



3. Founded in 1880, Kodak has a long history of innovation in photography and image processing. Among many other significant inventions, Kodak and its founder, George Eastman, invented photographic plates in 1879, the hand-held camera in 1888, and roll-up film in 1883. Kodak engineers also designed and built the camera that Neil Armstrong used on the first walk on the moon.

4. Kodak's innovations have continued in the age of digital photography. In 1977, Kodak designed and built the first operating digital camera. Kodak's significant investment in research and development has resulted in a continuing stream of improvements to digital imaging technology—improvements that have led to a long line of consumer accepted digital imaging products and more than 1,000 Kodak patents in the field of digital imaging, including the Asserted Patents. Kodak Fellow Kenneth Parulski, a co-inventor of the '218, '335, and '927 Patents, has more than 190 patents to his name and is widely recognized as a pioneer in numerous digital camera technologies.

5. Kodak has invented many of the fundamental innovations used in virtually every digital camera today, including the Bayer color filter array, the first color megapixel sensor, the first effective color preview for a digital camera, the first color consumer digital camera, and the basic digital architecture utilized by nearly every present-day digital camera.

6. Fujifilm Japan is a Japanese corporation having its principal place of business at 7-3, Akasaka 9-chome, Minato-ku, Tokyo, Japan 107-0052.

7. Fujifilm N.A. is a New York corporation having its principal place of business at 200 Summit Lake Drive, Valhalla, New York, 10595.

## JURISDICTION AND VENUE

8. This action arises under the Patent Act, Title 35 of the United States Code, and is an action for patent infringement of the Asserted Patents under § 271.

9. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338 (a).

10. The personal jurisdiction of this Court over Fujifilm Japan is proper because Fujifilm Japan has committed and is committing acts of infringement in violation of 35 U.S.C. § 271 and has placed and is continuing to place infringing products into the stream of commerce, via an established distribution channel, with the knowledge and/or understanding that such products are sold in the State of New York, including in this District. These acts cause injury to Kodak within the District. Upon information and belief, Fujifilm Japan derives substantial revenue from the sale of infringing products distributed within the District, and/or expects or should reasonably expect its actions to have consequences within the District and derives substantial revenue from interstate and international commerce. In addition, Fujifilm Japan has, and continues to, knowingly induce infringement within this State and within this District by contracting with others to market and sell infringing products with the knowledge and intent to facilitate infringing sales of the products by others within this District, by creating and/or disseminating user manuals for the products with like knowledge and intent, and by warranting the products sold by others within the District.

11. Fujifilm N.A. has committed patent infringement that has led to foreseeable harm and injury to Kodak, in this judicial district. This Court has personal jurisdiction over Fujifilm N.A. by virtue of, *inter alia*, its systematic and continuous contacts with the State of New York. Fujifilm N.A. is incorporated in New York, has its principal place of

business in New York, and places infringing products into the stream of commerce, via an established distribution channel, with the knowledge and/or understanding that such products are offered for sale, sold and/or used in the State of New York, including in this District. Fujifilm N.A. has conducted business within this judicial district, committed within this judicial district and elsewhere the unlawful acts complained of herein and is therefore subject to personal jurisdiction in the State of New York and the jurisdiction of this Court.

12. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b), (c), and 1400(b).

#### **CLAIM I – INFRINGEMENT OF U.S. PATENT NO. 5,493,335**

13. The allegations contained in Paragraphs 1 through 12 above are incorporated herein by reference.

14. On February 20, 1996, the United States Patent & Trademark Office (“USPTO”) duly and lawfully issued United States Patent No. 5,493,335 entitled “Single Sensor Color Camera With User Selectable Image Record Size.” A true and correct copy of the `335 Patent is attached hereto as **Exhibit A**. Kodak is the current lawful owner of all rights, title, and interest in the `335 Patent, including the right to sue for and recover for past, present and future infringement thereof.

15. The `335 Patent was subject to an *ex parte* reexamination by the USPTO, which concluded on March 29, 2011. The USPTO reexamination confirmed all of the reexamined claims of the `335 Patent as valid (*i.e.*, claims 1, 4, and 12); and no claims were amended or canceled. A copy of the reexamination certificate issued by the USPTO is attached at the end of **Exhibit A**.

