

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

FILED

2008 AUG -6 P 4:58

CLERK U.S. DISTRICT COURT
ALEXANDRIA, VIRGINIA

PICTURE PATENTS, LLC,)
)
Plaintiff,)
)
v.)
)
)
)
DRYTAC CORPORATION,)
)
Defendant.)

Civil Case No. 3:08cv 503
HEH

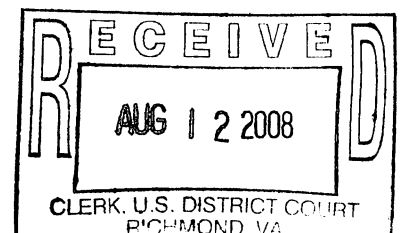
JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Picture Patents, LLC (hereinafter referred to as "Picture Patents"), by and through undersigned counsel, hereby brings this Complaint against Defendant Drytac Corporation (hereinafter referred to as "Drytac" or "Defendant") and alleges as follows:

THE PARTIES, JURISDICTION AND VENUE

1. Plaintiff Picture Patents, LLC is a limited liability company organized and existing under the laws of the State of Delaware, having a principal place of business at 325 Riverside Drive, New York, NY 10025.
2. Upon information and belief, Drytac Corporation is a corporation organized and existing under the laws of the State of Delaware, having a principal place of business located at 5383 Glen Alden Drive, Richmond, VA 23231-4343. Upon information and belief, Drytac Corporation is also a registered foreign corporation in the Commonwealth of Virginia whose Virginia Registered Agent is Barry A. Wilton at 6802 Paragon Place, Suite 300, Richmond, VA 23230. Drytac has been and is doing business in the Commonwealth of Virginia and within this



District, with a regular and established place of business located at 5383 Glen Alden Drive, Richmond, VA 23231-4343.

3. This action for infringement arises under the patent laws of the United States, including 35 U.S.C. §§ 271, 281 and 283-85, et seq.

4. This Court has jurisdiction over the subject matter of this action on at least the following grounds:

- a. 28 U.S.C. § 1331, this being a civil action arising under the laws of the United States;
- b. 28 U.S.C. § 1337(a), this being a civil action arising under an Act of Congress regulating commerce and protecting trade and commerce; and
- c. 28 U.S.C. § 1338(a), this being a civil action arising under an Act of Congress relating to patent rights.

5. This Court has personal jurisdiction over Drytac because, *inter alia*, upon information and belief, it has conducted, and at the time of the filing of this Complaint is conducting business in this State and District and otherwise has committed acts in this State and in this District that are the subjects of and/or related to the claims set forth herein.

6. Venue is properly laid in this Court under the provisions of 28 U.S.C. §§ 1391 and 1400(b).

CLAIMS FOR PATENT INFRINGEMENT

7. On August 21, 2001, United States Patent No. 6,278,455 (“the ’455 patent”) was duly and legally issued for a “Pictorial Interface For Accessing Information In An Electronic File System.” A true and correct copy of the ’455 patent is attached hereto as Exhibit “A” and made a part hereof.

8. Picture Patents, LLC is the owner, by assignment, of all right, title, and interest in the '455 patent. Picture Patents has the right to bring and maintain the present action.

9. Upon information and belief, Drytac manufactures, makes, has made, uses, sells and/or offers for sale devices and/or services that infringe claims in the '455 patent. Drytac is infringing directly, by inducement, and/or by contributing to the infringement of the '455 patent by offering, providing, using and operating services through one or more websites, such as the "www.drytac.com" website, including but not limited to providing a pictorial interface on said websites that permits access of electronic files. *See* example in Exhibit "B." Drytac has committed these acts of infringement throughout the United States, including in this judicial district.

10. Plaintiff has been damaged as a result of Drytac's infringing conduct.

11. Plaintiff has been irreparably harmed by the actions of the above Defendant and has no adequate remedy at law.

JURY DEMAND

12. Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER

13. WHEREFORE, Plaintiff respectfully requests that the Court find in its favor and against Defendant and the Court enter a judgment or order granting Plaintiff the following relief:

- a. That one or more claims of United States Patent No. 6,278,455 have been infringed, either literally and/or under the doctrine of equivalents, by Drytac and/or by others whose infringement has been contributed to by Drytac and/or by others whose infringement has been induced by Drytac;

- b. That Defendant account for and pay to Plaintiff damages caused by Drytac's infringing activities complained of herein;
- c. That Plaintiff be granted pre-judgment and post-judgment interest at the maximum rate allowable by law on the damages caused by reason of Drytac's infringing activities complained of herein;
- d. That Plaintiff be awarded costs;
- e. That Drytac be permanently enjoined from any conduct or activity that infringes United States Patent No. 6,278,455; and
- f. That Plaintiff be granted such other and further relief, both legal and equitable, as the Court may deem is just and proper under the circumstances.

Respectfully submitted this 6th day of August, 2008.

PICTURE PATENTS LLC



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