

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

EASTMAN KODAK COMPANY,)	
)	
Plaintiff,)	Civil Action No. 04 CV 6095T
)	
v.)	
)	FIRST AMENDED
SONY CORPORATION, SONY CORPORATION)	COMPLAINT
OF AMERICA, SONY ELECTRONICS INC.,)	
SONY ERICSSON MOBILE)	
COMMUNICATIONS AB and SONY)	
ERICSSON MOBILE COMMUNICATIONS)	
(USA) INC.,)	
)	
Defendants.)	
)	

For its First Amended Complaint as of right, plaintiff, Eastman Kodak Company, alleges as follows:

THE PARTIES

1. Plaintiff Eastman Kodak Company (“Kodak”) is a New Jersey corporation that maintains its principal place of business at 343 State Street, Rochester, New York 14650. Kodak is a world renowned company that designs, develops, manufactures and sells a variety of imaging products, including digital still and video cameras, to consumers and businesses.
2. Upon information and belief, defendant Sony Corporation (“Sony”) is a Japanese corporation with its principal place of business at 7-35, Kitashinagawa 6-Chome, Shinagawa-ku, Tokyo 141-0001, Japan. Sony manufactures and/or, in cooperation with its subsidiaries and joint ventures, markets throughout the world, including in this district and elsewhere in the United States, a variety of electronic products, including digital still

and video cameras and related products and technologies (collectively hereinafter “digital camera products”) and digital camera phones.

3. Upon information and belief, defendant Sony Corporation of America (“SCA”) is a New York corporation having a principal place of business at 550 Madison Avenue, New York, New York 10022. SCA is a subsidiary of Sony and, *inter alia*, cooperates with Sony and its other subsidiaries in marketing, in this district and elsewhere in the United States, a variety of electronic products, including digital camera products.
4. Upon information and belief, defendant Sony Electronics Inc. (“SEI”) is a Delaware corporation having a principal place of business at 1 Sony Drive, Park Ridge New Jersey 07656. SEI is a subsidiary of SCA and, *inter alia*, directly sells and/or otherwise markets, in this district and elsewhere in the United States, a variety of electronic products, including digital camera products.
5. Upon information and belief, defendant Sony Ericsson Mobile Communications AB (“Sony Ericsson”) is a Swedish corporation owned jointly by Telefonaktiebolaget LM Ericsson and Sony, with its principal place of business at Nyavattentorget, Lund S-221 88, Sweden. Sony Ericsson manufactures a variety of digital camera phones and markets them throughout the world and, *inter alia*, imports them into, causes them to be marketed and/or directly sells or otherwise markets them in this district and elsewhere in the United States.
6. Upon information and belief, defendant Sony Ericsson Mobile Communications (USA) Inc. (“Sony Ericsson USA”) is a Delaware corporation having its principal place of business at 7001 Development Drive, Research Triangle Park, North Carolina 27709. Sony Ericsson USA is a subsidiary of Sony Ericsson and, *inter alia*, directly sells and/or

otherwise markets in this district and elsewhere in the United States, a variety of digital camera phones.

JURISDICTION AND VENUE

7. This action arises under the patent laws of the United States, Title 35, United States Code. The jurisdiction of this Court over the subject matter of this action is proper under 28 U.S.C. § 1338.
8. The jurisdiction of this Court over the defendant Sony is proper because, *inter alia*, Sony, through various commercial arrangements, places its products which infringe Kodak's patents into the stream of commerce, which stream is directed at the State of New York, including this district, with the knowledge and/or understanding that such products would be sold in the State of New York, including this district.
9. The jurisdiction of this Court over the defendant SCA is proper because of the business SCA regularly conducts in the State of New York, and is specifically proper because, pursuant to various commercial arrangements, SCA places products which infringe Kodak's patents into the stream of commerce, which stream is directed at the State of New York, including this district, with the knowledge and/or understanding that such products would be sold in the State of New York, including this district.
10. The jurisdiction of this Court over the defendant SEI is proper because of the business SEI regularly conducts in the State of New York, and is specifically proper because, pursuant to various commercial arrangements, SEI places products which infringe Kodak's patents into the stream of commerce, which stream is directed at this district and elsewhere in the State of New York, with the knowledge and/or understanding that such products would be sold there.