16. Fujifilm Japan has infringed and is infringing, literally and/or under the doctrine of equivalents, the `335 Patent, by importing, making, using, offering for sale, and/or selling in the United States, without authority, products including, but not limited to, digital cameras in Fujifilm's FinePix A, J, F, REAL 3D, S, T, X, XP, or Z Series product lines (collectively the "Accused Devices") that are covered by one or more claims of this patent, such as Finepix digital cameras with the following model numbers: HS10, AV100, Z90, JX310, XP20, T210, and S2950.

17. Upon information and belief, Fujifilm Japan had actual knowledge of the `335 Patent at least as early as April 2007.

18. Fujifilm Japan has induced, and continues to induce, Fujifilm N.A. and others to infringe the `335 Patent by taking active steps to encourage and facilitate direct infringement with knowledge or willful blindness of that infringement, such as: by contracting for the distribution of the Accused Devices for infringing sale, by marketing and promoting the Accused Devices and their infringing use, by creating and/or distributing user manuals describing use and operation of the Accused Devices, and by supplying warranty coverage for the Accused Devices sold in this State and in this District.

19. Fujifilm Japan has contributorily infringed the `335 Patent by selling within the United States, offering for sale within the United States, and/or importing components that embody a material part of the inventions described in the `335 Patent, are known by Fujifilm Japan to be especially made or especially adapted for use in infringement, and are not staple articles or commodities suitable for substantial, non-infringing use, including the Accused Devices and non-staple constituent parts of those Accused Devices.

20. Fujifilm Japan's infringement of the `335 Patent has caused, is causing, and, unless enjoined by the Court, will continue to cause immediate and irreparable harm to

Kodak for which there is no adequate remedy at law, and for which Kodak is entitled to injunctive relief under 35 U.S.C. § 283.

21. Fujifilm Japan's infringement of the `335 Patent was willful, continues to be willful, and entitles Kodak to increased damages under 35 U.S.C. § 284 and to attorney fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

22. Fujifilm Japan's infringement of the `335 Patent has caused damage to Kodak, and Kodak is entitled to recover from defendant the damages sustained by Kodak as a result of Fujifilm Japan's infringement in an amount subject to proof at trial.

23. Fujifilm N.A. has infringed and is infringing, literally and/or under the doctrine of equivalents, the `335 Patent, by importing, making, using, offering for sale, and/or selling in the United States, without authority, products including, but not limited to, the Accused Devices that are covered by one or more claims of this patent, such as Finepix digital cameras with the following model numbers: HS10, AV100, Z90, JX310, XP20, T210, and S2950.

24. Upon information and belief, Fujifilm N.A. had actual knowledge of the `335 Patent at least as early as April 2007.

25. Fujifilm N.A. has induced, and continues to induce, others to infringe the `335 Patent by taking active steps to encourage and facilitate others' direct infringement with knowledge or willful blindness of that infringement, such as: by contracting for the distribution of the Accused Devices for infringing sale such as by retail sales outlets, by marketing and promoting the Accused Devices and their infringing use, by creating and/or distributing user manuals describing use and operation of the Accused Devices, and by supplying warranty coverage for the Accused Devices sold in this State and in this District.

26. Fujifilm N.A. has contributorily infringed the `335 Patent by selling within the United States, offering for sale within the United States, and/or importing components that embody a material part of the inventions described in the `335 Patent, are known by Fujifilm N.A. to be especially made or especially adapted for use in infringement, and are not staple articles or commodities suitable for substantial, non-infringing use, including the Accused Devices and non-staple constituent parts of those Accused Devices.

27. Fujifilm N.A.'s infringement of the `335 Patent has caused, is causing, and, unless enjoined by the Court, will continue to cause immediate and irreparable harm to Kodak for which there is no adequate remedy at law, and for which Kodak is entitled to injunctive relief under 35 U.S.C. § 283.

28. Fujifilm N.A.'s infringement of the `335 Patent was willful, continues to be willful, and entitles Kodak to increased damages under 35 U.S.C. § 284 and to attorney fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

29. Fujifilm N.A.'s infringement of the `335 Patent has caused damage to Kodak, and Kodak is entitled to recover from defendant the damages sustained by Kodak as a result of Fujifilm N.A.'s infringement in an amount subject to proof at trial.

