

UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK

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EON-NET, L.P.

Plaintiff,

v.

D'AGOSTINO SUPERMARKETS, INC.,

Defendant.

Case No. Case No. 1:06-CV-06045

COMPLAINT FOR PATENT
INFRINGEMENT

DEMAND FOR JURY TRIAL

Plaintiff, Eon-Net, L.P., a limited partnership (hereinafter referred to as "Eon-Net"),
demands a jury trial and complains against the defendant as follows:

THE PARTIES

1. Eon-Net is a limited partnership organized and existing under the laws of the
Cayman Islands, with its principal place of business at P.O. Box 116, Road Town, Tortola, British
Virgin Islands.

2. Upon information and belief, D'Agostino Supermarkets Inc. (hereinafter referred to
as "Defendant" or "D'Agostino") is a business organized and existing under the laws of the State of
New York, having a place of business at 1385 Boston Post Road, Larchmont, New York 10538.

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).

1 4. Upon information and belief, Defendant is doing business and committing
2 infringements in this judicial district and is subject to personal jurisdiction in this judicial district.

3 5. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400(b).

4 **CLAIM FOR PATENT INFRINGEMENT**

5 6. Plaintiff, Eon-Net, repeats and incorporates herein the entirety of the allegations
6 contained in paragraphs 1 through 5 above.

7 7. On January 27, 2004, U.S. Patent No. 6,683,697 (hereinafter referred to as “the ‘697
8 patent”) was duly and legally issued to Eon-Net for an invention entitled “Information Processing
9 Methodology.” A copy of the ‘697 patent is attached to this Complaint as Exhibit 1.
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11 8. Eon-Net is the owner of all right, title and interest in and to the ‘697 patent by way
12 of Assignment from Millennium.

13 9. On July 11, 2006, U.S. Patent No. 7,075,673 (hereinafter referred to as “the ‘673
14 patent”) was duly and legally issued to Eon-Net for an invention entitled “Information Processing
15 Methodology.” A copy of the ‘673 patent is attached to this Complaint as Exhibit 2.

16 10. Eon-Net is the owner of all right, title and interest in and to the ‘673 patent.

17 **COUNT ONE**

18 11. Plaintiff, Eon-Net, repeats and incorporates herein the entirety of the allegations
19 contained in paragraphs 1 through 10 above.

20 12. D’Agostino has for a long time past and still is infringing, actively inducing the
21 infringement of and/or contributorily infringing in this judicial district, the ‘697 patent by, among
22 other things, operating a website at www.dagnyc.com pursuant to a claim of the ‘697 patent,
23 without permission from Eon-Net, in which information entered by a customer of Defendant into an
24 electronic form document displayed on the customer’s computer is extracted and transmitted to an
25 application program operating on Defendant’s server in a manner defined by the claims of the ‘697
26 patent.
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1 13. Plaintiff, Eon-Net, has been damaged by such infringing activities by the Defendant
2 of the '697 patent and will be irreparably harmed unless such infringing activities are enjoined by
3 this Court.

4 **COUNT TWO**

5 14. Plaintiff, Eon-Net, repeats and incorporates herein the entirety of the allegations
6 contained in paragraphs 1 through 13 above.

7 15. D'Agostino has for a long time past and still is infringing, actively inducing the
8 infringement of and/or contributorily infringing in this judicial district, the '673 patent by, among
9 other things, operating a website at www.dagnyc.com pursuant to a claim of the '673 patent,
10 without permission from Eon-Net, in which information entered by a customer of Defendant into an
11 electronic form document displayed on the customer's computer is extracted and transmitted to an
12 application program operating on Defendant's server in a manner defined by the claims of the '673
13 patent.
14

15 16. Plaintiff, Eon-Net, has been damaged by such infringing activities by the Defendant
16 of the '673 patent and will be irreparably harmed unless such infringing activities are enjoined by
17 this Court.

18 **PRAYER FOR RELIEF**

19 WHEREFORE, THE Plaintiff, Eon-Net prays for judgment against the Defendant
20 D'Agostino on all the counts and for the following relief:

- 21 A. Declaration that the Plaintiff is the owner of the '697 patent, and that the Plaintiff has
22 the right to sue and to recover for infringement thereof;
- 23 B. Declaration that the '697 patent is valid and enforceable;
- 24 C. Declaration that the Defendant has infringed, actively induced infringement of,
25 and/or contributorily infringed '697 patent;
- 26 D. A preliminary and permanent injunction against the Defendant, each of its officers,
27 agents, servants, employees, and attorneys, all parent and subsidiary corporations,
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1 their assigns and successors in interest, and those persons acting in active concert or
2 participation with them, enjoining them from continuing acts of infringement, active
3 inducement of infringement, and contributory infringement of Eon-Net's '697
4 patent;

5 E. An accounting for damages under 35 U.S.C. §284 for infringement of Eon-Net's
6 '697 patent by the Defendant and the award of damages so ascertained to the
7 Plaintiff, Eon-Net, together with interest as provided by law;

8 F. Declaration that the Plaintiff is the owner of the '673 patent, and that the Plaintiff has
9 the right to sue and to recover for infringement thereof;

10 G. Declaration that the '673 patent is valid and enforceable;

11 H. Declaration that the Defendant has infringed, actively induced infringement of,
12 and/or contributorily infringed '673 patent;

13 I. A preliminary and permanent injunction against the Defendant, each of its officers,
14 agents, servants, employees, and attorneys, all parent and subsidiary corporations,
15 their assigns and successors in interest, and those persons acting in active concert or
16 participation with them, enjoining them from continuing acts of infringement, active
17 inducement of infringement, and contributory infringement of Eon-Net's '673
18 patent;

19 J. An accounting for damages under 35 U.S.C. §284 for infringement of Eon-Net's
20 '673 patent by the Defendant and the award of damages so ascertained to the
21 Plaintiff, Eon-Net, together with interest as provided by law;

22 K. Award of Eon-Net's costs and expenses; and

23 L. Such other and further relief as this Court may deem proper, just and equitable.
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DEMAND FOR JURY TRIAL

The Plaintiff, Eon-Net, demands a trial by jury of all issues properly triable by jury in this action.

By: /s/Jean-Marc Zimmerman
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Dated: July 11, 2006
Westfield, NJ