

UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK

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Attorneys for Plaintiffs Millennium, L.P. and Eon-Net, L.P.

MILLENNIUM, L.P. and EON-NET, L.P.,

Plaintiffs,

v.

PITNEY BOWES INC.,

Defendant.

CIVIL ACTION NO. 08-CV-02945

**FIRST AMENDED COMPLAINT FOR
PATENT INFRINGEMENT**

DEMAND FOR JURY TRIAL

Plaintiffs Millennium, L.P. (“Millennium”) and Eon-Net, L.P. (“Eon-Net”) (hereinafter collectively referred to as “Plaintiffs”), demand a jury trial and complain against the defendant as follows:

THE PARTIES

1. Millennium is a limited partnership organized and existing under the laws of the Cayman Islands, with its principal place of business at Clifton House, 75 Fort Street, P.O. Box 190, George Town, Grand Cayman, Cayman Islands.

2. Eon-Net is a limited partnership organized and existing under the laws of the British Virgin Islands, with its principal place of business at P.O. Box 116, Road Town, Tortola, British Virgin Islands.

3. Upon information and belief, Pitney Bowes Inc. (hereinafter referred to as “Defendant” or “PB”) is a corporation organized and existing under the laws of the State of Massachusetts having its headquarters at 1 Elmcroft Road, Stamford, CT 06926-0700.

JURISDICTION AND VENUE

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2 4. 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 5. On 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.

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

CLAIM FOR PATENT INFRINGEMENT

9
10 7. Plaintiffs repeat and incorporate herein the entirety of the allegations contained in
11 paragraphs 1 through 6 above.

12 8. On November 2, 1993, U.S. Patent No. 5,258,855 (hereinafter referred to as “the
13 ‘855 Patent’) was duly and legally issued to System X, L.P. for an invention entitled “Information
14 Processing Methodology.” The ‘855 Patent was subsequently assigned to Millennium. A copy of
15 the ‘855 Patent is attached to this Complaint as Exhibit 1.

16 9. On November 29, 1994, U.S. Patent No. 5,369,508 (hereinafter referred to as “the
17 ‘508 Patent’) was duly and legally issued to System X, L.P. for an invention entitled “Information
18 Processing Methodology.” The ‘508 Patent was subsequently assigned to Millennium. A copy of
19 the ‘508 Patent is attached to this Complaint as Exhibit 2.

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21 10. On April 29, 1997, U.S. Patent No. 5,625,465 (hereinafter referred to as “the ‘465
22 Patent’) was duly and legally issued to International Patent Holdings, Ltd. for an invention entitled
23 “Information Processing Methodology.” The ‘465 Patent was subsequently assigned to Millennium.
24 A copy of the ‘465 Patent is attached to this Complaint as Exhibit 3.

25 11. On June 16, 1998, U.S. Patent No. 5,768,416 (hereinafter referred to as “the ‘416
26 Patent’) was duly and legally issued to Millennium for an invention entitled “Information
27 Processing Methodology.” A copy of the ‘416 Patent is attached to this Complaint as Exhibit 4.
28

1 Cut Sheet, and the Telecommunications Company Case Study, links to which are displayed on the
2 web page found at [http://www.pb.com/cgi-bin/pb.dll/jsp/ProductDetail.do?lang=en&country=US &
3 prodOID=22854&catOID=-16956](http://www.pb.com/cgi-bin/pb.dll/jsp/ProductDetail.do?lang=en&country=US&prodOID=22854&catOID=-16956) of the PB website at www.pb.com (“the PB Website”), and the
4 Document Processing Solutions used in providing the services discussed in the Inbound Document
5 Processing and the Records and Information Management Case Studies, links to which are
6 displayed on the web page found at [http://www.pb.com/cgi-bin/pb.dll/jsp/SPLInterest.do
7 ?sitelet=DPS&catOID=-19406&lang=en&country=US&lang=en&country=US](http://www.pb.com/cgi-bin/pb.dll/jsp/SPLInterest.do?sitelet=DPS&catOID=-19406&lang=en&country=US&lang=en&country=US) of the PB Website,
8 in which information from a hard copy document is extracted and transmitted to an application
9 program in a manner defined by the claims of the ‘855 Patent without permission from Millennium
10 and will continue to do so unless enjoined by this Court.
11

12 20. Millennium has been damaged by such infringing activities by the Defendant and
13 will be irreparably harmed unless such infringing activities are enjoined by this Court.
14

15 **COUNT TWO**

16 21. Millennium repeats and incorporates herein the entirety of the allegations contained
17 in paragraphs 1, 3 through 13, and 18 through 20 above.