#### **CLAIM II – INFRINGEMENT OF U.S. PATENT NO. 6,292,218**

30. The allegations contained in Paragraphs 1 through 12 above are incorporated herein by reference.

31. On September 18, 2001, the USPTO duly and lawfully issued United States Patent No. 6,292,218 entitled "Electronic Camera For Initiating Capture of Still Images While Previewing Motion Images." A true and correct copy of the `218 Patent is attached hereto as **Exhibit B**. Kodak is the current lawful owner of all rights, title, and interest in

the `218 Patent, including the right to sue for and recover for past, present and future infringement thereof.

32. The `218 Patent was subject to an *ex parte* reexamination by the USPTO, which concluded on September 6, 2011. The USPTO reexamination confirmed all of the reexamined claims of the `218 Patent as valid (*i.e.*, claims 15 and 23-27); and no claims were amended or canceled. A copy of the reexamination certificate issued by the USPTO is attached at the end of **Exhibit B**.

33. Fujifilm Japan has infringed and is infringing, literally and/or under the doctrine of equivalents, the `218 Patent, by importing, making, using, offering for sale, and/or selling in the United States, without authority, products including, but not limited to, the Accused Devices that are covered by one or more claims of this patent, such as Finepix digital cameras with the following model numbers: HS10, AV100, Z90, JX310, XP20, T210, and S2950.

34. Upon information and belief, Fujifilm Japan had actual knowledge of the `218 Patent at least as early as April 2007.

35. Fujifilm Japan has induced, and continues to induce, Fujifilm N.A. and others to infringe the `218 Patent by taking active steps to encourage and facilitate direct infringement with knowledge or willful blindness of that infringement, such as: by contracting for the distribution of the Accused Devices for infringing sale such as by retail sales outlets, by marketing and promoting the Accused Devices and their infringing use, by creating and/or distributing user manuals describing use and operation of the Accused Devices, and by supplying warranty coverage for the Accused Devices sold in this State and in this District.

36. Fujifilm Japan has contributorily infringed the `218 Patent by selling within the United States, offering for sale within the United States, and/or importing components that embody a material part of the inventions described in the `218 Patent, are known by Fujifilm Japan to be especially made or especially adapted for use in infringement, and are not staple articles or commodities suitable for substantial, non-infringing use, including the Accused Devices and non-staple constituent parts of those Accused Devices.

37. Fujifilm Japan's infringement of the `218 Patent has caused, is causing, and, unless enjoined by the Court, will continue to cause immediate and irreparable harm to Kodak for which there is no adequate remedy at law, and for which Kodak is entitled to injunctive relief under 35 U.S.C. § 283.

38. Fujifilm Japan's infringement of the `218 Patent was willful, continues to be willful, and entitles Kodak to increased damages under 35 U.S.C. § 284 and to attorney fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

39. Fujifilm Japan's infringement of the `218 Patent has caused damage to Kodak, and Kodak is entitled to recover from defendant the damages sustained by Kodak as a result of Fujifilm Japan's infringement in an amount subject to proof at trial.

40. Fujifilm N.A. has infringed and is infringing, literally and/or under the doctrine of equivalents, the `218 Patent, by importing, making, using, offering for sale, and/or selling in the United States, without authority, products including, but not limited to, the Accused Devices that are covered by one or more claims of this patent, such as Finepix digital cameras with the following model numbers: HS10, AV100, Z90, JX310, XP20, T210, and S2950.

41. Upon information and belief, Fujifilm N.A. had actual knowledge of the `218 Patent at least as early as April 2007.

42. Fujifilm N.A. has induced, and continues to induce, others to infringe the `218 Patent by taking active steps to encourage and facilitate others' direct infringement with knowledge or willful blindness of that infringement, such as: by contracting for the distribution of the Accused Devices for infringing sale such as by retail sales outlets, by marketing and promoting the Accused Devices and their infringing use, by creating and/or distributing user manuals describing use and operation of the Accused Devices, and by supplying warranty coverage for the Accused Devices sold in this State and in this District.

43. Fujifilm N.A. has contributorily infringed the `218 Patent by selling within the United States, offering for sale within the United States, and/or importing components that embody a material part of the inventions described in the `218 Patent, are known by Fujifilm N.A. to be especially made or especially adapted for use in infringement, and are not staple articles or commodities suitable for substantial, non-infringing use, including the Accused Devices and non-staple constituent parts of those Accused Devices.

