

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<p>IMCS, INC. a corporation of the State of Delaware,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>D.P. TECHNOLOGY CORPORATION, a corporation of the State of California</p> <p style="text-align: center;">Defendant.</p>	<p>Civil Action No. <u>02-cv-07084 (RBS)</u></p>
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COMPLAINT

IMCS, Inc. ("IMCS") for its Complaint against Defendant, D.P. Technology Corporation. ("DPT"), states and alleges as follows.

PARTIES

1. Plaintiff IMCS is a corporation organized and existing under the laws of the state of Delaware with a principal place of business at 540 Pennsylvania Avenue, Suite 201, Fort Washington, Pennsylvania 19034. IMCS is in the business of developing, designing, manufacturing, producing, marketing and selling Computer Aided Manufacturing ("CAM") software in the United States and abroad.

2. On information and belief, DPT is a corporation organized and existing under the laws of the State of California with its principal place of business at 1150 Avenida Acaso, Camarillo, California 93012. Upon information and belief, DPT is in the business of developing, designing,

manufacturing, producing, marketing and selling Computer Aided Manufacturing ("CAM") software in the United States and abroad.

JURISDICTION AND VENUE

3. This Court has jurisdiction of this Action pursuant to 28 U.S.C. §§1331 and 1338(a), as this Action arises under the patent laws, Title 35 U.S.C.

4. Venue is proper in this district pursuant to 28 U.S.C. §§1391(b) and 1400(b).

COUNT I

PATENT INFRINGEMENT OF U.S. PATENT NO. 6,112,133

5. On August 29, 2000, U.S. Patent No. 6,112,133 ("the '133 patent") was duly and legally issued to IMCS for an invention entitled "Visual System and Method for Generating a CNC Program for Machining Parts with Planar and Curvilinear Surfaces." A copy of the '133 patent is attached hereto as Exhibit A.

6. IMCS at all times has been and still is the sole owner of all right, title, and interest to the '133 patent.

7. On information and belief, Defendant DPT has infringed the '133 patent and is still infringing the same within the Eastern District of Pennsylvania and elsewhere, by making, using, selling, importing, and offering for sale CAM software, including, but not limited to products sold under the designations ESPRIT SolidTurn Advanced, ESPRIT SolidTurn Production and ESPRIT SolidMill Production, that embodies, and the uses of which embody, the invention covered by the '133 patent.

8. On information and belief, Defendant DPT has induced and is actively inducing infringement and/or contributing to the infringement of the '133 patent by third parties.

9. On information and belief, the infringement by Defendant DPT has been deliberate and willful.

10. By reason of the aforementioned infringement, Defendant DPT has unlawfully derived and will unlawfully and wrongfully derive income and profit from its infringing acts; IMCS has sustained and will sustain substantial and irreparable harm, injury, loss, and damage as a result of the aforementioned infringement; and if Defendant DPT's activities are not immediately and permanently enjoined, IMCS will continue to suffer irreparable harm and injury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff IMCS prays that this Court:

A. preliminarily and permanently enjoin Defendant DPT, its officers, agents, servants, employees, and attorneys, and all those in active concert or participation therewith, or any of them from infringing directly or indirectly the '133 patent;

B. award Plaintiff IMCS monetary damages sufficient to compensate Plaintiff IMCS for its damages and that such award be increased three-fold because of the willful and deliberate nature of the infringement, as provided for in 35 U.S.C. §284;

C. declare this case an exceptional case and award Plaintiff IMCS its reasonable attorneys fees pursuant to 35 U.S.C. §285; and

D. award such other and further relief as this Court deems just and proper.

JURY DEMAND

IMCS hereby demands a jury trial on all of its causes of actions and issues triable by jury.

Respectfully submitted,

Date: _____

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