

UNITED STATES DISTRICT COURT FOR
THE SOUTHEHRN DISTRICT OF NEW YORK

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MILLENNIUM, L.P.,

Plaintiff,

v.

A2iA CORP.,

Defendant.

CIVIL ACTION NO. 09 CV 6857 (RMB)

**FIRST AMENDED COMPLAINT FOR
PATENT INFRINGEMENT**

DEMAND FOR JURY TRIAL

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

THE PARTIES

1. Millennium is a limited partnership organized and existing under the laws of the
Cayman Islands, with its principal place of business at Clifton House, 75 Fort Street, P.O. Box 190,
George Town, Grand Cayman, Cayman Islands.

2. Upon information and belief, A2iA Corp. (hereinafter referred to as "Defendant" or
"A2iA") is a corporation organized and existing under the laws of the State of New York, having a
place of business at 584 Broadway, New York, New York 10012.

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. On information and belief, Defendant is doing business and committing
2 infringements in this judicial district and are 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 **THE PATENTS**

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

7 7. On November 2, 1993, U.S. Patent No. 5,258,855 (hereinafter referred to as “the
8 ‘855 patent”) was duly and legally issued to System X, L.P. for an invention entitled “Information
9 Processing Methodology.” The ‘855 Patent was subsequently assigned to Millennium. A copy of
10 the ‘855 patent is attached hereto as Exhibit 1.

11 8. On November 29, 1994, U.S. Patent No. 5,369,508 (hereinafter referred to as “the
12 ‘508 patent”) was duly and legally issued to System X, L.P. for an invention entitled “Information
13 Processing Methodology.” The ‘508 Patent was subsequently assigned to Millennium. A copy of
14 the ‘508 patent is attached hereto as Exhibit 2.

15 9. On April 29, 1997, U.S. Patent No. 5,625,465 (hereinafter referred to as “the ‘465
16 patent”) was duly and legally issued to International Patent Holdings, Ltd. for an invention entitled
17 “Information Processing Methodology.” The ‘465 Patent was subsequently assigned to Millennium.
18 A copy of the ‘465 patent is attached hereto as Exhibit 3.

19 10. On June 16, 1998, U.S. Patent No. 5,768,416 (hereinafter referred to as “the ‘416
20 patent”) was duly and legally issued to Millennium for an invention entitled “Information
21 Processing Methodology.” A copy of the ‘506 patent is attached hereto as Exhibit 4.

22 11. On July 25, 2000, U.S. Patent No. 6,094,505 (hereinafter referred to as “the ‘505
23 patent”) was duly and legally issued to Millennium for an invention entitled “Information
24 Processing Methodology.” A copy of the ‘505 patent is attached hereto as Exhibit 5.
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1 12. Millennium is the owner of all right, title and interest in and to the ‘855 patent, the
2 ‘508 patent, the ‘465 patent, the 506 patent and the ‘505 patent (sometimes hereinafter collectively
3 “the Patents”).

4 13. The Patents cover processing information derived from digitized hard copy
5 documents, wherein information required by an application program is extracted from the digitized
6 document according to content instructions, and the extracted information is transmitted to the
7 application program in a format and protocol required by the application program according to
8 transmission format instructions.
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10 **THE ACCUSED PRODUCTS**

11 14. Plaintiff, Millennium, repeats and incorporates herein the entirety of the allegations
12 contained in paragraphs 1 through 13 above.

13 15. A2iA makes, uses, offers to sell, and sells the AddressReader, CheckReader,
14 DocumentReader and FieldReader software products (hereinafter “the A2iA Products”) which
15 process information derived from a diversity of types of digitized hard copy documents, e.g., bank
16 statements, checks, envelopes, forms, unstructured documents, and others, in a manner defined by
17 the claims of the Patents. Copies of pages from A2iA’s website at www.a2ia.com describing the
18 A2iA Products are attached hereto as Exhibit 6.
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20 **CLAIMS FOR PATENT INFRINGEMENT**

21 **COUNT ONE**

22 16. Plaintiff, Millennium, repeats and incorporates herein the entirety of the allegations
23 contained in paragraphs 1 through 15 above.

