

UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK

Jean-Marc Zimmerman (JZ 7743)
Zimmerman, Levi & Korsinsky, LLP
226 St. Paul Street
Westfield, NJ 07090
Tel: (908) 654-8000
Fax: (908) 654-7207

Attorneys for Plaintiff Eon-Net, L.P.

EON-NET, L.P.

Plaintiff,

v.

ABAZIAS, INC.,

Defendant.

Case No. 08 CIV 6954 (JGK)

**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 British
Virgin Islands, with its principal place of business at P.O. Box 116, Road Town, Tortola, British
Virgin Islands.

2. Upon information and belief, Abazias Inc. (hereinafter referred to as "Defendant" or
"Abazias") is a business organized and existing under the laws of the State of Florida, and doing
business in this district. Abazias has been selling diamonds online since 2001 and offers
prospective customers more than 100,000 diamonds to select from.

JURISDICTION AND VENUE

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2 3. This action arises under the patent laws of the United States of America, Title 35 of
3 the United States Code. This Court has jurisdiction of this action under 28 U.S.C. §§ 1331 and
4 1338(a).

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

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

CLAIM FOR PATENT INFRINGEMENT

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

12 7. On January 27, 2004, U.S. Patent No. 6,683,697 (hereinafter referred to as “the ‘697
13 patent”) was duly and legally issued to Millennium, L.P. (“Millennium”) for an invention entitled
14 “Information Processing Methodology.” On October 14, 2004, Millennium assigned the ‘697 patent
15 to Eon-Net. A Certificate of Correction to the ‘697 patent issued on July 26, 2005. A copy of the
16 ‘697 patent and the Certificate of Correction are attached to this Complaint as Exhibit 1.

17 8. Eon-Net is the owner of all right, title and interest in and to the ‘697 patent.

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

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

23 11. On February 27, 2007, U.S. Patent No. 7,184,162 (hereinafter referred to as “the
24 ‘162 patent”) was duly and legally issued to Eon-Net for an invention entitled “Information
25 Processing Methodology.” A copy of the ‘162 patent is attached to this Complaint as Exhibit 3.

26 12. Eon-Net is the owner of all right, title and interest in and to the ‘162 patent.
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COUNT ONE

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2 13. Plaintiff, Eon-Net, repeats and incorporates herein the entirety of the allegations
3 contained in paragraphs 1 through 12 above.

4 14. Abazias has for a long time past and still is infringing, actively inducing the
5 infringement of and/or contributorily infringing in this judicial district, the '697 patent by, among
6 other things, operating a website at www.abazias.com ("the Abazias Website") pursuant to a claim
7 of the '697 patent, without permission from Eon-Net, in which information entered by an Abazias
8 customer into a web page displayed on the browser of the customer's computer is extracted
9 according to content instructions and transmitted to an application program operating on
10 Defendant's web server according to customizable transmission format instructions in a manner
11 defined by the claims of the '697 patent. For example, an Abazias customer seeking to purchase
12 product can enter their first name, last name, zip code and e-mail address into HTML form elements
13 displayed on the web page found at <http://www.abazias.com/checkout/checkout1.asp> of the Abazias
14 Website to arrange to have the product selected for purchase shipped to the customer. The
15 foregoing information entered into the HTML document is extracted by the browser and transmitted
16 to an application program running on the Abazias web server for processing the customer's order in
17 a POST format and using an https protocol required by the application program.
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20 15. Plaintiff, Eon-Net, has been damaged by such infringing activities by the Defendant
21 of the '697 patent and will be irreparably harmed unless such infringing activities are enjoined by
22 this Court.

COUNT TWO

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24 16. Plaintiff, Eon-Net, repeats and incorporates herein the entirety of the allegations
25 contained in paragraphs 1 through 15 above.

26 17. Abazias has for a long time past and still is infringing, actively inducing the
27 infringement of and/or contributorily infringing in this judicial district, the '673 patent by, among
28

1 other things, operating the Abazias Website pursuant to a claim of the '673 patent, without
2 permission from Eon-Net, in which information entered by a customer of Defendant into an
3 electronic document template displayed on the browser of the customer's computer is extracted
4 according to content instructions and transmitted to an application program operating on
5 Defendant's web server according to customizable transmission format instructions in a manner
6 defined by the claims of the '673 patent. For example, an Abazias customer seeking to purchase
7 product can enter their first name, last name, zip code and e-mail address into HTML form elements
8 displayed on the web page found at <http://www.abazias.com/checkout/check1.asp> of the Abazias
9 Website to arrange to have the product selected for purchase shipped to the customer. The foregoing
10 information entered into the HTML document is extracted by the browser and transmitted to an
11 application program running on the Abazias web server for processing the customer's order in a
12 POST format and using an https protocol required by the application program.
13