11. The jurisdiction of this Court over the defendant Sony Ericsson is proper because of the business Sony Ericsson regularly conducts in the State of New York, and is specifically proper because, pursuant to various commercial arrangements, Sony Ericsson places products which infringe Kodak's patents into the stream of commerce, which stream is directed at this district and elsewhere in the State of New York, with the knowledge and/or understanding that such products would be sold there.
12. The jurisdiction of this Court over the defendant Sony Ericsson USA is proper because of the business Sony Ericsson USA regularly conducts in the State of New York, and is specifically proper because, pursuant to various commercial arrangements, Sony Ericsson USA places products which infringe Kodak's patents into the stream of commerce, which stream is directed at this district and elsewhere in the State of New York, with the knowledge and/or understanding that such products would be sold there.
13. Venue is proper in this Court under 28 U.S.C. §§ 1391(b) and (c) and 1400(b).

PATENTS AT ISSUE

14. On May 14, 1991, United States Patent No. 5,016,107 ("the '107 patent") was duly and legally issued to the Eastman Kodak Company with Steven J. Sasson and Robert G. Hills named as inventors for inventions in an electronic camera utilizing image compression and digital storage. By assignment Kodak is the owner of all right, title and interest in the '107 patent.
15. On November 17, 1992, United States Patent No. 5,164,831 ("the '831 patent") was duly and legally issued to the Eastman Kodak Company with Daniel W. Kuchta and Peter J. Sucky named as inventors for inventions in an electronic camera providing multi-format storage of full and reduced resolution images. By assignment Kodak is the owner of all right, title and interest in the '831 patent.

16. On February 20, 1996, United States Patent No. 5,493,335 (“the ’335 patent”) was duly and legally issued to the Eastman Kodak Company with Kenneth A. Parulski, Richard M. Vogel, and Seishi Ohmori named as inventors for inventions in a single sensor color camera with user selectable image record size. By assignment Kodak is the owner of all right, title and interest in the ’335 patent.
17. On September 18, 2001, United States Patent No. 6,292,218 (“the ’218 patent”) was duly and legally issued to the Eastman Kodak Company with Kenneth A. Parulski and Timothy J. Tredwell named as inventors for an apparatus and method for previewing motion images using a series of lower resolution still images. By assignment Kodak is the owner of all right, title and interest in the ’218 patent.
18. On February 10 1987, United States Patent No. 4,642,678 (“the ’678 patent”) was duly and legally issued to the Eastman Kodak Company with David R. Cok named as inventor for an apparatus and method for interpolating chrominance values in a single sensor color camera. By assignment Kodak is the owner of all right, title, and interest in the ’678 patent.
19. On December 13, 1994, United States Patent No. 5,373,322 (“the ’322 patent”) was duly and legally issued to the Eastman Kodak Company with Claude A. Laroche and Mark A. Prescott named as inventors for an apparatus and method for interpolating luminance values in a single sensor color camera. By assignment Kodak is the owner of all right, title and interest in the ’322 patent.
20. On January 17, 1995, United States Patent No. 5,382,976 (“the ’976 patent”) was duly and legally issued to the Eastman Kodak Company with Robert H. Hibbard named as inventor for an apparatus and method for interpolating luminance values in a single

sensor color camera. By assignment Kodak is the owner of all right, title, and interest in the '976 patent.

21. On April 21, 1987, United States Patent No. 4,660,101 ("the '101 patent") was duly and legally issued to the Eastman Kodak Company with William A. Martin named as inventor for an apparatus and method for reproducing video images in a video player. By assignment Kodak is the owner of all right, title and interest in the '101 patent.

22. On June 3, 2003, United States Patent No. 6,573,927 ("the '927 patent") was duly and legally issued to the Eastman Kodak Company with Kenneth A. Parulski, Joseph Ward and Michael C. Hopwood named as inventors for an apparatus and method for capturing and selecting digital images to be printed by a separate printing device. By assignment Kodak is the owner of all right, title and interest in the '927 patent.

23. On December 19, 1995, United States Patent No. 5,477,264 ("the '264 patent") was duly and legally issued to the Eastman Kodak Company with Kamal K. Sarbadhikari, John R. Fredlund and Kenneth A. Parulski named as inventors for an electronic imaging system. By assignment Kodak is the owner of all right, title and interest in the '264 patent.