44. Fujifilm N.A.'s infringement of the `218 Patent has caused, is causing, and, unless enjoined by the Court, will continue to cause immediate and irreparable harm to Kodak for which there is no adequate remedy at law, and for which Kodak is entitled to injunctive relief under 35 U.S.C. § 283.

45. Fujifilm N.A.'s infringement of the `218 Patent was willful, continues to be willful, and entitles Kodak to increased damages under 35 U.S.C. § 284 and to attorney fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

46. Fujifilm N.A.'s infringement of the `218 Patent has caused damage to Kodak, and Kodak is entitled to recover from defendant the damages sustained by Kodak as a result of Fujifilm N.A.'s infringement in an amount subject to proof at trial.

### **CLAIM III – INFRINGEMENT OF U.S. PATENT NO. 6,573,927**

47. The allegations contained in Paragraphs 1 through 12 above are incorporated herein by reference.

48. On June 3, 2003, the USPTO duly and lawfully issued United States Patent No. 6,573,927 entitled “Electronic Still Camera For Capturing Digital Image and Creating a Print Order.” A true and correct copy of the `927 Patent is attached hereto as **Exhibit C**. Kodak is the current lawful owner of all rights, title, and interest in the `927 Patent, including the right to sue for and recover for past, present and future infringement thereof.

49. Fujifilm Japan has infringed and is infringing, literally and/or under the doctrine of equivalents, the `927 Patent, by importing, making, using, offering for sale, and/or selling in the United States, without authority, products including, but not limited to, the Accused Devices that are covered by one or more claims of this patent, such as Finepix digital cameras with the following model numbers: HS10, AV100, JX310, XP20, T210, and S2950.

50. Upon information and belief, Fujifilm Japan had actual knowledge of the `927 Patent at least as early as April 2007.

51. Fujifilm Japan has induced, and continues to induce, Fujifilm N.A. and others to infringe the `927 Patent by taking active steps to encourage and facilitate direct infringement with knowledge or willful blindness of that infringement, such as: by contracting for the distribution of the Accused Devices for infringing sale such as by retail sales outlets, by marketing and promoting the Accused Devices and their infringing use, by creating and/or distributing user manuals describing use and operation of the Accused Devices, and by supplying warranty coverage for the Accused Devices sold in this State and in this District.

52. Fujifilm Japan has contributorily infringed the `927 Patent by selling within the United States, offering for sale within the United States, and/or importing components that embody a material part of the inventions described in the `927 Patent, are known by Fujifilm Japan to be especially made or especially adapted for use in infringement, and are not staple articles or commodities suitable for substantial, non-infringing use, including the Accused Devices and non-staple constituent parts of those Accused Devices.

53. Fujifilm Japan's infringement of the `927 Patent has caused, is causing, and, unless enjoined by the Court, will continue to cause immediate and irreparable harm to Kodak for which there is no adequate remedy at law, and for which Kodak is entitled to injunctive relief under 35 U.S.C. § 283.

54. Fujifilm Japan's infringement of the `927 Patent was willful, continues to be willful, and entitles Kodak to increased damages under 35 U.S.C. § 284 and to attorney fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

55. Fujifilm Japan's infringement of the `927 Patent has caused damage to Kodak, and Kodak is entitled to recover from defendant the damages sustained by Kodak as a result of Fujifilm Japan's infringement in an amount subject to proof at trial.

56. Fujifilm N.A. has infringed and is infringing, literally and/or under the doctrine of equivalents, the `927 Patent, by importing, making, using, offering for sale, and/or selling in the United States, without authority, products including, but not limited to, the Accused Devices that are covered by one or more claims of this patent, such as Finepix digital cameras with the following model numbers: HS10, AV100, JX310, XP20, T210, and S2950.

57. Upon information and belief, Fujifilm N.A. had actual knowledge of the `927 Patent at least as early as April 2007.

58. Fujifilm N.A. has induced, and continues to induce, others to infringe the `927 Patent by taking active steps to encourage and facilitate others' direct infringement with knowledge or willful blindness of that infringement, such as: by contracting for the distribution of the Accused Devices for infringing sale such as by retail sales outlets, by marketing and promoting the Accused Devices and their infringing use, by creating and/or distributing user manuals describing use and operation of the Accused Devices, and by supplying warranty coverage for the Accused Devices sold in this State and in this District.

