

UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK

Jean-Marc Zimmerman (JZ 7743)
Law Offices of Jean-Marc Zimmerman LLC
226 St. Paul Street
Westfield, New Jersey 07090
Tel: (908) 654-8000
Fax: (908) 654-7207
jmzimmerman@lawofficesjmz.com

Attorneys for Plaintiff Content Extraction and Transmission LLC

CONTNET EXTRACTION AND
TRANSMISSION LLC

Plaintiff,

v.

DRIVVE US LLC,

Defendant.

Case No. 12 CIV 1188

COMPLAINT FOR PATENT
INFRINGEMENT

DEMAND FOR JURY TRIAL

Plaintiff Content Extraction and Transmission LLC (“CET”) demands a jury trial and complains against defendant Drivve US LLC (“defendant”), as follows:

THE PARTIES

1. CET is a limited liability company organized and existing under the laws of the State of New Jersey, with its principal place of business at New Jersey.

2. Upon information and belief, defendant is a limited liability company organized and existing under the laws of the State of Texas having a place of business at 3925 W. Braker Lane, 3rd Floor, Austin TX 78759.

JURISDICTION AND VENUE

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

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

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

4 **CLAIM FOR PATENT INFRINGEMENT**

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

7 7. On November 2, 1993, U.S. Patent No. 5,258,855 (hereinafter referred to as “the
8 ‘855 patent”) was duly and legally issued to System X, L.P. for an invention entitled “Information
9 Processing Methodology.” A copy of the ‘855 patent is attached to this Complaint as Exhibit 1.
10

11 8. On November 29, 1994, U.S. Patent No. 5,369,508 (hereinafter referred to as “the
12 ‘508 patent”) was duly and legally issued to System X, L.P. for an invention entitled “Information
13 Processing Methodology.” A copy of the ‘508 patent is attached to this Complaint as Exhibit 2.

14 9. On April 29, 1997, U.S. Patent No. 5,625,465 (hereinafter referred to as “the ‘465
15 patent”) was duly and legally issued to International Patent Holdings, Ltd. for an invention entitled
16 “Information Processing Methodology.” A copy of the ‘465 patent is attached to this Complaint as
17 Exhibit 3.

18 10. On June 16, 1998, U.S. Patent No. 5,768,416 (hereinafter referred to as “the ‘416
19 patent”) was duly and legally issued to Millennium for an invention entitled “Information
20 Processing Methodology.” A copy of the ‘416 patent is attached to this Complaint as Exhibit 4.
21

22 11. On July 25, 2000, U.S. Patent No. 6,094,505 (hereinafter referred to as “the ‘505
23 patent”) was duly and legally issued to Millennium for an invention entitled “Information
24 Processing Methodology.” A copy of the ‘505 patent is attached to this Complaint as Exhibit 5.

25 12. On August 21, 2007, U.S. Patent No. 7,259,887 (hereinafter referred to as “the ‘887
26 patent”) was duly and legally issued to Millennium for an invention entitled “Information
27 Processing Methodology.” A copy of the ‘887 patent is attached to this Complaint as Exhibit 6.
28

1 13. On January 6, 2009, U.S. Patent No. 7,474,434 (hereinafter referred to as “the ‘434
2 patent”) was duly and legally issued to Millennium for an invention entitled “Information
3 Processing Methodology.” A copy of the ‘434 patent is attached to this Complaint as Exhibit 7.

4 14. CET is the owner by way of assignment of all right, title and interest in and to the
5 ‘855, ‘508, ‘465, ‘416, ‘505, ‘887 and ‘434 patents.

6 **COUNT ONE**

7 15. Plaintiff, CET, repeats and incorporates herein the entirety of the allegations
8 contained in paragraphs 1 through 14 above.

9 16. Defendant has and still is infringing, actively inducing the infringement of and
10 contributorily infringing in this judicial district, the ‘855 patent by, among other things, importing,
11 making, using, offering for sale, and/or selling computer hardware, software and systems, including
12 but not limited to its Drivve | Image product, in which information from a hard copy document is
13 extracted and transmitted to an application program in a manner defined by the claims of the ‘855
14 patent without permission from CET and will continue to do so unless enjoined by this Court.
15

16 17. Plaintiff, CET, has been damaged by such infringing activities by the Defendant of
17 the ‘855 patent and will be irreparably harmed unless such infringing activities are enjoined by this
18 Court.
19

20 **COUNT TWO**

21 18. Plaintiff, CET, repeats and incorporates herein the entirety of the allegations
22 contained in paragraphs 1 through 17 above.

23 19. Defendant has and still is infringing, actively inducing the infringement of and
24 contributorily infringing in this judicial district, the ‘508 patent by, among other things, importing,
25 making, using, offering for sale, and/or selling computer hardware, software and systems, including
26 but not limited to its Drivve | Image product, in which information from a hard copy document is
27
28

1 extracted and transmitted to an application program in a manner defined by the claims of the ‘508
2 patent without permission from CET and will continue to do so unless enjoined by this Court.

3 20. Plaintiff, CET, has been damaged by such infringing activities by the Defendant, of
4 the ‘508 patent and will be irreparably harmed unless such infringing activities are enjoined by this
5 Court.

6 **COUNT THREE**

7 21. Plaintiff, CET, repeats and incorporates herein the entirety of the allegations
8 contained in paragraphs 1 through 20 above.

