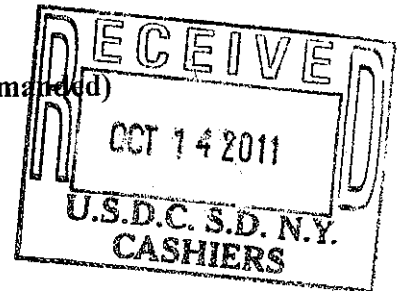


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORKFUJIFILM CORPORATION,
Plaintiff,

-v-

EASTMAN KODAK COMPANY,
Defendant.

Civil Action No.

COMPLAINT
(Jury Trial Demanded)

Plaintiff FUJIFILM Corporation ("Fujifilm" or "FUJIFILM Corp."), as and for its complaint against defendant Eastman Kodak Company ("Kodak"), hereby states and alleges as follows:

NATURE OF THE ACTION

1. This is a complaint against Kodak for patent infringement.

THE PARTIES

2. Plaintiff FUJIFILM Corporation is a Japan corporation having its principal place of business at 7-3, Akasaka 9-chome, Minato-ku, Tokyo, Japan 107-0052.

3. Plaintiff FUJIFILM Corporation has a marketing subsidiary in the United States, FUJIFILM North America Corporation, which is a New York corporation having its principal place of business within the jurisdiction of this United States District Court for the Southern District of New York ("District"), and more specifically at 200 Summit Lake Drive, Valhalla, New York 10595.

4. On information and belief, defendant Kodak is a New Jersey corporation having its principal place of business at 343 State Street, Rochester, New York 14650, and also having a distribution center within this District at 360 W 31st St # 2, New York, New York 10001.

JURISDICTION AND VENUE

5. This action arises under the Acts of Congress relating to patents, including 35 U.S.C. § 271 and §§ 281-285.

6. This Court has subject matter jurisdiction under the provisions of 28 U.S.C. §§ 1331 and 1338(a).

7. On information and belief, Kodak has conducted and continues to conduct business, and has engaged and continues to engage in regular, continuous and systematic activities, in this judicial District. Moreover, Kodak transacts business in this judicial District and the causes of action set forth herein arise under, and/or result from, such activities.

8. This court has personal jurisdiction over Kodak and venue in this District is proper pursuant to 28 U.S.C. §§ 1391(b) and (c), and 1400(b).

PATENTS-IN-SUIT

9. U.S. Patent No. 5,093,731 (the “‘731 Patent”), entitled “Image Data Recording Apparatus for Storing Image Data with a Recording-Finished Code and a Recording Sequence Code,” is solely owned by FUJIFILM Corp. after having first been assigned to Fuji Photo Film Co., Ltd., as reflected on the face of the patent. The ‘731 Patent was filed on May 18, 1988, duly and legally issued on March 3, 1992, and is valid and enforceable. A copy of the ‘731 Patent is attached as Exhibit A.

10. U.S. Patent No. 5,850,487 (the “‘487 Patent”), entitled “Digital Image Processing Apparatus,” is solely owned by FUJIFILM Corp. after having first been assigned to Fuji Photo Film Co., Ltd., as reflected on the face of the patent. The ‘487 Patent was filed on April 24, 1995, duly and legally issued on December 15, 1998, and is valid and enforceable. A copy of the ‘487 Patent is attached as Exhibit B.

11. U.S. Patent No. 6,144,763 (the “‘763 Patent”), entitled “Method and Apparatus for Compression Coding of Image Data Representative of a Color Image and Digital Camera Including the Same,” is solely owned by FUJIFILM Corp. after having been first assigned to Fuji Photo Film Co., Ltd., as reflected on the face of the patent. The ‘763 Patent was filed on March 18, 1998 and duly and legally issued on November 7, 2000, and is valid and enforceable. A copy of the ‘763 Patent is attached as Exhibit C.

12. U.S. Patent No. 7,327,886 (the “‘886 Patent”), entitled “Photographing Apparatus, Method and Program,” is solely assigned to FUJIFILM Corp. The ‘886 Patent was filed on January 19, 2005 and duly and legally issued on February 5, 2008, and is valid and enforceable. A copy of the ‘886 Patent is attached as Exhibit D.

