

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF CONNECTICUT

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WhitServe LLC,	:
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Plaintiff,	:
	:
	: Civil Action No. 304CV1897 (CFD)
	:
v.	:
	:
	: JURY DEMAND
Computer Patent Annuities North America, LLC,	:
Computer Patent Annuities LP, Bristol-Myers	:
Squibb Company and John and Jane Does	:
	:
Defendant.	:
	:
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**FIRST AMENDED COMPLAINT FOR INFRINGEMENT OF PATENTS**

Plaintiff, WhitServe, LLC, for his complaint against Defendants, alleges as follows:

The Parties

1. Plaintiff, WhitServe LLC ("WhitServe") is a limited liability corporation having a place of business at 986 Bedford Street, Stamford, Connecticut 06905-5619.
2. On information and belief, Defendant Computer Patent Annuities North America, LLC is a Delaware limited liability corporation having a place of business at 225 Reinekers Lane, Suite 400, Alexandria, Virginia 22314-2875 and is doing business in this district.

3. On information and belief, Defendant Computer Patent Annuities LP, is a British corporation having a place of business at CPA House, 11-15 Seaton Place, Jersey JE1 1BL, Channel Islands, United Kingdom, and is doing business in this district.

4. On information and belief, Defendant Bristol-Myers Squibb Company ("Bristol-Myers") is a Delaware corporation having a place of business at 5 Research Parkway, Wallingford, Connecticut 06492-1951 and is doing business in this district.

5. On information and belief, John Does and Jane Does are companies and persons utilizing the infringing product and process of CPA in this district and other districts. The identities of the John and Jane Does will be added after initial discovery from defendants.

Computer Patent Annuities North America, LLC, Computer Patent Annuities LP, and Bristol-Myers are herein referred to as "Defendants."

#### Patent Infringement

6. This action is for damages and injunctive relief from patent infringement by Defendants and arises under the United States Patent Laws, particularly 35 U.S.C. §271 et seq. Subject matter jurisdiction is based on 28 U.S.C. §1338. Venue is based on 28 U.S.C. §1391(c). Defendants sell infringing products in the District of Connecticut and have transacted business in this district, making this district the proper forum.

7. Plaintiff WhitServe is the owner of the entire right, title and interest in and to United States Patent No. 5,895,468 ("the '468 patent"), entitled "System Automating Delivery Of Professional Services", which was duly and legally issued by the United States Patent and

Trademark Office on April 20, 1999 in the name of the inventor, Wesley W. Whitmyer, Jr. A true and correct copy of the patent is attached as Exhibit A.

8. Plaintiff WhitServe is the owner of the entire right, title and interest in and to United States Patent No. 6,182,078 ("the '078 patent"), entitled "System For Delivering Professional Services Over The Internet", which was duly and legally issued by the United States Patent and Trademark Office on January 30, 2001 in the name of the inventor, Wesley W. Whitmyer, Jr. A true and correct copy of the patent is attached as Exhibit B.

9. Plaintiff WhitServe is also the owner of the entire right, title and interest in and to United States Patent No. 6,049,801 ("the '801 patent"), entitled "Web Site Providing Professional Services", which was duly and legally issued by the United States Patent and Trademark Office on April 11, 2000 in the name of the inventor, Wesley W. Whitmyer, Jr. A true and correct copy of the patent is attached as Exhibit C.

10. Upon information and belief, Defendants have been and still are directly infringing, contributing to and inducing infringement of the WhitServe patents by making, selling, offering for sale, importing, and/or using its "CPADirect" product and related products and services without the authorization of the Plaintiff WhitServe. Defendants' infringement continues in willful disregard of Plaintiff WhitServe's rights making this case an exception under 35 U.S.C. § 285 and entitling WhitServe to recover multiple damages and attorney fees.

11. Defendants have been notified of their infringement of the '468, '078 and '801 patents prior to the filing of this complaint. Thus, with full knowledge, and without the

consent of WhitServe, Defendants are using WhitServe's technology without payment to WhitServe.

12. Plaintiff has been damaged by defendants' infringement of the WhitServe patents, and claims all damages, including but not limited to all lost profits and/or reasonable royalties, to which it is entitled.

13. The harm to Plaintiff WhitServe resulting from the infringing acts of Defendants is irreparable, continuing, not fully compensable by money damages and will continue unless enjoined by this Court.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff WhitServe prays for judgment as follows:

A. That a preliminary and permanent injunction be entered, against the Defendants, their officers, agents, servants, employees, and attorneys, and those persons in active concert or participation with them who receive actual notice of the order by personal service or otherwise, from any further infringement of the WhitServe patents.

B. That Plaintiff WhitServe be awarded his damages, suffered by reason of the infringement by Defendants, together with prejudgment interest.

C. This is an exceptional case and that damages awarded to Plaintiff WhitServe be trebled.

D. That Plaintiff WhitServe be awarded its attorneys' fees and costs.

E. That Plaintiff WhitServe be awarded any other and further relief that this Court may deem just and proper.

**JURY DEMAND**

A jury trial is demanded.

Respectfully submitted,  
WhitServe, LLC

Date: 10 Jan 05

By: 

Gene S. Winter- ct05137

ST.ONGE STEWARD JOHNSTON & REENS

986 Bedford Street

Stamford, Connecticut 06905

Telephone: (203) 324-6155

Facsimile: (203) 327-1096

Email: [gsw@ssjr.com](mailto:gsw@ssjr.com)

Attorney for Plaintiff