs Water’s infringing conduct.

11. Plaintiff has been irreparably harmed by the actions of the above Defendant and has no adequate remedy at law.

**JURY DEMAND**

12. Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

**PRAYER**

13. WHEREFORE, Plaintiff respectfully requests that the Court find in its favor and against Defendant and the Court enter a judgment or order granting Plaintiff the following relief:

- a. That one or more claims of United States Patent No. 6,278,455 have been infringed, either literally and/or under the doctrine of equivalents, by Diamond Springs Water and/or by others whose infringement has been contributed to by Diamond Springs Water and/or by others whose infringement has been induced by Diamond Springs Water;
- b. That Defendant account for and pay to Plaintiff damages caused by Diamond Springs Water's infringing activities complained of herein;
- c. That Plaintiff be granted pre-judgment and post-judgment interest at the maximum rate allowable by law on the damages caused by reason of Diamond Springs Water's infringing activities complained of herein;
- d. That Plaintiff be awarded costs;
- e. That Diamond Springs Water be permanently enjoined from any conduct or activity that infringes United States Patent No. 6,278,455; and
- f. That Plaintiff be granted such other and further relief, both legal and equitable, as the Court may deem is just and proper under the circumstances.

Respectfully submitted this 6<sup>th</sup> day of August, 2008.

PICTURE PATENTS LLC



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