

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

WALKER DIGITAL, LLC

Plaintiff,

v.

**CANON U.S.A., INC.; CASIO AMERICA,
INC.; EASTMAN KODAK CO.; EYE-FI,
INC.; FUJIFILM U.S.A., INC.; NIKON INC.;
OLYMPUS AMERICA INC.; PENTAX OF
AMERICA, INC.; RICOH AMERICAS
CORP.; SAMSUNG ELECTRONICS
AMERICA; SANYO NORTH AMERICA
CORPORATION; SONY CORPORATION
OF AMERICA; and SONY ELECTRONICS
INC.**

Defendants.

Civil Action No. _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Walker Digital, LLC (“Walker Digital”) files this complaint for patent infringement against Defendants Canon U.S.A., Inc. (“Canon”); Casio America, Inc. (“Casio”); Eastman Kodak Co. (“Kodak”); Eye-Fi, Inc. (“Eye-Fi”); Fujifilm U.S.A., Inc. (“Fujifilm”); Nikon Inc. (“Nikon”); Olympus America Inc. (“Olympus”); Pentax of America, Inc. (“Pentax”); Ricoh Americas Corp. (“Ricoh”); Samsung Electronics America (“Samsung”); Sanyo North America Corporation (“Sanyo”); Sony Corporation of America (“SCA”); and Sony Electronics, Inc. (“Sony Electronics”) (collectively the “Defendants”) on personal knowledge as to its own actions and on information and belief as to the action of others, as follows:

THE PARTIES

1. Plaintiff Walker Digital, LLC is a Delaware limited liability company with its principal place of business located at 2 High Ridge Park, Stamford, CT 06905. Walker Digital is a research and development laboratory that has been the genesis for many successful businesses, including Priceline.com and Synapse, Inc.

2. On information and belief, Defendant Canon U.S.A., Inc. (“Canon”) is a New York corporation with its principal place of business at One Canon Plaza, Lake Success, New York 11042.

3. On information and belief, Defendant Casio America, Inc. (“Casio”) is a New York corporation with its principal place of business at 570 Mount Pleasant Avenue, Dover, New Jersey 07801.

4. On information and belief, Defendant Eastman Kodak Co. (“Kodak”) is a New Jersey corporation with its principal place of business at 343 State Street, Rochester, New York 14650.

5. On information and belief, Defendant Eye-Fi, Inc. (“Eye-Fi”) is a California corporation with its principal place of business at 305 W Evelyn Avenue, Mountain View, California 94041.

6. On information and belief, Defendant Fujifilm U.S.A., Inc. (“Fujifilm”) is a New York corporation with its principal place of business at 200 Summit Lake Drive, Valhalla, New York 10595.

7. On information and belief, Defendant Nikon Inc. (“Nikon”) is a New York corporation with its principal place of business at 1300 Walt Whitman Road, Melville, New York 11747.

8. On information and belief, Defendant Olympus America Inc. (“Olympus”) is a New York corporation with its principal place of business at 3500 Corporate Parkway, Center Valley, Pennsylvania 18034.

9. On information and belief, Defendant Pentax of America, Inc. (“Pentax”) is a Delaware corporation with its principal place of business at 102 Chestnut Ridge Rd., Montvale, New Jersey 07645.

10. On information and belief, Defendant Ricoh Americas Corp. (“Ricoh”) is a Delaware corporation with its principal place of business at 5 Dedrick Place, West Caldwell, New Jersey 07006.

11. On information and belief, Defendant Samsung Electronics America (“Samsung”) is a New York corporation with its principal place of business located at 105 Challenger Road, Ridgefield Park, New Jersey 07660.

12. On information and belief, Defendant Sanyo North America Corporation (“Sanyo”) is a Delaware corporation with its principal place of business at 2055 Sanyo Avenue, San Diego, California 92154.

13. On information and belief, Defendant Sony Corporation of America (“SCA”) is a New York corporation with its principal place of business at 550 Madison Avenue, New York, New York 10022.

14. On information and belief, Defendant Sony Electronics, Inc. (“Sony Electronics”) is a Delaware corporation with its principal place of business located at 6530 Via Esprillo, San Diego, California 92127.

JURISDICTION AND VENUE

15. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

16. On information and belief, all of the Defendants are subject to this Court’s jurisdiction because they have: (1) transacted business in this District including such activities as (directly and/or through intermediaries) shipping, distributing, offering for sale, selling, and/or advertising (including via the provision of products and services over the Internet) each of their accused products in the State of Delaware; and/or (2) delivered their products into the stream of commerce with the expectation that they will be purchased by consumers in Delaware. Moreover, Defendants Pentax, Ricoh, Sanyo, and Sony Electronics are corporations organized and existing under the laws of the State of Delaware. All the Defendants, upon information and belief, are doing substantial business in this District, and have committed acts of patent infringement in this District.

17. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and (c), and 1400(b).

THE '323 PATENT

18. On April 12, 2011, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 7,924,323 (“the ’323 Patent”), entitled “Method and Apparatus for Automatically Capturing and Managing Images,” to Jay S. Walker, James A. Jorasch and Russell P. Sammon, who assigned all of their rights and interests in the ’323 patent to Walker Digital. A copy of the ’323 Patent is attached to the Complaint as Exhibit A.

