

UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK

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EON-NET, L.P.

Plaintiff,

v.

BLACK HOUND NEW YORK,

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, Black Hound New York (hereinafter referred to as
"Defendant" or "Black Hound") is a business organized and existing under the laws of the State of
New York, having a place of business at 111 North Tenth Street, Brooklyn, New York 11211.

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).

CLAIM FOR PATENT INFRINGEMENT

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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 January 27, 2004, U.S. Patent No. 6,683,697 (hereinafter referred to as “the ‘697
13 patent”) was duly and legally issued to Eon-Net for an invention entitled “Information Processing
14 Methodology.” A copy of the ‘697 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 by way
16 of Assignment from Millennium.

COUNT ONE

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

20 10. Black Hound 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.
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1 11. Plaintiff, Eon-Net, has been damaged by such infringing activities by the Defendant
2 of the '855 patent and will be irreparably harmed unless such infringing activities are enjoined by
3 this Court.

4 **COUNT TWO**

5 12. Plaintiff, Eon-Net, repeats and incorporates herein the entirety of the allegations
6 contained in paragraphs 1 through 11 above.

7 13. Black Hound's infringement has been willful and deliberate, justifying the
8 assessment of treble damages pursuant to 35 U.S.C. §284 and attorneys' fees pursuant to 35 U.S.C.
9 §285 against that entity.
10

11 **PRAYER FOR RELIEF**

12 WHEREFORE, THE Plaintiff, Eon-Net prays for judgment against the Defendant Black
13 Hound on all the counts and for the following relief:

- 14 A. Declaration that the Plaintiff is the owner of the '697 patent, and that the Plaintiff has
15 the right to sue and to recover for infringement thereof;
- 16 B. Declaration that the '697 patent is valid and enforceable;
- 17 C. Declaration that the Defendant has infringed, actively induced infringement of, and
18 contributorily infringed '697 patent;
- 19 D. A preliminary and permanent injunction against the Defendant, each of its officers,
20 agents, servants, employees, and attorneys, all parent and subsidiary corporations,
21 their assigns and successors in interest, and those persons acting in active concert or
22 participation with them, enjoining them from continuing acts of infringement, active
23 inducement of infringement, and contributory infringement of Eon-Net's '697
24 patent;
- 25 E. An accounting for damages under 35 U.S.C. §284 for infringement of Eon-Net's
26 '697 patent by the Defendant and the award of damages so ascertained to the
27 Plaintiff, Eon-Net, together with interest as provided by law;
- 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, Black
3 Hound;
- 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.
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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
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Dated: May 12, 2004
Westfield, NJ