IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELEWARE

FLASHPOINT TECHNOLOGY, INC. Plaintiff,	)	
v.	)	C.A. No. _____
CONCORD CAMERA CORP.	)	
Defendant.	)	**JURY TRIAL DEMANDED**

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff FlashPoint Technology, Inc. ("FlashPoint") alleges against Defendant Concord Camera Corporation ("Concord") as follows:

JURISDICTION

1. This action arises under the Patent Laws of the United States, 35 U.S.C. §§ 1 et seq. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and §1338(a).

VENUE

2. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b) and (c), and 28 U.S.C. § 1400(b) because defendants' acts of patent infringement are occurring within this judicial district, defendant is subject to personal jurisdiction in this judicial district and defendant resides in this judicial district.

THE PARTIES

3. Plaintiff FlashPoint is a Delaware corporation. FlashPoint's corporate headquarters are located at 20 Depot Street, Suite 2A, Peterborough, NH 03458.

4. FlashPoint is in the business of providing software products and services to the digital imaging industry. FlashPoint's technology significantly improves the functionality of digital imaging devices. FlashPoint developed and markets a variety of software applications, including an imaging platform that supports a variety of imaging standards and provides a modular architecture that allows OEMs to develop a complete product line from a single code base. In addition, FlashPoint has developed products and technologies driving the convergence of digital imaging and wireless technology, including an integrated end-to-end platform for wireless digital imaging.

5. On information and belief, Concord is a New Jersey corporation with headquarters at 4000 Hollywood Boulevard, Hollywood, Florida.

6. Concord actively offers for sale and promotes products and services, including its digital camera products, within the District of Delaware and elsewhere.

COUNT I

(Infringement of U.S. Patent No. 6,177,956)

7. On January 23, 2001, United States Patent No. 6,177,956 (the "'956 patent") (Exh. A), entitled "System and Method for Correlating Processing Data and Image Data Within a Digital Camera Device," was duly and legally issued to plaintiff for an invention relating to digital imaging devices; and since that date plaintiff has been and still is the owner of the '956 patent.

8. On information and belief, Concord has been and still is infringing, contributing to the infringement of, and/or inducing the infringement of the '956 patent by making, selling, using, offering for sale, and/or importing into the United States digital

camera products that practice the patented invention and will continue to do so unless enjoined by this Court.

9. On information and belief, Concord's infringement of the '956 patent has been and continues to be willful, entitling FlashPoint to enhanced damages.

10. FlashPoint has been damaged by Concord's infringement, which will continue unless enjoined by this Court.

COUNT II

(Infringement of U.S. Patent No. 6,249,316)

11. On June 19, 2001, United States Patent No. 6,249,316 (the "'316 patent") (Exh. B), entitled "Method and System for Creating a Temporary Group of Images on a Digital Camera," was duly and legally issued to plaintiff for an invention relating to digital imaging devices; and since that date plaintiff has been and still is the owner of the '316 patent.

12. On information and belief, Concord has been and still is infringing, contributing to the infringement of, and/or inducing the infringement of the '316 patent by making, selling, using, offering for sale, and/or importing into the United States digital camera products that practice the patented invention and will continue to do so unless enjoined by this Court.

13. On information and belief, Concord's infringement of the '316 patent has been and continues to be willful, entitling FlashPoint to enhanced damages.

14. FlashPoint has been damaged by Concord's infringement, which will continue unless enjoined by this Court.

COUNT III

(Infringement of U.S. Patent No. 6,847,388)

15. On January 25, 2005, United States Patent No. 6,847,388 (the "'388 patent") (Exh. C), entitled "Method and System for Accelerating a User Interface of an Image Capture Unit During Play Mode," was duly and legally issued to plaintiff for an invention relating to digital imaging devices; and since that date plaintiff has been and still is the owner of the '388 patent.

16. On information and belief, Concord has been and still is infringing, contributing to the infringement of, and/or inducing the infringement of the '388 patent by making, selling, using, offering for sale, and/or importing into the United States digital camera products that practice the patented invention and will continue to do so unless enjoined by this Court.

17. On information and belief, Concord's infringement of the '388 patent has been and continues to be willful, entitling FlashPoint to enhanced damages.

18. FlashPoint has been damaged by Concord's infringement, which will continue unless enjoined by this Court.

COUNT IV

(Infringement of U.S. Patent No. 6,278,447)

19. On August 21, 2001, United States Patent No. 6,278,447 (the "'447 patent") (Exh. D), entitled "Method and System for Accelerating a User Interface of an Image Capture Unit During Play Mode," was duly and legally issued to plaintiff for an invention relating to digital imaging devices; and since that date plaintiff has been and still is the owner of the '447 patent.

20. On information and belief, Concord has been and still is infringing, contributing to the infringement of, and/or inducing the infringement of the '447 patent by making, selling, using, offering for sale, and/or importing into the United States digital camera products that practice the patented invention and will continue to do so unless enjoined by this Court.

21. On information and belief, Concord's infringement of the '447 patent has been and continues to be willful, entitling FlashPoint to enhanced damages.

22. FlashPoint has been damaged by Concord's infringement, which will continue unless enjoined by this Court.

COUNT V

(Infringement of U.S. Patent No. 6,223,190)

23. On April 24, 2001, United States Patent No. 6,223,190 (the "'190 patent") (Exh. E), entitled "Method and System for Producing an Internet Page Description File on a Digital Imaging Device," was duly and legally issued to plaintiff for an invention relating to digital imaging devices; and since that date plaintiff has been and still is the owner of the '190 patent.

24. On information and belief, Concord has been and still is infringing, contributing to the infringement of, and/or inducing the infringement of the '190 patent by making, selling, using, offering for sale, and/or importing into the United States digital camera products that practice the patented invention and will continue to do so unless enjoined by this Court.

25. On information and belief, Concord's infringement of the '190 patent has been and continues to be willful, entitling FlashPoint to enhanced damages.

26. FlashPoint has been damaged by Concord's infringement, which will continue unless enjoined by this Court.

WHEREFORE, FlashPoint prays for judgment and relief as follows:

A. A preliminary and permanent injunction against Concord's continued infringement, inducing of infringement, and contributing to infringement of the '956, '316, '388, '447 and '190 patents (collectively the "patents in suit");

B. An award of damages in favor of FlashPoint and against Concord sufficient to compensate FlashPoint for Concord's infringement of the patents in suit, and an assessment of prejudgment interest and post-judgment interest;

C. A finding by the Court that Concord's infringement of the patents in suit is willful, and an award of enhanced damages of up to three times the amount found or assessed;

D. A finding by the Court that this case is exceptional under 35 U.S.C. § 285;

E. An award to FlashPoint of its reasonable expenses, including attorneys' fees, and costs of this action; and

F. Such other and further relief as the Court finds just and proper.

DEMAND FOR JURY TRIAL

Plaintiff FlashPoint hereby demands a trial by jury of all issues so triable.

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