

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

COLORQUICK, L.L.C.	§	
	§	
<i>Plaintiff,</i>	§	
	§	No. _____
v.	§	
	§	JURY DEMANDED
EASTMAN KODAK COMPANY,	§	
	§	
<i>Defendant.</i>	§	

**PLAINTIFF’S ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT
AND JURY DEMAND**

Plaintiff Colorquick, L.L.C. brings this action for patent infringement against Defendant Eastman Kodak Company, and alleges as follows:

I. THE PARTIES

1. Plaintiff Colorquick, L.L.C. is a New Jersey limited liability company having a principal place of business at 9100 Pennsauken Highway, Pennsauken, New Jersey 08110.

2. Upon information and belief, Defendant Eastman Kodak Company is a New Jersey company having a principal place of business at 343 State Street, Rochester, New York 14650. Eastman Kodak Company is authorized to do business in the State of Texas and may be served with process by serving its registered agent, CT Corporation System, 350 N. St. Paul Street, Dallas, Texas 75201.

II. JURISDICTION AND VENUE

3. This action arises under the patent laws of the United States, Title 35 of the United States Code. The Court’s jurisdiction over this action is proper under the above statutes, including 35 U.S.C. § 271, *et seq.*, and 28 U.S.C. §§ 1331 and 1338(a).

4. Personal jurisdiction exists generally over Defendant because it has sufficient minimum contacts with the forum as a result of business conducted within the State of Texas and within the Eastern District of Texas. Personal jurisdiction also exists specifically over the Defendants because of their conduct in making, using, selling, offering to sell, and/or importing products manufactured by an infringing process within the State of Texas and within the Eastern District of Texas.

5. Venue is proper in this Court under 28 U.S.C. §§ 1391(b),(c), and (d).

III. PATENT INFRINGEMENT

6. Plaintiff is the owner of all rights, title, and interest in and under United States Patent No. 6,801,333 (“the ‘333 Patent”), which duly and legally issued on October 5, 2004.

7. The ‘333 Patent describes and claims automated systems for comparing a job quote for a print job with actual production data for a print job. A true and correct copy of the ‘333 Patent is attached hereto as Exhibit A.

8. The ‘333 Patent is valid and enforceable. 35 U.S.C. § 287 has been satisfied.

9. Defendant has been infringing the ‘333 Patent by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products and/or processes that fall within the scope of the claims of the ‘333 Patent, including but not limited to products and/or processes included within Defendant’s “Kodak Unified Workflow Solutions,” alone or in combination.

10. By making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products manufactured by a process that falls within the scope of the claims of the ‘333 Patent, Defendant has also induced infringement of the ‘333 Patent under 35

U.S.C. § 271(b), and have contributed to the infringement of the '333 Patent under 35 U.S.C. § 271(c). The infringing products have no substantial noninfringing uses.

11. Upon information and belief, Defendant had knowledge of the '333 Patent but has recklessly engaged in its infringing conduct nonetheless. Defendant's infringement is therefore willful.

12. As a direct and proximate result of Defendant's acts of patent infringement, Plaintiff has been and continues to be injured and has sustained and will continue to sustain substantial damages in an amount not presently known.

13. Plaintiff has no adequate remedy at law against these acts of patent infringement. Unless Defendant is permanently enjoined from its unlawful and willful infringement of the '333 Patent, Plaintiff will suffer irreparable harm.

IV. PRAYER FOR RELIEF

Plaintiff respectfully requests that judgment be entered in its favor and against Defendant and that the Court grant the following relief to Plaintiff:

- A. Declare that the '333 Patent is valid and enforceable;
- B. Declare that Defendant has infringed the '333 Patent;
- C. Declare that Defendant's infringement was willful;
- D. Award damages to Plaintiff to which it is entitled for patent infringement;
- E. Enter a preliminary and thereafter a permanent injunction against Defendant's direct infringement of the '333 Patent;
- F. Enter a preliminary and thereafter a permanent injunction against Defendant's active inducements of infringement and/or contributory infringements of the '333 Patent by others;
- G. Award Plaintiff its expenses, costs, and attorneys' fees pursuant to 35 U.S.C. § 285;

- H. Award Plaintiff increased damages in an amount not less than three times the amount of damages found by the jury or assessed by this Court, for Defendant's willful infringement pursuant to 35 U.S.C. § 284;
- I. Award interest on Plaintiff's damages; and
- J. Such other relief as the Court deems just and proper.

V. JURY DEMAND

In accordance with FED. R. CIV. P. 38 and 39, Plaintiff asserts its rights under the Seventh Amendment of the United States Constitution and demands a trial by jury on all issues.

Dated: April 30, 2008.

Respectfully submitted,

/s/ Michael W. Shore

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