BACKGROUND OF THE DISPUTE

13. Fujifilm has a storied history in the imaging and photographic industry, and was a pioneer in, and driving force behind, the world’s movement to, and adoption of, digital photo technologies. As a result of and in connection with that pioneering work, and its substantial investment in research and development, Fujifilm has garnered an extensive patent portfolio involving a wide variety of technologies, including but not limited to digital still camera technology.

14. In connection with its efforts to insure the respect by others of its intellectual property, Fujifilm has engaged in discussions with Kodak in an attempt to resolve this instant dispute amicably without court intervention, but its efforts have been unsuccessful. Fujifilm, therefore, sets forth its causes of action against Kodak as follows:

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 5,093,731

15. Fujifilm restates and realleges the allegations set forth in paragraphs 1-14 as though fully set forth herein.

16. On information and belief, defendant Kodak has manufactured, used, sold, and/or offered to sell, in this judicial District and elsewhere in the United States, and/or imported into the United States, digital cameras that infringe one or more claims of the '731 Patent either literally or under the doctrine of equivalents, including, without limitation, the Kodak EasyShare C340 zoom digital camera.

17. On information and belief, defendant Kodak has manufactured products and provided instructions regarding the use of those products that constitute and establish contributory and/or induced infringement of the '731 Patent.

18. Defendant Kodak is liable for directly and indirectly infringing the '731 Patent under 35 U.S.C. § 271.

19. On information and belief, defendant Kodak has had actual knowledge of the '731 Patent since at least April 27, 2007.

20. On information and belief, the infringement of the '731 Patent by defendant Kodak has been willful, deliberate, and intentional.

21. On information and belief, defendant Kodak is liable for willfully infringing the '731 Patent, thereby making this case exceptional and justifying the imposition of treble damages against defendant and an award of plaintiff's attorneys' fees under 35 U.S.C. §§ 284 and 285.

COUNT II – INFRINGEMENT OF U.S. PATENT NO. 5,850,487

22. Fujifilm restates and realleges the allegations set forth in paragraphs 1-21 as though fully set forth herein.

23. On information and belief, defendant Kodak has manufactured, used, sold, and/or offered to sell, in this judicial District and elsewhere in the United States, and/or imported into the United States, digital cameras that infringe one or more claims of the '487 Patent either literally or under the doctrine of equivalents, including, without limitation, the Kodak EasyShare C340 zoom digital camera, and the Kodak EasyShare M530 digital camera, which is used, sold, or offered for sale by Best Buy Co., Inc. at 299 N. Central Ave., Hartsdale, New York 10530, in this judicial District.

24. On information and belief, defendant Kodak has manufactured products and provided instructions regarding the use of those products that constitute and establish contributory and/or induced infringement of the '487 Patent.

25. Defendant Kodak is liable for directly and indirectly infringing the '487 Patent under 35 U.S.C. § 271.

26. The infringement of the '487 Patent by defendant Kodak has injured and damaged Fujifilm, and will continue to cause Fujifilm harm unless enjoined by this Court.

27. On information and belief, defendant Kodak has had actual knowledge of the '487 Patent since at least April 27, 2007.

28. On information and belief, the infringement of the '487 Patent by defendant Kodak has been willful, deliberate, and intentional.

29. On information and belief, defendant Kodak is liable for willfully infringing the '487 Patent, thereby making this case exceptional and justifying the imposition of

treble damages against defendant and an award of plaintiff's attorneys' fees under 35 U.S.C. §§ 284 and 285.

COUNT III – INFRINGEMENT OF U.S. PATENT NO. 6,144,763

30. Fujifilm restates and realleges the allegations set forth in paragraphs 1-29 as though fully set forth herein.

31. On information and belief, defendant Kodak has manufactured, used, sold, and/or offered to sell, in this judicial District and elsewhere in the United States, and/or imported into the United States, digital cameras that infringe one or more claims of the '763 Patent either literally or under the doctrine of equivalents, including, without limitation, the Kodak EasyShare C340 zoom digital camera, and the Kodak EasyShare M530 digital camera, which is used, sold, or offered for sale by Best Buy Co., Inc. at 299 N. Central Ave., Hartsdale, New York 10530, in this judicial District.

32. On information and belief, defendant Kodak has manufactured products and provided instructions regarding the use of those products that constitute and establish contributory and/or induced infringement of the '763 Patent.