59. Fujifilm N.A. has contributorily infringed the `927 Patent by selling within the United States, offering for sale within the United States, and/or importing components that embody a material part of the inventions described in the `927 Patent, are known by Fujifilm N.A. to be especially made or especially adapted for use in infringement, and are not staple articles or commodities suitable for substantial, non-infringing use, including the Accused Devices and non-staple constituent parts of those Accused Devices.

60. Fujifilm N.A.'s infringement of the `927 Patent has caused, is causing, and, unless enjoined by the Court, will continue to cause immediate and irreparable harm to Kodak for which there is no adequate remedy at law, and for which Kodak is entitled to injunctive relief under 35 U.S.C. § 283.

61. Fujifilm N.A.'s infringement of the `927 Patent was willful, continues to be willful, and entitles Kodak to increased damages under 35 U.S.C. § 284 and to attorney fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

62. Fujifilm N.A.'s infringement of the `927 Patent has caused damage to Kodak, and Kodak is entitled to recover from defendant the damages sustained by Kodak as a result of Fujifilm N.A.'s infringement in an amount subject to proof at trial.

#### **CLAIM IV – INFRINGEMENT OF U.S. PATENT NO. 6,441,854**

63. The allegations contained in Paragraphs 1 through 12 above are incorporated herein by reference.

64. On August 27, 2002, the USPTO duly and lawfully issued United States Patent No. 6,441,854 entitled “Electronic Camera With Quick Review of Last Captured Image.” A true and correct copy of the `854 Patent is attached hereto as **Exhibit D**. Kodak is the current lawful owner of all rights, title, and interest in the `854 Patent, including the right to sue for and recover for past, present and future infringement thereof.

65. Fujifilm Japan has infringed and is infringing, literally and/or under the doctrine of equivalents, the `854 Patent, by importing, making, using, offering for sale, and/or selling in the United States, without authority, products including, but not limited to, digital cameras in Fujifilm’s FinePix X Series product line that are covered by one or more claims of this patent, such as the Finepix X100 digital camera.

66. Upon information and belief, Fujifilm Japan had actual knowledge of the `854 Patent at least as early as April 2007.

67. Fujifilm Japan has induced, and continues to induce, Fujifilm N.A. and others to infringe the `854 Patent by taking active steps to encourage and facilitate others’ direct infringement with knowledge or willful blindness of that infringement, such as: by contracting for the distribution of FinePix X Series digital cameras for infringing sale such as by retail sales outlets, by marketing and promoting the FinePix X Series digital cameras and their infringing use, by creating and/or distributing user manuals describing use and operation of the FinePix X Series digital cameras, and by supplying warranty coverage for the FinePix X Series digital cameras sold in this State and in this District.

68. Fujifilm Japan has contributorily infringed the `854 Patent by selling within the United States, offering for sale within the United States, and/or importing components that embody a material part of the inventions described in the `854 Patent, are known by Fujifilm Japan to be especially made or especially adapted for use in infringement, and are not staple articles or commodities suitable for substantial, non-infringing use, including the FinePix X Series digital cameras and non-staple constituent parts of those FinePix X Series digital cameras.

69. Fujifilm Japan's infringement of the `854 Patent has caused, is causing, and, unless enjoined by the Court, will continue to cause immediate and irreparable harm to Kodak for which there is no adequate remedy at law, and for which Kodak is entitled to injunctive relief under 35 U.S.C. § 283.

70. Fujifilm Japan's infringement of the `854 Patent was willful, continues to be willful, and entitles Kodak to increased damages under 35 U.S.C. § 284 and to attorney fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

71. Fujifilm Japan's infringement of the `854 Patent has caused damage to Kodak, and Kodak is entitled to recover from defendant the damages sustained by Kodak as a result of Fujifilm Japan's infringement in an amount subject to proof at trial.