19. Walker Digital is thus the owner of the ’323 Patent.

FACTUAL BACKGROUND

20. Walker Digital is a research and development laboratory that has invested many millions of dollars in the development of its intellectual property. Walker Digital is comprised of a diverse group of inventors who solve business problems by studying human behavior and designing innovative solutions utilizing modern information technologies. Walker Digital’s invention team has created a portfolio of more than 200 U.S. and international patents in a wide range of industries that include retail, vending, credit cards, security, gaming, educational testing, and entertainment. Jay Walker, the chairman of Walker Digital, is best known as the founder of Priceline.com, which brought unprecedented technology and a new level of value to the travel industry. The business processes that guide Priceline.com’s success were created in the invention lab of Walker Digital. As an inventor, Mr. Walker is named on more than 450 issued and pending U.S. and international patents.

21. Walker Digital has invested large sums of money to develop the inventions of Mr. Walker and Walker Digital’s team of innovators. This investment was used for many things, including the development of laboratory facilities to assist with the development and testing of new inventions, which, in turn, generated additional new inventions. Many of these new inventions have been the genesis for successful businesses, including Priceline.com and Synapse, Inc. Revolutionary technologies, including a method and apparatus for automatically capturing and managing images, as described and claimed in the ’323 patent, were a direct result of that investment.

22. The '323 patent represents breakthrough technology in the field of digital cameras. By way of example and not limitation, the inventions of the '323 patent allow a user to pre-program a camera or removable memory of a camera to transmit later acquired images when certain conditions are satisfied.

FIRST CAUSE OF ACTION
(Infringement of the '323 Patent)
(35 U.S.C. § 271)

23. Plaintiff repeats and incorporates by reference each of the allegations contained in Paragraphs 1 through 22 above, and further alleges as follows:

24. On information and belief, without a license or permission from Plaintiff, Defendant Canon is infringing (literally and/or under the doctrine of equivalents) the '323 Patent in this District and throughout the United States by, among other things, making, using, selling offering for sale and/or importing cameras, including without limitation the PowerShot G12, that are covered by, without limitation, claim 1 of the '323 Patent. By way of example and without limitation, Defendant's cameras allow a user to pre-program a camera to transmit later acquired images when certain conditions are satisfied. Defendant's infringement of the '323 Patent has caused substantial damage to Plaintiff.

25. On information and belief, without a license or permission from Plaintiff, Defendant Casio is infringing (literally and/or under the doctrine of equivalents) the '323 Patent in this District and throughout the United States by, among other things, making, using, selling offering for sale and/or importing cameras, including without limitation the EX-Z100, that are covered by, without limitation, claim 1 of the '323 Patent. By way of example and without limitation, Defendant's cameras allow a user to pre-program a camera to transmit later acquired images when certain conditions are satisfied. Defendant's infringement of the '323 Patent has caused substantial damage to Plaintiff.

26. On information and belief, without a license or permission from Plaintiff, Defendant Eye-Fi is infringing (literally and/or under the doctrine of equivalents) the '323 Patent in this District and throughout the United States by, among other things, using cameras with Eye-

Fi cards, including the Connect X2, that are covered by, without limitation, claim 1 of the '323 Patent. By way of example and without limitation, Defendant uses cameras with Eye-Fi cards that allow a user to pre-program a camera to transmit later acquired images when certain conditions are satisfied. Defendant's infringement of the '323 Patent has caused substantial damage to Plaintiff.

27. On information and belief, without a license or permission from Plaintiff, Defendant Fuji is infringing (literally and/or under the doctrine of equivalents) the '323 Patent in this District and throughout the United States by, among other things, making, using, selling offering for sale and/or importing cameras, including without limitation the HS20EXR, that are covered by, without limitation, claim 1 of the '323 Patent. By way of example and without limitation, Defendant's cameras allow a user to pre-program a camera to transmit later acquired images when certain conditions are satisfied. Defendant's infringement of the '323 Patent has caused substantial damage to Plaintiff.

28. On information and belief, without a license or permission from Plaintiff, Defendant Kodak is infringing (literally and/or under the doctrine of equivalents) the '323 Patent in this District and throughout the United States by, among other things, making, using, selling offering for sale and/or importing cameras, including without limitation the EASYSHARE Max, that are covered by, without limitation, claim 1 of the '323 Patent. By way of example and without limitation, Defendant's cameras allow a user to pre-program a camera to transmit later acquired images when certain conditions are satisfied. Defendant's infringement of the '323 Patent has caused substantial damage to Plaintiff.

29. On information and belief, without a license or permission from Plaintiff, Defendant Nikon is infringing (literally and/or under the doctrine of equivalents) the '323 Patent in this District and throughout the United States by, among other things, making, using, selling offering for sale and/or importing cameras, including without limitation the D3100, that are covered by, without limitation, claim 1 of the '323 Patent. By way of example and without limitation, Defendant's cameras allow a user to pre-program a camera to transmit later acquired

images when certain conditions are satisfied. Defendant's infringement of the '323 Patent has caused substantial damage to Plaintiff.