18 22. PB has for a long time past and still is infringing, actively inducing the infringement
19 of and contributorily infringing in this judicial district, the ‘508 Patent by, among other things,
20 importing, making, using, offering for sale, and/or selling computer hardware, software and systems
21 including, but not limited to, the Digital Imaging and Workflow Solutions Scanning Software used
22 in providing the services discussed in the Legal Services Solutions Cut Sheet, the Healthcare
23 Services Cut Sheet, and the Telecommunications Company Case Study, links to which are
24 displayed on the web page found at [http://www.pb.com/cgi-bin/pb.dll/jsp/ProductDetail.do
25 ?lang=en&country=US & prodOID=22854&catOID=-16956](http://www.pb.com/cgi-bin/pb.dll/jsp/ProductDetail.do?lang=en&country=US & prodOID=22854&catOID=-16956) of the PB Website, and the Document
26 Processing Solutions used in providing the services discussed in the Inbound Document Processing
27 and the Records and Information Management Case Studies, links to which are displayed on the
28 web page found at <http://www.pb.com/cgi-bin/pb.dll/jsp/SPLInterest.do?sitelet=DPS&catOID=->

1 [19406&lang=en&country=US&lang=en& country =US](#) of the PB Website, in which information
2 from a hard copy document is extracted and transmitted to an application program in a manner
3 defined by the claims of the '508 Patent without permission from Millennium and will continue to
4 do so unless enjoined by this Court.

5 23. Millennium has been damaged by such infringing activities by the Defendant and
6 will be irreparably harmed unless such infringing activities are enjoined by this Court.
7

8 **COUNT THREE**

9 24. Millennium repeats and incorporates herein the entirety of the allegations contained
10 in paragraphs 1, 3 through 13, and 18 through 23 above.

11 25. PB has for a long time past and still is infringing, actively inducing the infringement
12 of and contributorily infringing in this judicial district, the '465 Patent by, among other things,
13 importing, making, using, offering for sale, and/or selling computer hardware, software and systems
14 including, but not limited to, the Digital Imaging and Workflow Solutions Scanning Software used
15 in providing the services discussed in the Legal Services Solutions Cut Sheet, the Healthcare
16 Services Cut Sheet, and the Telecommunications Company Case Study, links to which are
17 displayed on the web page found at [http://www.pb.com/cgi-bin/pb.dll/jsp/ProductDetail.do](http://www.pb.com/cgi-bin/pb.dll/jsp/ProductDetail.do?lang=en&country=US & prodOID=22854&catOID=-16956)
18 [?lang=en&country =US & prodOID=22854&catOID=-16956](#) of the PB Website, and the Document
19 Processing Solutions used in providing the services discussed in the Inbound Document Processing
20 and the Records and Information Management Case Studies, links to which are displayed on the
21 web page found at [http://www.pb.com/cgi-bin/pb.dll/jsp/SPLInterest.do ?sitelet=DPS&catOID=-](http://www.pb.com/cgi-bin/pb.dll/jsp/SPLInterest.do ?sitelet=DPS&catOID=-19406&lang=en&country=US&lang=en& country =US)
22 [19406&lang=en&country=US&lang=en& country =US](#) of the PB Website, in which information
23 from a hard copy document is extracted and transmitted to an application program in a manner
24 defined by the claims of the '465 Patent without permission from Millennium and will continue to
25 do so unless enjoined by this Court.
26

27 26. Millennium has been damaged by such infringing activities by the Defendant and
28 will be irreparably harmed unless such infringing activities are enjoined by this Court.

COUNT FOUR

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2 27. Millennium repeats and incorporates herein the entirety of the allegations contained
3 in paragraphs 1, 3 through 13, and 18 through 26 above.

