

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

PICTOMETRY INTERNATIONAL CORPORATION,

PLAINTIFF,

v.

GEOSPAN CORPORATION,

DEFENDANT.

COMPLAINT

CIVIL ACTION NO. _____

JURY TRIAL DEMANDED

Plaintiff, Pictometry International Corp., for its complaint and claim against Defendant, Geospan Corporation, alleges as follows:

Jurisdiction and Venue

1. This Court's jurisdiction over this Complaint is founded under the United States Patent Laws, 35 U.S.C. § 271, *et. seq.*, and 28 U.S.C. §§ 1331 and 1338(a), which jurisdiction is exclusive of the Courts of the states.

2. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 and 1400.

The Parties

3. Plaintiff Pictometry International Corp. ("Pictometry") is a Delaware corporation having a principal place of business in Rochester, New York. Pictometry provides specialized aerial photography services throughout the United States.

4. Defendant Geospan Corporation ("Geospan") is a Minnesota corporation having a principal place of business located at 10900 73RD Avenue North, Suite 136, Maple Grove, Minnesota. Geospan provides specialized aerial photography services throughout the United States, including the State of New York, which are competitive with the services offered by Pictometry and which, as detailed below, infringe one or more of the claims of the patent-in-suit.

Count I

**Infringement of the United States Patent No. 5,247,356
in Violation of 35 U.S.C. § 271(a)**

5. Pictometry realleges and incorporates as if fully set forth herein the allegations set forth in ¶¶ 1-4.

6. United States Patent No. 5,247,356 (hereinafter the “‘356 patent”), entitled Method and Apparatus for Mapping and Measuring Land, was duly and legally issued on September 21, 1993, to John A. Ciampa, who is the inventor of the invention claimed in the ‘356 patent. A copy of the ‘356 patent is attached as **Exhibit A** hereto. Mr. Ciampa subsequently assigned his entire right, title and interest in and to the ‘356 patent to Pictometry. A true and correct copy of the assignment is attached as **Exhibit B** hereto.

7. The ‘356 patent describes a method and apparatus which enables detailed and accurate measurements of ground features to be calculated from certain types of aerial photographs. For example, such method and apparatus claimed in the ‘356 patent enable the user to accurately determine the geographic location of a pixel in an image and to thereby calculate, *inter alia*, the height and width of a building or the dimensions of a parcel of land.

8. In connection with its aerial photography services, Geospan has made, used, offered for sale and/or sold in the United States a product under the name “GeoVista.” The GeoVista product enables the user to practice a method for obtaining detailed and accurate measurements of ground features which can be determined from certain types of aerial photographs.

9. Geospan’s aforesaid actions in connection with the GeoVista product constitute an infringement of one or more claims of the ‘356 patent in violation of 35 U.S.C. § 271(a).

10. Geospan is continuing to commit the actions complained of above. Pictometry has suffered irreparable harm as a result of Geospan's infringement of the '356 patent as complained of herein. Unless and until Geospan is enjoined from continuing its infringing activities, Pictometry will continue to be irreparably harmed.

WHEREFORE, Pictometry requests that the Court enter judgment against Geospan and in favor of Pictometry, decreeing as follows:

- (a) That a preliminary injunction and a permanent injunction issue restraining Geospan and its officers, agents, servants, representatives, attorneys and employees, and any and all persons in active concert or participation with it, from infringing the '356 patent;
- (b) That Pictometry be awarded from Geospan an amount of money equal to the actual damages suffered by Pictometry or a reasonable royalty pursuant to 35 U.S.C. § 284, whichever is greater, arising from the Geospan's infringement of the '356 patent;
- (c) That Pictometry be awarded such other and further relief which the Court deems proper.

Date: October 13, 2009

Respectfully submitted,

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