33. Defendant Kodak is liable for directly and indirectly infringing the '763 Patent under 35 U.S.C. § 271.

34. The infringement of the '763 Patent by defendant Kodak has injured and damaged Fujifilm, and will continue to cause Fujifilm harm unless enjoined by this Court.

35. On information and belief, defendant Kodak has had actual knowledge of the '763 Patent since at least April 27, 2007.

36. On information and belief, the infringement of the '763 Patent by defendant Kodak has been willful, deliberate, and intentional.

37. On information and belief, defendant Kodak is liable for willfully infringing the '763 Patent, thereby making this case exceptional and justifying the imposition of treble damages against defendant and an award of plaintiff's attorneys' fees under 35 U.S.C. §§ 284 and 285.

COUNT IV – INFRINGEMENT OF U.S. PATENT NO. 7,327,886

38. Fujifilm restates and realleges the allegations set forth in paragraphs 1-37 as though fully set forth herein.

39. On information and belief, defendant Kodak has manufactured, used, sold, and/or offered to sell, in this judicial District and elsewhere in the United States, and/or imported into the United States, digital cameras that infringe one or more claims of the '886 Patent either literally or under the doctrine of equivalents, including, without limitation, the Kodak EasyShare M530 digital camera, which is used, sold, or offered for sale by Best Buy Co., Inc. at 299 N. Central Ave., Hartsdale, New York 10530, in this judicial District, and the Kodak EasyShare Sport C123, which is used, sold, or offered for sale by 47th Exchange at 570 Fifth Ave., New York, New York 10036, in this judicial District.

40. On information and belief, defendant Kodak has manufactured products and provided instructions regarding the use of those products that constitute and establish contributory and/or induced infringement of the '886 Patent.

41. Defendant Kodak is liable for directly and indirectly infringing the '886 Patent under 35 U.S.C. § 271.

42. The infringement of the '886 Patent by defendant Kodak has injured and damaged Fujifilm, and will continue to cause Fujifilm harm unless enjoined by this Court.

43. On information and belief, defendant Kodak has had actual knowledge of the '886 Patent since at least March 19, 2008.

44. On information and belief, the infringement of the '886 Patent by defendant Kodak has been willful, deliberate, and intentional.

45. On information and belief, defendant Kodak is liable for willfully infringing the '886 Patent, thereby making this case exceptional and justifying the imposition of treble damages against defendant and an award of plaintiff's attorneys' fees under 35 U.S.C. §§ 284 and 285.

PRAYER FOR RELIEF

WHEREFORE, Fujifilm prays for judgment as follows:

- a. That the '731, '487, '763, and '886 Patents are valid and enforceable;
- b. That defendant Kodak has infringed the '731, '487, '763, and/or '886 Patents;
- b. That defendant Kodak has actively induced the infringement by others of the '731, '487, '763, and/or '886 Patents;
- c. That defendant Kodak has contributorily infringed the '731, '487, '763, and/or '886 Patents;
- d. That the infringing, inducing to infringe, and contributorily infringing actions of defendant Kodak have been willful, deliberate, and intentional;
- e. That defendant Kodak be ordered to make or be subjected to a full and prompt accounting for, and to pay to Fujifilm, all damages to which Fujifilm is entitled (together with prejudgment interest and Fujifilm's costs and disbursements) as a consequence of the infringing acts of defendant Kodak in accordance with 35

- U.S.C. § 284, including but not limited to a reasonable royalty for Kodak's use of the patented technology and/or Fujifilm's lost profits;
- f. That such damages be trebled for the willful, deliberate, and intentional nature of the infringing acts of defendant Kodak as set forth above;
 - g. That this case be declared exceptional, and that plaintiff Fujifilm be awarded its reasonable attorneys' fees herein, in accordance with 35 U.S.C. § 285;
 - m. That a preliminary and permanent injunction be entered prohibiting the further manufacture, sale, offer for sale, use or importation by Kodak of all infringing products and services; and
 - o. That Fujifilm be awarded such other and further relief as this Court may deem just and equitable.

A JURY TRIAL IS DEMANDED ON ALL ISSUES SO TRIABLE

October 14, 2011

Respectfully submitted,

BAKER BOTTS, L.L.P.

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