4 28. PB has for a long time past and still is infringing, actively inducing the infringement
5 of and contributorily infringing in this judicial district, the '416 Patent by, among other things,
6 importing, making, using, offering for sale, and/or selling computer hardware, software and systems
7 including, but not limited to, the Digital Imaging and Workflow Solutions Scanning Software used
8 in providing the services discussed in the Legal Services Solutions Cut Sheet, the Healthcare
9 Services Cut Sheet, and the Telecommunications Company Case Study, links to which are
10 displayed on the web page found at [http://www.pb.com/cgibin/pb.dll/jsp/ProductDetail.do](http://www.pb.com/cgibin/pb.dll/jsp/ProductDetail.do?lang=en&country=US&prodOID=22854&catOID=-16956)
11 [?lang=en&country=US & prodOID=22854&catOID=-16956](http://www.pb.com/cgibin/pb.dll/jsp/ProductDetail.do?lang=en&country=US&prodOID=22854&catOID=-16956) of the PB Website, and the Document
12 Processing Solutions used in providing the services discussed in the Inbound Document Processing
13 and the Records and Information Management Case Studies, links to which are displayed on the
14 web page found at [http://www.pb.com/cgi-bin/pb.dll/jsp/SPLInterest.do ?sitelet=DPS&catOID=-](http://www.pb.com/cgi-bin/pb.dll/jsp/SPLInterest.do?sitelet=DPS&catOID=-19406&lang=en&country=US&lang=en&country=US)
15 [19406&lang=en&country=US&lang=en& country=US](http://www.pb.com/cgi-bin/pb.dll/jsp/SPLInterest.do?sitelet=DPS&catOID=-19406&lang=en&country=US&lang=en&country=US) of the PB Website, in which information
16 from a hard copy document is extracted and transmitted to an application program in a manner
17 defined by the claims of the '416 Patent without permission from Millennium and will continue to
18 do so unless enjoined by this Court.
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20
21 29. Millennium has been damaged by such infringing activities by the Defendant and
22 will be irreparably harmed unless such infringing activities are enjoined by this Court.

COUNT FIVE

23
24 30. Millennium repeats and incorporates herein the entirety of the allegations contained
25 in paragraphs 1, 3 through 13, and 18 through 29 above.

26 31. PB has for a long time past and still is infringing, actively inducing the infringement
27 of and contributorily infringing in this judicial district, the '505 Patent by, among other things,
28 importing, making, using, offering for sale, and/or selling computer hardware, software and systems

1 including, but not limited to, the Digital Imaging and Workflow Solutions Scanning Software used
2 in providing the services discussed in the Legal Services Solutions Cut Sheet, the Healthcare
3 Services Cut Sheet, and the Telecommunications Company Case Study, links to which are
4 displayed on the web page found at [http://www.pb.com/cgi-bin/pb.dll/jsp/ProductDetail.do](http://www.pb.com/cgi-bin/pb.dll/jsp/ProductDetail.do?lang=en&country=US&prodOID=22854&catOID=-16956)
5 [?lang=en&country=US & prodOID=22854&catOID=-16956](http://www.pb.com/cgi-bin/pb.dll/jsp/ProductDetail.do?lang=en&country=US&prodOID=22854&catOID=-16956) of the PB Website, and the Document
6 Processing Solutions used in providing the services discussed in the Inbound Document Processing
7 and the Records and Information Management Case Studies, links to which are displayed on the
8 web page found at [http://www.pb.com/cgi-bin/pb.dll/jsp/SPLInterest.do](http://www.pb.com/cgi-bin/pb.dll/jsp/SPLInterest.do?sitelet=DPS&catOID=-19406&lang=en&country=US&lang=en&country=US) [?sitelet=DPS&catOID=-](http://www.pb.com/cgi-bin/pb.dll/jsp/SPLInterest.do?sitelet=DPS&catOID=-19406&lang=en&country=US&lang=en&country=US)
9 [19406&lang=en&country=US&lang=en&country=US](http://www.pb.com/cgi-bin/pb.dll/jsp/SPLInterest.do?sitelet=DPS&catOID=-19406&lang=en&country=US&lang=en&country=US) of the PB Website, in which information
10 from a hard copy document is extracted and transmitted to an application program in a manner
11 defined by the claims of the '505 Patent without permission from Millennium and will continue to
12 do so unless enjoined by this Court.

14 32. Millennium has been damaged by such infringing activities by the Defendant and
15 will be irreparably harmed unless such infringing activities are enjoined by this Court.

16 **COUNT SIX**

17 33. Eon-Net repeats and incorporates herein the entirety of the allegations contained in
18 paragraphs 2 through 7, and 14 through 17 above.