24. On July 29, 2003, United States Patent No. 6,600,510 ("the '510 patent") was duly and legally issued to the Eastman Kodak Company with Kenneth A. Parulski and James R. Schueckler named as inventors for a method of transmitting digital images to a plurality of selected receivers over a radio frequency link. By assignment Kodak is the owner of all right, title and interest in the '510 patent.

**COUNT I
PATENT INFRINGEMENT**

25. Kodak realleges and incorporates herein paragraphs 1-24 above as if fully set forth.
26. Upon information and belief, defendants Sony and Sony Ericsson, individually and/or collectively, are now, and/or have been, infringing and/or contributing to or inducing infringement of one or more of the '107, '831, '335, '218, '678, '322, '976, '101, '927, '264 and '510 patents under 35 U.S.C. § 271 *et seq.*, by importing into the United States, and causing to be sold therein, including this district, a variety of electronic products, including digital camera products and/or digital camera phones covered by these patents.
27. Upon information and belief, defendants SCA, SEI and Sony Ericsson USA, individually and/or collectively, are now, and/or have been, infringing and/or contributing to or inducing infringement of one or more of the '107, '831, '335, '218, '678, '322, '976, '101, '927, '264 and '510 patents under 35 U.S.C. § 271 *et seq.*, by selling, offering to sell, and/or using within the United States, including this district, a variety of electronic products, including digital cameras products and/or digital camera phones covered by these patents.
28. Sony, SCA, SEI, Sony Ericsson and Sony Ericsson USA, individually and/or collectively, have been on actual notice of the '107, '831, '335, '678, and '976 patents since at least July 2001; the '218 patent since at least September 2001; the '322 patent since at least August 2002; and the '101 patent since at least November 2002. Upon information and belief, the continued infringement by Sony, SCA, SEI, Sony Ericsson and/or Sony Ericsson USA of the patents at issue is and has been deliberate and willful.

29. Kodak has been damaged by the infringement or inducement of and/or contributory infringement of its patents by Sony, SCA, SEI, Sony Ericsson and/or Sony Ericsson USA and will continue to be damaged by such infringement or inducement of and/or contributory infringement unless enjoined by this Court.

JURY DEMAND

30. Pursuant to Fed. R. Civ. P. 38(b), Kodak hereby demands a trial by jury on all issues triable of right by a jury.

RELIEF REQUESTED

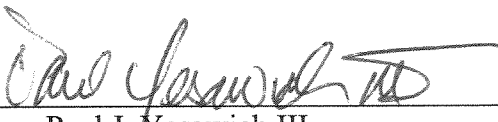
WHEREFORE, plaintiff Kodak respectfully requests that this Court enter judgment against each defendant, individually and jointly, as follows:

- A. That each of the '107, '831, '335, '218, '678, '322, '976, '101, '927, '264 and '510 patents, during all relevant periods, were not invalid and were enforceable;
- B. That one or more of the '107, '831, '335, '218, '678, '322, '976, '101, '927, '264 and '510 patents has been infringed, directly or indirectly, by the defendants Sony, SCA, SEI, Sony Ericsson and Sony Ericsson USA, individually and/or collectively;
- C. That the infringement or inducement of and/or contributory infringement of one or more of the '107, '831, '335, '218, '678, '322, '976, '101, '927, '264 and '510 patents by the defendants Sony, SCA, SEI, Sony Ericsson and/or Sony Ericsson USA was willful;
- D. Permanently enjoining defendants Sony, SCA, SEI, Sony Ericsson and/or Sony Ericsson USA from further infringement or inducement of and/or contributory infringement of the '107, '831, '335, '218, '678, '322, '976, '101, '927, '264 and '510 patents;

- E. Awarding damages adequate to compensate Kodak for the patent infringement or inducement of and/or contributory infringement that has occurred, together with pre-judgment interest and costs;
- F. Awarding all other damages permitted by 35 U.S.C. § 284, including increased damages up to three times the amount of compensatory damages found;
- G. Finding that this is an exceptional case and awarding to Kodak its costs and reasonable attorneys' fees incurred in this action as provided by 35 U.S.C. § 285; and
- H. Awarding such other relief as this Court deems just and proper.

Dated: Pittsford, New York
July 16, 2004

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