24 17. A2iA has and still is directly infringing the ‘855 patent by, among other things,
25 making, using, offering for sale, and/or selling the A2iA Products in which information derived
26 from a digitized hard copy document is extracted and transmitted to an application program in a
27 manner defined by the claims of the ‘855 patent without permission from Millennium. A2iA has
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1 and is still also actively inducing the infringement of the '855 patent by offering to sell and selling
2 the A2iA Products to third parties to process information derived from digitized hard copy
3 documents in a manner defined by the claims of the '855 patent without permission from
4 Millennium. A2iA has and is still also contributorily infringing the '855 patent by offering to sell
5 and selling the A2iA Products to third parties for use in conjunction with automated digitizing
6 equipment and computers not made or sold by A2iA to process information derived from digitized
7 hard copy documents in a manner defined by the claims of the '855 patent without permission from
8 Millennium.
9 Millennium.

10 18. Millennium alleges, for example, that the A2iA Products infringe claims 1, 14, 27,
11 37 and 45 of the '855 patent. Millennium reserves the right to identify additional claims of the '855
12 patent as being infringed by the A2iA products.

13 19. Plaintiff, Millennium, has been damaged by such infringing activities by the
14 Defendant of the '855 patent and will be irreparably harmed unless such infringing activities are
15 enjoined by this Court.

16 **COUNT TWO**

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

19 21. A2iA has and still is directly infringing the '508 patent by, among other things,
20 making, using, offering for sale, and/or selling the A2iA Products in which information derived
21 from a digitized hard copy document is extracted and transmitted to an application program in a
22 manner defined by the claims of the '508 patent without permission from Millennium. A2iA has
23 and is still also actively inducing the infringement of the '508 patent by offering to sell and selling
24 the A2iA Products to third parties to process information derived from digitized hard copy
25 documents in a manner defined by the claims of the '508 patent without permission from
26 Millennium. A2iA has and is still also contributorily infringing the '508 patent by offering to sell
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1 and selling the A2iA Products to third parties for use in conjunction with automated digitizing
2 equipment and computers not made or sold by A2iA to process information derived from digitized
3 hard copy documents in a manner defined by the claims of the '508 patent without permission from
4 Millennium.

5 22. Millennium alleges, for example, that the A2iA Products infringe claims 1, 15, 29
6 and 39 of the '508 patent. Millennium reserves the right to identify additional claims of the '508
7 patent as being infringed by the A2iA products.
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9 23. Plaintiff, Millennium, has been damaged by such infringing activities by the
10 Defendant, of the '508 patent and will be irreparably harmed unless such infringing activities are
11 enjoined by this Court.

12 **COUNT THREE**

13 24. Plaintiff, Millennium, repeats and incorporates herein the entirety of the allegations
14 contained in paragraphs 1 through 23 above.

15 25. A2iA has and is still actively inducing infringement of the '465 patent by offering to
16 sell and selling the A2iA Products to third parties for use in conjunction with automated digitizing
17 equipment and computers not made or sold by A2iA to process information derived from digitized
18 hard copy documents in a manner defined by the claims of the '465 patent without permission from
19 Millennium. A2iA has and still is also contributorily infringing the '465 patent by offering to sell
20 and selling the A2iA Products to third parties for use in conjunction with automated digitizing
21 equipment and computers not made or sold by A2iA to process information derived from digitized
22 hard copy documents in a manner defined by the claims of the '465 patent without permission from
23 Millennium.
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25 26. Millennium alleges, for example, that the A2iA Products infringe claims 1, 12, 14,
26 15 and 18 of the '465 patent. Millennium reserves the right to identify additional claims of the '465
27 patent as being infringed by the A2iA products.
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1 27. Plaintiff, Millennium, has been damaged by such infringing activities by the
2 Defendant of the '465 patent and will be irreparably harmed unless such infringing activities are
3 enjoined by this Court.

4 **COUNT FOUR**

5 28. Plaintiff, Millennium, repeats and incorporates herein the entirety of the allegations
6 contained in paragraphs 1 through 27 above.

7 29. A2iA has and is still actively inducing infringement of the '416 patent by offering to
8 sell and selling the A2iA Products to third parties for use in conjunction with automated digitizing
9 equipment, e.g., scanners, not made or sold by A2iA to process information derived from digitized
10 hard copy documents in a manner defined by the claims of the '416 patent without permission from
11 Millennium. A2iA has and is still also contributorily infringing the '416 patent by selling the A2iA
12 Products to third parties who use them together with automated digitizing equipment not made or
13 sold by A2iA to process information derived from digitized hard copy documents in a manner
14 defined by the claims of the '416 patent without permission from Millennium.
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16 30. Millennium alleges, for example, that the A2iA Products infringe claims 1, 20 and
17 43 of the '416 patent. Millennium reserves the right to identify additional claims of the '416 patent
18 as being infringed by the A2iA products.
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20 31. Plaintiff, Millennium, has been damaged by such infringing activities by the
21 Defendant, of the '416 patent and will be irreparably harmed unless such infringing activities are
22 enjoined by this Court.