19 34. PB has for a long time past and still is infringing, actively inducing the infringement
20 of and contributorily infringing in this judicial district, the '697 Patent by, among other things,
21 importing, making, using, offering for sale, and/or selling computer hardware, software and systems
22 including, but not limited to, the PB First Software Document Processing Software product, a link
23 to which is displayed on the web page found at [http://www.pb.com/cgi-](http://www.pb.com/cgi-bin/pb.dll/jsp/ProductDetail.do?prodOID=22874&lang=en&country=)
24 [bin/pb.dll/jsp/ProductDetail.do?prodOID=22874&lang=en&country=](http://www.pb.com/cgi-bin/pb.dll/jsp/ProductDetail.do?prodOID=22874&lang=en&country=) of the PB Website in which
25 information from an electronic document is extracted and transmitted to an application program in a
26 manner defined by the claims of the '697 Patent without permission from Eon-Net and will continue
27 to do so unless enjoined by this Court.
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1 extracted and transmitted to an application program in a manner defined by the claims of the '162
2 Patent without permission from Eon-Net and will continue to do so unless enjoined by this Court.

3 41. Eon-Net has been damaged by such infringing activities by the Defendant and will
4 be irreparably harmed unless such infringing activities are enjoined by this Court.

5 **PRAYER FOR RELIEF**

6 WHEREFORE, the Plaintiffs Millennium and Eon-Net pray for judgment against the
7 Defendant PB on all the counts and for the following relief:

- 8 A. Declaration that Millennium is the owner of the '855 Patent, and that it has the right
9 to sue and to recover for infringement thereof;
- 10 B. Declaration that the '855 Patent is valid and enforceable;
- 11 C. Declaration that the Defendant has infringed, actively induced infringement of, and
12 contributorily infringed the '855 Patent;
- 13 D. A preliminary and permanent injunction against the Defendant, each of its officers,
14 agents, servants, employees, and attorneys, all parent and subsidiary corporations,
15 their assigns and successors in interest, and those persons acting in active concert or
16 participation with them, enjoining them from continuing acts of infringement, active
17 inducement of infringement, and contributory infringement of the '855 Patent;
- 18 E. An accounting for damages under 35 U.S.C. §284 for infringement of the '855
19 Patent by the Defendant and the award of damages so ascertained to Millennium
20 together with interest as provided by law;
- 21 F. Declaration that Millennium is the owner of the '508 Patent, and that it has the right
22 to sue and to recover for infringement thereof;
- 23 G. Declaration that the '508 Patent is valid and enforceable;
- 24 H. Declaration that the Defendant has infringed, actively induced infringement of, and
25 contributorily infringed the '508 Patent;
- 26 I. A preliminary and permanent injunction against the Defendant, each of its officers,
27 agents, servants, employees, and attorneys, all parent and subsidiary corporations,
28 their assigns and successors in interest, and those persons acting in active concert or

1 participation with them, enjoining them from continuing acts of infringement, active
2 inducement of infringement, and contributory infringement of the '508 Patent;

3 J. An accounting for damages under 35 U.S.C. §284 for infringement of the '508
4 Patent by the Defendant and the award of damages so ascertained to Millennium
5 together with interest as provided by law;

6 K. Declaration that Millennium is the owner of the '465 Patent, and that it has the right
7 to sue and to recover for infringement thereof;

8 L. Declaration that the '465 Patent is valid and enforceable;

9 M. Declaration that the Defendant has infringed, actively induced infringement of, and
10 contributorily infringed the '465 Patent;

11 N. A preliminary and permanent injunction against the Defendant, each of its officers,
12 agents, servants, employees, and attorneys, all parent and subsidiary corporations,
13 their assigns and successors in interest, and those persons acting in active concert or
14 participation with them, enjoining them from continuing acts of infringement, active
15 inducement of infringement, and contributory infringement of the '465 Patent;

16 O. An accounting for damages under 35 U.S.C. §284 for infringement of the '465
17 Patent by the Defendant and the award of damages so ascertained to Millennium
18 together with interest as provided by law;

19 P. Declaration that Millennium is the owner of the '416 Patent, and that it has the right
20 to sue and to recover for infringement thereof;

21 Q. Declaration that the '416 Patent is valid and enforceable;

22 R. Declaration that the Defendant has infringed, actively induced infringement of, and
23 contributorily infringed the '416 Patent;

24 S. A preliminary and permanent injunction against the Defendant, each of its officers,
25 agents, servants, employees, and attorneys, all parent and subsidiary corporations,
26 their assigns and successors in interest, and those persons acting in active concert or
27 participation with them, enjoining them from continuing acts of infringement, active
28 inducement of infringement, and contributory infringement of the '416 Patent;