72. Fujifilm N.A. has infringed and is infringing, literally and/or under the doctrine of equivalents, the `854 Patent, by importing, making, using, offering for sale, and/or selling in the United States, without authority, products including, but not limited to, digital cameras in Fujifilm's FinePix X Series product line that are covered by one or more claims of this patent such as the Finepix X100 digital camera.

73. Upon information and belief, Fujifilm N.A. had actual knowledge of the `854 Patent at least as early as April 2007.

74. Fujifilm N.A. has induced, and continues to induce, others to infringe the `854 Patent by taking active steps to encourage and facilitate others' direct infringement with knowledge or willful blindness of that infringement, such as: by contracting for the distribution of FinePix X Series digital cameras for infringing sale such as by retail sales outlets, by marketing and promoting the FinePix X Series digital cameras and their infringing use, by creating and/or distributing user manuals describing use and operation of the FinePix X Series digital cameras, and by supplying warranty coverage for the FinePix X Series digital cameras sold in this State and in this District.

75. Fujifilm N.A. has contributorily infringed the `854 Patent by selling within the United States, offering for sale within the United States, and/or importing components that embody a material part of the inventions described in the `854 Patent, are known by Fujifilm N.A. to be especially made or especially adapted for use in infringement, and are not staple articles or commodities suitable for substantial, non-infringing use, including the FinePix X Series digital cameras and non-staple constituent parts of those FinePix X Series digital cameras.

76. Fujifilm N.A.'s infringement of the `854 Patent has caused, is causing, and, unless enjoined by the Court, will continue to cause immediate and irreparable harm to Kodak for which there is no adequate remedy at law, and for which Kodak is entitled to injunctive relief under 35 U.S.C. § 283.

77. Fujifilm N.A.'s infringement of the `854 Patent was willful, continues to be willful, and entitles Kodak to increased damages under 35 U.S.C. § 284 and to attorney fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

78. Fujifilm N.A.'s infringement of the '854 Patent has caused damage to Kodak, and Kodak is entitled to recover from defendant the damages sustained by Kodak as a result of Fujifilm N.A.'s infringement in an amount subject to proof at trial.

**CLAIM V – INFRINGEMENT OF U.S. PATENT NO. 5,164,831**

79. The allegations contained in Paragraphs 1 through 12 above are incorporated herein by reference.

80. On November 17, 1992, the USPTO duly and lawfully issued United States Patent No. 5,164,831 entitled "Electronic Still Camera Providing Multi-Format Storage of Full and Reduced Resolution Images." A true and correct copy of the '831 Patent is attached hereto as **Exhibit E**. Plaintiff Kodak is the current lawful owner of all rights, title, and interest in the '831 Patent, including the right to sue for and recover for past infringement thereof.

81. Fujifilm Japan has infringed, literally and/or under the doctrine of equivalents, the '831 Patent, by importing, making, using, offering for sale, and/or selling in the United States, without authority, products including, but not limited to, digital cameras in Fujifilm's FinePix A, J, F, S, S-Pro, or Z Series product lines that were covered by one or more claims of this patent, such as Finepix digital cameras with the following model numbers: F30, S20, S5000, and Z3.

82. Upon information and belief, Fujifilm Japan had actual knowledge of the '831 Patent at least as early as April 2007.

83. Fujifilm Japan has induced Fujifilm N.A. and others to infringe the '831 Patent by taking active steps to encourage and facilitate direct infringement with knowledge or willful blindness of that infringement, such as: by contracting for the distribution of the FinePix A, J, F, S, S-Pro, or Z Series digital cameras for infringing sale such as by retail

sales outlets, by marketing and promoting the FinePix A, J, F, S, S-Pro, or Z Series digital cameras and their infringing use, by creating and/or distributing user manuals describing use and operation of the FinePix A, J, F, S, S-Pro, or Z Series digital cameras, and by supplying warranty coverage for the FinePix A, J, F, S, S-Pro, or Z Series digital cameras sold in this State and in this District.

84. Fujifilm Japan has contributorily infringed the `831 Patent by selling within the United States, offering for sale within the United States, and/or importing components that embody a material part of the inventions described in the `831 Patent, are known by Fujifilm Japan to be especially made or especially adapted for use in infringement, and are not staple articles or commodities suitable for substantial, non-infringing use, including the FinePix A, J, F, S, S-Pro, or Z Series digital cameras and non-staple constituent parts of those digital cameras.

