

UNITED STATES DISTRICT COURT FOR
THE SOUHTERN DISTRICT OF NEW YORK

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EON-NET, L.P.

Plaintiff,

v.

WALGREEN COMPANY,

Defendant.

Case No.: 07 CV 2822

**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, Walgreen Company (hereinafter referred to as
”Defendant” or “Walgreen”) is a business organized and existing under the laws of the State of
Illinois, having a place of business at 298 First Avenue, New York, New York 10009. Walgreen,
which opened its first store in 1901, is the nation’s largest retail pharmacy chain with 5,675 stores in
the continental United States and Puerto Rico.

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).

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9 **CLAIM FOR PATENT INFRINGEMENT**

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 July 11, 2006, U.S. Patent No. 7,075,673 (hereinafter referred to as “the ‘673
13 patent”) was duly and legally issued to Eon-Net for an invention entitled “Information Processing
14 Methodology.” A copy of the ‘673 patent is attached to this Complaint as Exhibit 1.

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

16 9. On February 27, 2007, U.S. Patent No. 7,184,162 (hereinafter referred to as “the
17 ‘162 patent”) was duly and legally issued to Eon-Net for an invention entitled “Information
18 Processing Methodology.” A copy of the ‘162 patent is attached to this Complaint as Exhibit 2.

19 10. Eon-Net is the owner of all right, title and interest in and to the ‘162 patent.

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21 **COUNT ONE**

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

24 12. Walgreen has for a long time past and still is infringing, actively inducing the
25 infringement of and/or contributorily infringing in this judicial district, the ‘673 patent by, among
26 other things, operating a website at www.walgreens.com (“the Walgreen Website”) pursuant to a
27 claim of the ‘673 patent, without permission from Eon-Net, in which information entered by a
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1 Walgreen customer into an electronic document template displayed on the browser of the
2 customer's computer is extracted according to content instructions and transmitted to an application
3 program operating on Defendant's web server according to customizable transmission format
4 instructions in a manner defined by the claims of the '673 patent. For example, a Walgreen
5 customer seeking to purchase product can enter information including their first and last name and
6 address into HTML form elements displayed on the web page found at
7 <https://www.walgreens.com/checkout/index.jsp?process=address> of the Walgreen Website. The
8 foregoing information entered into the HTML forms is extracted by the browser and transmitted to
9 an application program running on the Walgreen web server for processing the customer's order in
10 a POST format and using an https protocol required by the application program. A copy of the
11 aforementioned web page is attached hereto as Exhibit 3, and a copy of a portion of the source code
12 viewable on a customer's browser for such web page is attached hereto as Exhibit 4. A claim chart
13 detailing the infringement of a representative claim of the '673 patent is attached hereto as Exhibit
14 5.

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

20 **COUNT TWO**

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

23 15. Walgreen has for a long time past and still is infringing, actively inducing the
24 infringement of and/or contributorily infringing in this judicial district, the '162 patent by, among
25 other things, operating the Walgreen Website pursuant to a claim of the '162 patent, without
26 permission from Eon-Net, in which information entered by a customer of Defendant into an
27 electronic document template displayed on the browser of the customer's computer is extracted
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1 according to content instructions and transmitted to an application program operating on
2 Defendant's web server according to customizable transmission format instructions in a manner
3 defined by the claims of the '162 patent. For example, a Walgreen customer seeking to purchase
4 product can enter information including their first and last name and address into HTML form
5 elements displayed on the web page found at
6 <https://www.walgreens.com/checkout/index.jsp?process=address> of the Walgreen Website. The
7 foregoing information entered into the HTML forms is extracted by the browser and transmitted to
8 an application program running on the Walgreen web server for processing the customer's order in
9 a POST format and using an https protocol required by the application program. A copy of the
10 aforementioned web page is attached hereto as Exhibit 3, and a copy of the source code viewable on
11 a customer's browser for such web page is attached hereto as Exhibit 4. A claim chart detailing the
12 infringement of a representative claim of the '162 patent is attached hereto as Exhibit 6.

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

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18 **PRAYER FOR RELIEF**

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

- 21 A. Declaration that the Plaintiff is the owner of the '673 patent, and that the Plaintiff has
22 the right to sue and to recover for infringement thereof;
- 23 B. Declaration that the '673 patent is valid and enforceable;
- 24 C. Declaration that the Defendant has infringed, actively induced infringement of,
25 and/or contributorily infringed '673 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,
28 their assigns and successors in interest, and those persons acting in active concert or

1 participation with them, enjoining them from continuing acts of infringement, active
2 inducement of infringement, and contributory infringement of Eon-Net's '673
3 patent;

4 E. An accounting for damages under 35 U.S.C. §284 for infringement of Eon-Net's
5 '673 patent by the Defendant and the award of damages so ascertained to the
6 Plaintiff, Eon-Net, together with interest as provided by law;

7 F. Declaration that the Plaintiff is the owner of the '162 patent, and that the Plaintiff has
8 the right to sue and to recover for infringement thereof;

9 G. Declaration that the '162 patent is valid and enforceable;

10 H. Declaration that the Defendant has infringed, actively induced infringement of,
11 and/or contributorily infringed '162 patent;

12 I. A preliminary and permanent injunction against the Defendant, each of its officers,
13 agents, servants, employees, and attorneys, all parent and subsidiary corporations,
14 their assigns and successors in interest, and those persons acting in active concert or
15 participation with them, enjoining them from continuing acts of infringement, active
16 inducement of infringement, and contributory infringement of Eon-Net's '162
17 patent;

18 J. An accounting for damages under 35 U.S.C. §284 for infringement of Eon-Net's
19 '162 patent by the Defendant and the award of damages so ascertained to the
20 Plaintiff, Eon-Net, together with interest as provided by law;

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

22 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: April 6, 2007
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