- 1 T. An accounting for damages under 35 U.S.C. §284 for infringement of the ‘416
2 Patent by the Defendant and the award of damages so ascertained to Millennium
3 together with interest as provided by law;
- 4 U. Declaration that Millennium is the owner of the ‘505 Patent, and that it has the right
5 to sue and to recover for infringement thereof;
- 6 V. Declaration that the ‘505 Patent is valid and enforceable;
- 7 W. Declaration that the Defendant has infringed, actively induced infringement of, and
8 contributorily infringed the ‘505 Patent;
- 9 X. A preliminary and permanent injunction against the Defendant, each of its officers,
10 agents, servants, employees, and attorneys, all parent and subsidiary corporations,
11 their assigns and successors in interest, and those persons acting in active concert or
12 participation with them, enjoining them from continuing acts of infringement, active
13 inducement of infringement, and contributory infringement of the ‘505 Patent;
- 14 Y. An accounting for damages under 35 U.S.C. §284 for infringement of the ‘505
15 Patent by the Defendant and the award of damages so ascertained to Millennium
16 together with interest as provided by law;
- 17 Z. Declaration that Eon-Net is the owner of the ‘697 Patent, and that it has the right to
18 sue and to recover for infringement thereof;
- 19 AA. Declaration that the ‘697 Patent is valid and enforceable;
- 20 BB. Declaration that the Defendant has infringed, actively induced infringement of, and
21 contributorily infringed the ‘697 Patent;
- 22 CC. A preliminary and permanent injunction against the Defendant, each of its officers,
23 agents, servants, employees, and attorneys, all parent and subsidiary corporations,
24 their assigns and successors in interest, and those persons acting in active concert or
25 participation with them, enjoining them from continuing acts of infringement, active
26 inducement of infringement, and contributory infringement of the ‘697 Patent;
- 27
28

1 DD. An accounting for damages under 35 U.S.C. §284 for infringement of the '697
2 Patent by the Defendant and the award of damages so ascertained to Eon-Net
3 together with interest as provided by law;

4 EE. Declaration that Eon-Net is the owner of the '673 Patent, and that it has the right to
5 sue and to recover for infringement thereof;

6 FF. Declaration that the '673 Patent is valid and enforceable;

7 GG. Declaration that the Defendant has infringed, actively induced infringement of, and
8 contributorily infringed the '673 Patent;

9 HH. A preliminary and permanent injunction against the Defendant, each of its officers,
10 agents, servants, employees, and attorneys, all parent and subsidiary corporations,
11 their assigns and successors in interest, and those persons acting in active concert or
12 participation with them, enjoining them from continuing acts of infringement, active
13 inducement of infringement, and contributory infringement of the '673 Patent;

14 II. An accounting for damages under 35 U.S.C. §284 for infringement of the '673 t by
15 the Defendant and the award of damages so ascertained to Eon-Net together with
16 interest as provided by law;

17 JJ. Declaration that Eon-Net is the owner of the '162 Patent, and that it has the right to
18 sue and to recover for infringement thereof;

19 KK. Declaration that the '162 Patent is valid and enforceable;

20 LL. Declaration that the Defendant has infringed, actively induced infringement of, and
21 contributorily infringed the '162 Patent;

22 MM. A preliminary and permanent injunction against the Defendant, each of its officers,
23 agents, servants, employees, and attorneys, all parent and subsidiary corporations,
24 their assigns and successors in interest, and those persons acting in active concert or
25 participation with them, enjoining them from continuing acts of infringement, active
26 inducement of infringement, and contributory infringement of the '162 Patent;

1 NN. An accounting for damages under 35 U.S.C. §284 for infringement of the '162
2 Patent by the Defendant and the award of damages so ascertained to Eon-Net
3 together with interest as provided by law;

4 OO. Award of reasonable attorney's fees to the Plaintiffs Millennium and Eon-Net
5 pursuant to 35 U.S.C. §285;

6 PP. Award of Millennium and Eon-Net's costs and expenses; and

7 QQ. Such other and further relief as this Court may deem proper, just and equitable.
8

9 **DEMAND FOR JURY TRIAL**

10 The Plaintiffs Millennium and Eon-Net demand a trial by jury of all issues properly triable
11 by jury in this action.

12 By: /s/Jean-Marc Zimmerman
13 Jean-Marc Zimmerman (JZ 7743)
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15 226 St. Paul Street
16 Westfield, NJ 07090
17 Tel: (908) 654-8000
18 Fax: (08) 654-7207
19 Attorneys for Plaintiffs Millennium, L.P.
20 and Eon-Net, L.P.

21 Dated: September 11, 2008
22 Westfield, NJ
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