85. Fujifilm Japan's infringement of the `831 Patent was willful and entitles Kodak to increased damages under 35 U.S.C. § 284 and to attorney fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

86. Fujifilm Japan's infringement of the `831 Patent has caused damage to Kodak, and Kodak is entitled to recover from defendant the damages sustained by Kodak as a result of Fujifilm Japan's infringement in an amount subject to proof at trial.

87. Fujifilm N.A. has infringed, literally and/or under the doctrine of equivalents, the `831 Patent, by importing, making, using, offering for sale, and/or selling in the United States, without authority, products including, but not limited to, digital cameras in Fujifilm's FinePix A, J, F, S, S-Pro, or Z Series product lines that that were covered by one or more claims of this patent, such as Finepix digital cameras with the following model numbers: F30, S20, S5000, and Z3.

88. Upon information and belief, Fujifilm N.A. had actual knowledge of the `831 Patent at least as early as April 2007.

89. Fujifilm N.A. has induced others to infringe the `831 Patent by taking active steps to encourage and facilitate others' direct infringement with knowledge or willful blindness of that infringement, such as: by contracting for the distribution of the FinePix A, J, F, S, S-Pro, or Z Series digital cameras for infringing sale such as by retail sales outlets, by marketing and promoting the FinePix A, J, F, S, S-Pro, or Z Series digital cameras and their infringing use, by creating and/or distributing user manuals describing use and operation of the FinePix A, J, F, S, S-Pro, or Z Series digital cameras, and by supplying warranty coverage for the FinePix A, J, F, S, S-Pro, or Z Series digital cameras sold in this State and in this District.

90. Fujifilm N.A. has contributorily infringed the `831 Patent by selling within the United States, offering for sale within the United States, and/or importing components that embody a material part of the inventions described in the `831 Patent, are known by Fujifilm N.A. to be especially made or especially adapted for use in infringement, and are not staple articles or commodities suitable for substantial, non-infringing use, including the FinePix A, J, F, S, S-Pro, or Z Series digital cameras and non-staple constituent parts of those digital cameras.

91. Fujifilm N.A.'s infringement of the `831 Patent was willful and entitles Kodak to increased damages under 35 U.S.C. § 284 and to attorney fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

92. Fujifilm N.A.'s infringement of the `831 Patent has caused damage to Kodak, and Kodak is entitled to recover from defendant the damages sustained by Kodak as a result of Fujifilm N.A.'s infringement in an amount subject to proof at trial.

## **DEMAND FOR JURY TRIAL**

93. Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff Kodak demands a trial by jury on all issues so triable.

### **RELIEF SOUGHT**

Plaintiff respectfully seeks that the Court grant the following relief:

A. Enter judgment for Kodak and against Defendants for their infringement of the Asserted Patents;

B. Enter judgment that Defendants infringement was and is willful with respect to the Asserted Patents;

C. Preliminarily and permanently enjoin Defendants, their officers, directors, principals, agents, sales representatives, servants, employees, successors, assigns, affiliates, subsidiaries and all those acting in concert or participation with them, from directly or indirectly making or causing to be made, selling or causing to be sold, offering to sell or causing to be offered for sale, importing or causing to be imported, or using or causing to be used any product that infringes, contributorily infringes, or induces the infringement of any claim of the `335 Patent, the `218 Patent, the `927 Patent, or the `854 Patent;

D. Enter judgment in favor of Kodak against Defendants for an amount that will adequately compensate it for Defendants' infringement, but under no circumstances and amount less than a reasonable royalty for Defendants' use of Kodak's patented inventions;

E. Enter judgment in favor of Kodak and against Defendants for pre-judgment interest on all damages awarded;

F. Enter judgment in favor of Kodak and against Defendants for three times the amount of damages pursuant to 35 U.S.C. § 284 because of Defendants' willful infringement;

G. That this case be declared exceptional pursuant to 35 U.S.C. § 285 and enter judgment in favor of Kodak and against Defendants for Kodak's attorneys' fees and costs;

H. Enter judgment in favor of Kodak and against Defendants for Kodak's costs of suit; and

I. Enter such other and further relief as the Court may deem just and proper.

Respectfully submitted this 13th day of January, 2012.

*s/Neal L. Slifkin*

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