23 **COUNT FIVE**

24 32. Plaintiff, Millennium, repeats and incorporates herein the entirety of the allegations
25 contained in paragraphs 1 through 31 above.

26 33. A2iA has and still is directly infringing the '505 patent by, among other things,
27 making, using, offering for sale, and/or selling the A2iA Products in which information derived
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1 from a digitized hard copy document is extracted and transmitted to an application program in a
2 manner defined by the claims of the '505 patent without permission from Millennium. A2iA has
3 and is still also actively inducing the infringement of the '505 patent by offering to sell and selling
4 the A2iA Products to third parties to process information derived from digitized hard copy
5 documents in a manner defined by the claims of the '505 patent without permission from
6 Millennium. A2iA has and is still also contributorily infringing the '505 patent by offering to sell
7 and selling the A2iA Products to third parties for use in conjunction with automated digitizing
8 equipment and computers not made or sold by A2iA to process information derived from digitized
9 hard copy documents in a manner defined by the claims of the '505 patent without permission from
10 Millennium.
11 Millennium.

12 34. Millennium alleges, for example, that the A2iA Products infringe claims 1, 9, 11, 16
13 and 17 of the '505 patent. Millennium reserves the right to identify additional claims of the '505
14 patent as being infringed by the A2iA products.

15 35. Plaintiff, Millennium, has been damaged by such infringing activities by the
16 Defendant, of the '505 patent and will be irreparably harmed unless such infringing activities are
17 enjoined by this Court.
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19 COUNT SIX

20 36. Plaintiff, Millennium, repeats and incorporates herein the entirety of the allegations
21 contained in paragraphs 1 through 35 above.

22 37. Millennium communicated with A2iA regarding both the existence of the Patents
23 and the substance of Millennium's infringement allegations prior to filing this suit. Specifically, on
24 November 15, 2007, Millennium sent claim charts for the A2iA Products to A2iA's counsel.
25 Accordingly, A2iA's infringement has been willful and deliberate, justifying the assessment of
26 treble damages pursuant to 35 U.S.C. §284 and attorneys' fees pursuant to 35 U.S.C. §285 against
27 A2iA.
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PRAYER FOR RELIEF

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WHEREFORE, Plaintiff, Millennium prays for judgment against the Defendant A2iA on all the counts and for the following relief:

- A. Declaration that the Plaintiff is the owner of the ‘855, ‘508, ‘465, ‘416 and ‘505 patents and that the Plaintiff has the right to sue and to recover for infringement thereof;
- B. Declaration that the ‘855, ‘508, ‘465, ‘416 and ‘505 patents are valid and enforceable;
- C. Declaration that the Defendant has infringed, actively induced infringement of, and contributorily infringed ‘855, ‘508, ‘465, ‘416 and ‘505 patents;
- D. A preliminary and permanent injunction against the Defendant, each of its officers, agents, servants, employees, and attorneys, all parent and subsidiary corporations, their assigns and successors in interest, and those persons acting in active concert or participation with them, including distributors and customers, enjoining them from continuing acts of infringement, active inducement of infringement, and contributory infringement of Millennium’s ‘855, ‘508, ‘465, ‘416 and ‘505 patents;
- E. An accounting for damages under 35 U.S.C. §284 for infringement of Millennium’s ‘855, ‘508, ‘465, ‘416 and ‘505 patents by the Defendant and the award of damages so ascertained to the Plaintiff together with interest as provided by law;
- F. A judgment that the Defendant is a willful infringer and an award of treble damages to the Plaintiff, Millennium, pursuant to 35 U.S.C. §284 against the Defendant, A2iA;
- G. Award of reasonable attorney’s fees to the Plaintiff, Millennium, pursuant to 35 U.S.C. §285;
- H. Award of Millennium’s costs and expenses; and
- I. Such other and further relief as this Court may deem proper, just and equitable.

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DEMAND FOR JURY TRIAL

Plaintiff, Millennium, demands a trial by jury of all issues properly triable by jury in this action.

By: /s/Jean-Marc Zimmerman
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Attorneys for Plaintiff Millennium, L.P.

Dated: November 12, 2009
Westfield, NJ