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

18 **COUNT THREE**

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

21 20. Abazias has for a long time past and still is infringing, actively inducing the
22 infringement of and/or contributorily infringing in this judicial district, the '162 patent by, among
23 other things, operating the Abazias Website pursuant to a claim of the '162 patent, without
24 permission from Eon-Net, in which information entered by a customer of Defendant into an
25 electronic document template displayed on the browser of the customer's computer is extracted
26 according to content instructions and transmitted to an application program operating on
27 Defendant's web server according to customizable transmission format instructions in a manner
28

1 defined by the claims of the '162 patent. For example, an Abazias customer seeking to purchase
2 product can enter their first name, last name, zip code and e-mail address into HTML form elements
3 displayed on the web page found at <http://www.abazias.com/checkout/checkout1.asp> of the Abazias
4 Website to arrange to have the product selected for purchase shipped to the customer. The
5 foregoing information entered into the HTML document is extracted by the browser and transmitted
6 to an application program running on the Abazias web server for processing the customer's order in
7 a POST format and using an https protocol required by the application program.
8

9 21. Plaintiff, Eon-Net, has been damaged by such infringing activities by the Defendant
10 of the '162 patent and will be irreparably harmed unless such infringing activities are enjoined by
11 this Court.

12 **PRAYER FOR RELIEF**

13 WHEREFORE, THE Plaintiff, Eon-Net prays for judgment against the Defendant Abazias
14 on all the counts and for the following relief:

- 15 A. Declaration that the Plaintiff is the owner of the '697 patent, and that the Plaintiff has
16 the right to sue and to recover for infringement thereof;
- 17 B. Declaration that the '697 patent is valid and enforceable;
- 18 C. Declaration that the Defendant has infringed, actively induced infringement of,
19 and/or contributorily infringed the '697 patent;
- 20 D. A preliminary and permanent injunction against the Defendant, each of its officers,
21 agents, servants, employees, and attorneys, all parent and subsidiary corporations,
22 their assigns and successors in interest, and those persons acting in active concert or
23 participation with them, enjoining them from continuing acts of infringement, active
24 inducement of infringement, and contributory infringement of Eon-Net's '697
25 patent;
- 26 E. An accounting for damages under 35 U.S.C. §284 for infringement of Eon-Net's
27 '697 patent by the Defendant and the award of damages so ascertained to the
28 Plaintiff, Eon-Net, together with interest as provided by law;

- 1 F. Declaration that the Plaintiff is the owner of the '673 patent, and that the Plaintiff has
2 the right to sue and to recover for infringement thereof;
- 3 G. Declaration that the '673 patent is valid and enforceable;
- 4 H. Declaration that the Defendant has infringed, actively induced infringement of,
5 and/or contributorily infringed the '673 patent;
- 6 I. A preliminary and permanent injunction against the Defendant, each of its officers,
7 agents, servants, employees, and attorneys, all parent and subsidiary corporations,
8 their assigns and successors in interest, and those persons acting in active concert or
9 participation with them, enjoining them from continuing acts of infringement, active
10 inducement of infringement, and contributory infringement of Eon-Net's '673
11 patent;
- 12 J. An accounting for damages under 35 U.S.C. §284 for infringement of Eon-Net's
13 '673 patent by the Defendant and the award of damages so ascertained to the
14 Plaintiff, Eon-Net, together with interest as provided by law;
- 15 K. Declaration that the Plaintiff is the owner of the '162 patent, and that the Plaintiff has
16 the right to sue and to recover for infringement thereof;
- 17 L. Declaration that the '162 patent is valid and enforceable;
- 18 M. Declaration that the Defendant has infringed, actively induced infringement of,
19 and/or contributorily infringed the '162 patent;
- 20 N. A preliminary and permanent injunction against the Defendant, each of its officers,
21 agents, servants, employees, and attorneys, all parent and subsidiary corporations,
22 their assigns and successors in interest, and those persons acting in active concert or
23 participation with them, enjoining them from continuing acts of infringement, active
24 inducement of infringement, and contributory infringement of Eon-Net's '162
25 patent;
- 26 O. An accounting for damages under 35 U.S.C. §284 for infringement of Eon-Net's
27 '162 patent by the Defendant and the award of damages so ascertained to the
28 Plaintiff, Eon-Net, together with interest as provided by law;

1 P. Award of Eon-Net's costs and expenses; and

2 Q. Such other and further relief as this Court may deem proper, just and equitable.

3 **DEMAND FOR JURY TRIAL**

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

6 By: /s/Jean-Marc Zimmerman
7 Jean-Marc Zimmerman (JZ 7743)
8 Zimmerman, Levi & Korsinsky, LLP
9 226 St. Paul Street
10 Westfield, NJ 07090
11 Tel: (908) 654-8000
12 Fax: (908) 654-7207
13 Attorneys for Plaintiff Eon-Net, L.P.

11 Dated: July 31, 2008
12 Westfield, NJ