

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF NEW JERSEY

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.

DRUGSTORE.COM, INC.

Defendant.

Case No.: _____

**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, Drugstore.com, Inc. (hereinafter referred to as
”Defendant” or “Drugstore.com”) is a business organized and existing under the laws of the State of
Washington, having a place of business at 13920 SE Eastgate Way, Suite 300, Bellevue,
Washington, 98005.

1 **JURISDICTION AND VENUE**

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).

8 **CLAIM FOR PATENT INFRINGEMENT**

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

11 7. On January 27, 2004, U.S. Patent No. 6,683,697 (hereinafter referred to as “the ‘697
12 patent”) was duly and legally issued to Eon-Net for an invention entitled “Information Processing
13 Methodology.” A copy of the ‘697 patent is attached to this Complaint as Exhibit 1.

14 8. Eon-Net is the owner of all right, title and interest in and to the ‘697 patent by way
15 of Assignment from Millennium.
16

17 **COUNT ONE**

18 9. Plaintiff, Eon-Net, repeats and incorporates herein the entirety of the allegations
19 contained in paragraphs 1 through 8 above.

20 10. Drugstore.com has for a long time past and still is infringing, actively inducing the
21 infringement of and contributorily infringing in this judicial district, the ‘697 patent by, among
22 other things, collecting information over the Internet pursuant to a claim of the ‘697 patent, and deploying
23 for Defendant’s own use an application distributed over the Internet in which information is collected and
24 extracted from a customer of Defendant and processed on Defendant’s server as defined by the claims of
25 the ‘697 patent without permission from Eon-Net and will continue to do so unless enjoined by this
26 Court.
27
28

- 1 F. A judgment that the Defendant is a willful infringer and an award of treble damages
2 to the Plaintiff, Eon-Net, pursuant to 35 U.S.C. §284 against the Defendant,
3 Drugstore.com;
- 4 G. Award of reasonable attorney's fees to the Plaintiff, Eon-Net, pursuant to 35 U.S.C.
5 §285;
- 6 H. Award of Eon-Net's costs and expenses; and
- 7 I. Such other and further relief as this Court may deem proper, just and equitable.
8

9
10 **DEMAND FOR JURY TRIAL**

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

13 By: /s/Jean-Marc Zimmerman
14 Jean-Marc Zimmerman (JZ 7743)
15 Zimmerman, Levi & Korsinsky, LLP
16 226 St. Paul Street
17 Westfield, NJ 07090
18 Attorneys for Plaintiff Eon-Net, L.P.

19
20
21
22
23
24
25
26
27
28
Dated: February 4, 2005
Westfield, NJ