30. On information and belief, without a license or permission from Plaintiff, Defendant Olympus is infringing (literally and/or under the doctrine of equivalents) the '323 Patent in this District and throughout the United States by, among other things, making, using, selling offering for sale and/or importing cameras, including without limitation the SZ-30MR, that are covered by, without limitation, claim 1 of the '323 Patent. By way of example and without limitation, Defendant's cameras allow a user to pre-program a camera to transmit later acquired images when certain conditions are satisfied. Defendant's infringement of the '323 Patent has caused substantial damage to Plaintiff.

31. On information and belief, without a license or permission from Plaintiff, Defendant Pentax is infringing (literally and/or under the doctrine of equivalents) the '323 Patent in this District and throughout the United States by, among other things, making, using, selling offering for sale and/or importing cameras, including without limitation the K-5, that are covered by, without limitation, claim 1 of the '323 Patent. By way of example and without limitation, Defendant's cameras allow a user to pre-program a camera to transmit later acquired images when certain conditions are satisfied. Defendant's infringement of the '323 Patent has caused substantial damage to Plaintiff.

32. On information and belief, without a license or permission from Plaintiff, Defendant Ricoh is infringing (literally and/or under the doctrine of equivalents) the '323 Patent in this District and throughout the United States by, among other things, making, using, selling offering for sale and/or importing cameras, including without limitation the CX-5, that are covered by, without limitation, claim 1 of the '323 Patent. By way of example and without limitation, Defendant's cameras allow a user to pre-program a camera to transmit later acquired images when certain conditions are satisfied. Defendant's infringement of the '323 Patent has caused substantial damage to Plaintiff.

33. On information and belief, without a license or permission from Plaintiff, Defendant Samsung is infringing (literally and/or under the doctrine of equivalents) the '323 Patent in this District and throughout the United States by, among other things, making, using, selling offering for sale and/or importing cameras, including without limitation the SH100, that are covered by, without limitation, claim 1 of the '323 Patent. By way of example and without limitation, Defendant's cameras allow a user to pre-program a camera to transmit later acquired images when certain conditions are satisfied. Defendant's infringement of the '323 Patent has caused substantial damage to Plaintiff.

34. On information and belief, without a license or permission from Plaintiff, Defendant Sanyo is infringing (literally and/or under the doctrine of equivalents) the '323 Patent in this District and throughout the United States by, among other things, making, using, selling offering for sale and/or importing cameras, including without limitation the Xacti VPC-CS1, that are covered by, without limitation, claim 1 of the '323 Patent. By way of example and without limitation, Defendant's cameras allow a user to pre-program a camera to transmit later acquired images when certain conditions are satisfied. Defendant's infringement of the '323 Patent has caused substantial damage to Plaintiff.

35. On information and belief, without a license or permission from Plaintiff, Defendants SCA and Sony Electronics are infringing (literally and/or under the doctrine of equivalents) the '323 Patent in this District and throughout the United States by, among other things, making, using, selling offering for sale and/or importing cameras, including without limitation the Alpha A55, that are covered by, without limitation, claim 1 of the '323 Patent. By way of example and without limitation, Defendants' cameras allow a user to pre-program a camera to transmit later acquired images when certain conditions are satisfied. Defendant's infringement of the '323 Patent has caused substantial damage to Plaintiff.

36. Walker Digital has suffered and will continue to suffer severe and irreparable harm unless this Court issues a permanent injunction prohibiting Defendants, their agents,

servants, employees, representatives, and all others acting in active concert therewith from infringing the '323 Patent.

DEMAND FOR JURY TRIAL

Plaintiff Walker Digital, pursuant to Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

PRAYER FOR RELIEF

For the reasons stated above, Walker Digital respectfully asks this Court to grant the following relief in favor of Walker Digital and against Defendants:

A. A judgment that the '323 Patent is valid and enforceable, and that each Defendant has infringed one or more claims of the '323 Patent;

B. A permanent injunction enjoining Defendants and their officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert or participation with them, from infringing the '323 patent;

C. A judgment and order requiring Defendants to pay Walker Digital its damages, costs, expenses, and pre-judgment and post-judgment interest for Defendants' infringement of the '505 patent;

D. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding Walker Digital its reasonable attorneys' fees; and

E. Any and all such other relief as the Court deems just and proper.

April 12, 2011

BAYARD, P.A.

Of Counsel:

James C. Otteson
Monica M. Eno
David A. Caine
Xiang Long
Agility IP Law, LLP
1900 University Circle
Suite 201
East Palo Alto, CA 94303
jim@agilityiplaw.com
monica@agilityiplaw.com
dacaine@agilityiplaw.com
longxiang@agilityiplaw.com
(650) 227-4800

/s/ Richard D. Kirk (rk0922)
Richard D. Kirk (rk0922)
Stephen B. Braerman (sb4952)
222 Delaware Avenue, Suite 900
P.O. Box 25130
Wilmington, DE 19899
rkirk@bayardlaw.com
sbraerman@bayardlaw.com
(302) 655-5000

Attorneys for Plaintiff Walker Digital, LLC