9 22. Defendant has and still is infringing, actively inducing the infringement of and
10 contributorily infringing in this judicial district, the ‘465 patent by, among other things, importing,
11 making, using, offering for sale, and/or selling computer hardware, software and systems, including
12 but not limited to its Drivve | Image product, in which information from a hard copy document is
13 extracted and transmitted to an application program in a manner defined by the claims of the ‘465
14 patent without permission from CET and will continue to do so unless enjoined by this Court.
15

16 23. Plaintiff, CET, has been damaged by such infringing activities by the Defendant of
17 the ‘465 patent and will be irreparably harmed unless such infringing activities are enjoined by this
18 Court.
19

20 **COUNT FOUR**

21 24. Plaintiff, CET, repeats and incorporates herein the entirety of the allegations
22 contained in paragraphs 1 through 23 above.

23 25. Defendant has and still is infringing, actively inducing the infringement of and
24 contributorily infringing in this judicial district, the ‘506 patent by, among other things, importing,
25 making, using, offering for sale, and/or selling computer hardware, software and systems, including
26 but not limited to its Drivve | Image product, in which information from a hard copy document is
27
28

1 extracted and transmitted to an application program in a manner defined by the claims of the ‘506
2 patent without permission from CET and will continue to do so unless enjoined by this Court.

3 26. Plaintiff, CET, has been damaged by such infringing activities by the Defendant, of
4 the ‘506 patent and will be irreparably harmed unless such infringing activities are enjoined by this
5 Court.

6 **COUNT FIVE**

7 27. Plaintiff, CET, repeats and incorporates herein the entirety of the allegations
8 contained in paragraphs 1 through 26 above.

9 28. Defendant has and still is infringing, actively inducing the infringement of and
10 contributorily infringing in this judicial district, the ‘505 patent by, among other things, importing,
11 making, using, offering for sale, and/or selling computer hardware, software and systems, including
12 but not limited to its Drivve | Image product, in which information from a hard copy document is
13 extracted and transmitted to an application program in a manner defined by the claims of the ‘505
14 patent without permission from CET and will continue to do so unless enjoined by this Court.
15

16 29. Plaintiff, CET, has been damaged by such infringing activities by the Defendant, of
17 the ‘505 patent and will be irreparably harmed unless such infringing activities are enjoined by this
18 Court.
19

20 **COUNT SIX**

21 30. Plaintiff, CET, repeats and incorporates herein the entirety of the allegations
22 contained in paragraphs 1 through 29 above.

23 31. Defendant has and still is infringing, actively inducing the infringement of and
24 contributorily infringing in this judicial district, the ‘887 patent by, among other things, importing,
25 making, using, offering for sale, and/or selling computer hardware, software and systems, including
26 but not limited to its Drivve | Image product, in which information from a hard copy document is
27
28

1 extracted and transmitted to an application program in a manner defined by the claims of the '887
2 patent without permission from CET and will continue to do so unless enjoined by this Court.

3 32. Plaintiff, CET, has been damaged by such infringing activities by the Defendant, of
4 the '887 patent and will be irreparably harmed unless such infringing activities are enjoined by this
5 Court.

6 **COUNT SEVEN**

7 33. Plaintiff, CET, repeats and incorporates herein the entirety of the allegations
8 contained in paragraphs 1 through 32 above.

9 34. Defendant has and still is infringing, actively inducing the infringement of and
10 contributorily infringing in this judicial district, the '434 patent by, among other things, importing,
11 making, using, offering for sale, and/or selling computer hardware, software and systems, including
12 but not limited to its Drivve | Image product, in which information from a hard copy document is
13 extracted and transmitted to an application program in a manner defined by the claims of the '434
14 patent without permission from CET and will continue to do so unless enjoined by this Court.
15

16 35. Plaintiff, CET, has been damaged by such infringing activities by the Defendant, of
17 the '434 patent and will be irreparably harmed unless such infringing activities are enjoined by this
18 Court.
19

20 **PRAYER FOR RELIEF**

21 WHEREFORE, THE Plaintiff, CET prays for judgment against the Defendant on all the
22 counts and for the following relief:

- 23 A. Declaration that the Plaintiff is the owner of the '855, '508, '465, '416, '505, '887
24 and '434 patents and that the Plaintiff has the right to sue and to recover for
25 infringement thereof;
- 26 B. Declaration that the '855, '508, '465, '416, '505 '887 and '434 patents are valid and
27 enforceable;
28

- 1 C. Declaration that the Defendant has infringed, actively induced infringement of, and
2 contributorily infringed '855, '508, '465, '416, '505, '887 and '434 patents;
- 3 D. A preliminary and permanent injunction against the Defendant, each of its officers,
4 agents, servants, employees, and attorneys, all parent and subsidiary corporations,
5 their assigns and successors in interest, and those persons acting in active concert or
6 participation with them, including distributors and customers, enjoining them from
7 continuing acts of infringement, active inducement of infringement, and contributory
8 infringement of CET's '855, '508, '465, '416, '505, '887 and '434 patents;
- 9 E. An accounting for damages under 35 U.S.C. §284 for infringement of CET's '855,
10 '508, '465, '416, '505, '887 and '434 patents by the Defendant and the award of
11 damages so ascertained to the Plaintiff together with interest as provided by law;
- 12 F. Award of CET's costs and expenses; and
- 13 G. Such other and further relief as this Court may deem proper, just and equitable.

14 **DEMAND FOR JURY TRIAL**

15 The Plaintiff, CET, demands a trial by jury of all issues properly triable by jury in this
16 action.

17 By: /s/Jean-Marc Zimmerman
18 Jean-Marc Zimmerman (JZ 7743)
19 Law Offices of Jean-Marc Zimmerman LLC
20 226 St. Paul Street
21 Westfield, New Jersey 07090
22 Attorneys for Plaintiff Content Extraction
23 and Transmission LLC

24 Dated: February 13, 2012
25 Westfield, New Jersey