

UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK

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DIGITAL IMAGE SYSTEMS CORPORATION,

Plaintiff,

v.

DATA MANAGEMENT PRODUCTS INC.,

Defendant.

Case No.: _____

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

Plaintiff, Digital Imaging Systems Corporation (hereinafter referred to as "DIS"), demands a jury trial and complains against the defendant as follows:

THE PARTIES

1. DIS is a corporation organized and existing under the laws of the State of Texas, with its principal place of business at 4748 Shands Drive, Mesquite, Texas 75150.

2. Upon information and belief, Data Management Products Inc. (hereinafter referred to as "Defendant" or "DMP") is a corporation organized and existing under the laws of the State of Texas, having a place of business at One First National Park, 14010 FNB Parkway MS 8150, Omaha, Nebraska 68154-5206.

JURISDICTION AND VENUE

1
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. On information and belief, Defendant is doing business and committing
6 infringements in this judicial district and are subject to personal jurisdiction in this judicial district.

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8 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, DIS, repeats and incorporates herein the entirety of the allegations
11 contained in paragraphs 1 through 5 above.

12 7. On March 2, 1993, U.S. Patent No. 5,191,525 (hereinafter referred to as “the ‘525
13 patent”) was duly and legally issued to Thomas Q. LeBrun for an invention entitled “System and
14 Method for extraction of Data from Documents for Subsequent Processing.” A copy of the ‘525
15 patent is attached to this Complaint as Exhibit 1.

16 8. DIS is the owner of all right, title and interest in and to the ‘525 patent by way of
17 assignment from LeBrun.

COUNT ONE

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19 9. Plaintiff, DIS, repeats and incorporates herein the entirety of the allegations
20 contained in paragraphs 1 through 8 above.

21
22 10. DMP has for a long time past and still is infringing, actively inducing the
23 infringement of and contributorily infringing in this judicial district, the ‘525 patent by, among
24 other things offering and providing data processing services as defined by the claims of the ‘525
25 patent without permission from DIS and will continue to do so unless enjoined by this Court.

1 11. Plaintiff, DIS, has been damaged by such infringing activities by the Defendant of
2 the '525 patent and will be irreparably harmed unless such infringing activities are enjoined by this
3 Court.

4 **COUNT TWO**

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

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

10 **PRAYER FOR RELIEF**

11 WHEREFORE, the Plaintiff, DIS prays for judgment against the Defendant DMP on all the
12 counts and for the following relief:

- 13
- 14 A. Declaration that the Plaintiff is the owner of the '525 patent, and that the Plaintiff has
15 the right to sue and to recover for infringement thereof;
 - 16 B. Declaration that the '525 patent is valid and enforceable;
 - 17 C. Declaration that the Defendant has infringed, actively induced infringement of, and
18 contributorily infringed '525 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, including distributors and customers, enjoining them from
23 continuing acts of infringement, active inducement of infringement, and contributory
24 infringement of the '525 patent;
 - 25 E. An accounting for damages under 35 U.S.C. §284 for infringement of the '525
26 patent by the Defendant and the award of damages so ascertained to the Plaintiff,
27 DIS, 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, DIS, pursuant to 35 U.S.C. §284 against the Defendant, DMP;
3 G. Award of reasonable attorney's fees to the Plaintiff, DIS, pursuant to 35 U.S.C.
4 §285;
5 H. Award of DIS's costs and expenses; and
6 I. Such other and further relief as this Court may deem proper, just and equitable.
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8 **DEMAND FOR JURY TRIAL**

9 The Plaintiff, DIS, demands a trial by jury of all issues properly triable by jury in this action.
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11 By: /s/Jean-Marc Zimmerman
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17 Dated: December 29, 2005
18 Westfield, NJ
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