

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

RECOGNICORP, LLC,

Plaintiff,

v.

VISTAPRINT USA INCORPORATED,
VISTAPRINT N.V., VISTAPRINT
LIMITED, and VISTAPRINT
NETHERLANDS B.V.

Defendants.

Civil Action No. _____

JURY TRIAL DEMANDED

PLAINTIFF RECOGNICORP, LLC'S
ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT
AND JURY DEMAND

Plaintiff Recognicorp, LLC (“Recognicorp” or “Plaintiff”), by way of Complaint against defendants Vistaprint USA Incorporated (“Vistaprint USA”), Vistaprint N.V., Vistaprint Limited, and Vistaprint Netherlands, B.V. (“Vistaprint Netherlands”) hereby alleges the following:

NATURE OF THE ACTION

1. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. §§ 1, et seq.
2. THE PARTIES
3. Plaintiff Recognicorp is a limited liability company organized under the laws of the State of Texas with its principal place of business at 106 Fannin Avenue East, Round Rock, Texas 78664-5219.

4. On information and belief, Defendant Vistaprint USA is a company organized under the laws of the Commonwealth of Massachusetts with its principal place of business at 95 Hayden Avenue, Lexington, Massachusetts 02421.

5. On information and belief, Defendant Vistaprint N.V. is a company organized under the laws of the Country of the Netherlands with its principal place of business at Hudsonweg 8, 5928 LW Venlo, The Netherlands.

6. On information and belief, Defendant Vistaprint Limited is a company organized under the law of the Country of Bermuda with its principal place of business at Canon's Court, 22 Victoria Street, Hamilton HM12, Bermuda.

7. On information and belief, Defendant Vistaprint Netherlands is a company organized under the laws of the Country of the Netherlands with its principal place of business at Hudsonweg 8, 5928 LW Venlo, The Netherlands.

JURISDICTION AND VENUE

8. This is an action for patent infringement arising under the Patent Laws of the United States, Title 35 of the United States Code.

9. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338.

10. Vistaprint USA is subject to the jurisdiction of this Court by reason of its acts of patent infringement which have been committed in this Judicial District, and by virtue of its regularly conducted and systematic business contacts in this Commonwealth. On information and belief, Vistaprint U.S.A. makes, uses, imports, sells, and/or offers for sale to customers in the Commonwealth of Massachusetts, products incorporating composite image customization that infringe one or more claims of the '303 Patent ("Accused Services

and Products”). As such, Vistaprint USA has purposefully availed itself of the privilege of conducting business within this Judicial District; has established sufficient minimum contacts with this Judicial District such that it should reasonably and fairly anticipate being haled into court in the District; has purposefully directed activities at residents of this Commonwealth; and at least a portion of the patent infringement claims alleged herein arise out of or are related to one or more of the foregoing activities.

11. Vistaprint N.V. is subject to the jurisdiction of this Court by reason of its acts of patent infringement which have been committed in this Judicial District, and by virtue of its regularly conducted and systematic business contacts in this Commonwealth. On information and belief, Vistaprint N.V. makes, uses, imports, sells, and/or offers for sale Accused Services and Products to customers in the Commonwealth of Massachusetts. As such, Vistaprint N.V. has purposefully availed itself of the privilege of conducting business within this Judicial District; has established sufficient minimum contacts with this Judicial District such that it should reasonably and fairly anticipate being haled into court in the District; has purposefully directed activities at residents of this Commonwealth; and at least a portion of the patent infringement claims alleged herein arise out of or are related to one or more of the foregoing activities.

12. Vistaprint Limited is subject to the jurisdiction of this Court by reason of its acts of patent infringement which have been committed in this Judicial District, and by virtue of its regularly conducted and systematic business contacts in this State. On information and belief, Vistaprint Limited makes, uses, imports, sells, and/or offers for sale Accused Services and Products to customers in the Commonwealth of Massachusetts. As such,

Vistaprint Limited has purposefully availed itself of the privilege of conducting business within this Judicial District; has established sufficient minimum contacts with this Judicial District such that it should reasonably and fairly anticipate being haled into court in the District; has purposefully directed activities at residents of this Commonwealth; and at least a portion of the patent infringement claims alleged herein arise out of or are related to one or more of the foregoing activities.

13. Vistaprint Netherlands is subject to the jurisdiction of this Court by reason of its acts of patent infringement which have been committed in this Judicial District, and by virtue of its regularly conducted and systematic business contacts in this State. On information and belief, Vistaprint Limited makes, uses, imports, sells, and/or offers for sale Accused Services and Products to customers in the Commonwealth of Massachusetts. As such, Vistaprint Netherlands has purposefully availed itself of the privilege of conducting business within this Judicial District; has established sufficient minimum contacts with this Judicial District such that it should reasonably and fairly anticipate being haled into court in the District; has purposefully directed activities at residents of this Commonwealth; and at least a portion of the patent infringement claims alleged herein arise out of or are related to one or more of the foregoing activities.

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

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 8,005,303

15. The allegations set forth in the foregoing paragraphs 1 through 14 are incorporated into this First Claim for Relief.

16. On August 23, 2011, United States Patent No. 8,005,303 (the “‘303 patent”), entitled “Method and Apparatus for Encoding/Decoding Image Data,” was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the ‘303 patent is attached as Exhibit A to this Complaint.

17. Recognicorp is the assignee and owner of the right, title and interest in and to the ‘303 patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

18. Upon information and belief, in violation of 35 U.S.C. § 271(a), each Defendant has directly infringed, and continues to directly infringe, including under the doctrine of equivalents, the ‘303 patent by making, using, importing, selling, and/or offering for sale in the United States, including within this judicial district, Accused Services and Products, without license or authorization from Recognicorp.

19. The Accused Services and Products include, but are not limited to, Vistaprint Character Design. Features of the Vistaprint Character Design that infringe one or more claims of the ‘303 Patent include a caricature design tool that allow the selection of a facial feature, incorporation of the facial feature into a composite image, and instructions for modifying the selected facial feature image that has been incorporated into the composite image. In particular, the caricature design tool allows unique caricatures to be built by customizing, for example, eye shape, and nose/mouth shape combinations among other features. Several features may be modified. For example, eye color may be modified for eye shape choices.

20. Recognicorp has been harmed by each Defendant’s infringing activities.

JURY DEMAND

21. Recognicorp demands a trial by jury on all issues triable as such.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Recognicorp demands judgment for itself and against Defendants as follows:

- A. An adjudication that Defendants have infringed the ‘303 patent;
- B. An award of damages to be paid by Defendants adequate to compensate Recognicorp for its past infringement of the ‘303 patent, and any continuing or future infringement through the date such judgment is entered, including interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;
- C. An injunction ordering Defendants to pay an ongoing royalty in an amount to be determined for any continued infringement after the date judgment is entered;
- D. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of Plaintiff’s reasonable attorneys’ fees; and
- E. An award to Recognicorp of such further relief at law or in equity as the Court deems just and proper.

Dated: November 2, 2012

Respectfully submitted,

/s/ Lawrence K. DeMeo

Lawrence K. DeMeo

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