IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

FLASHPOINT TECHNOLOGY, INC.,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil Action No. _____
	§	
GENERAL IMAGING CO.,	§	**JURY TRIAL DEMANDED**
	§	
Defendant.	§	

PLAINTIFF'S ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff FlashPoint Technology, Inc. ("Plaintiff" or "FlashPoint"), by and through its undersigned counsel, files this Original Complaint against General Imaging Co. ("GIC") as follows:

NATURE OF THE ACTION

1. This is a patent infringement action to stop GIC's infringement of FlashPoint's United States Patent No. 6,118,480 entitled "Method and Apparatus for Integrating a Digital Camera User Interface Across Multiple Operating Modes" (the "'480 patent"; a copy of which is attached hereto as Exhibit 1), United States Patent No. 6,222,538 entitled "Directing Image Capture Sequences in a Digital Imaging Device Using Scripts" (the "'538 patent"; a copy of which is attached hereto as Exhibit 2), United States Patent No. 6,223,190 entitled "Method and System for Producing an Internet Page Description File on a Digital Imaging Device" (the "'190 patent"; a copy of which is attached hereto as Exhibit 3), United States Patent No. 6,249,316 entitled "Method and System for Creating a Temporary Group of Images on a Digital Camera" (the "'316 patent"; a copy of which is attached hereto as Exhibit 4), United States Patent No.

6,504,575 entitled "Method and System for Displaying Overlay Bars in a Digital Imaging Device" (the "'575 patent"; a copy of which is attached hereto as Exhibit 5), United States Patent No. 5,903,309 entitled "Method and System for Displaying Images and Associated Multimedia Types in the Interface of a Digital Camera" (the "'309 patent"; a copy of which is attached hereto as Exhibit 6), and United States Patent No. 6,278,447 entitled "Method and System for Accelerating a User Interface of an Image Capture Unit During Play Mode" (the "'447 patent"; a copy of which is attached hereto as Exhibit 7). The '480, '538, '190, '316, '575, '309 and '447 patents may be collectively referred to herein as the "patents-in-suit." FlashPoint is the legal owner of the patents-in-suit. FlashPoint seeks injunctive relief and monetary damages.

PARTIES

2. Plaintiff FlashPoint Technology, Inc. is a corporation organized and existing under the laws of the State of Delaware. FlashPoint maintains its principal place of business at 20 Depot Street, Suite 2A, Peterborough, New Hampshire 03458. FlashPoint is the legal owner of the patents-in-suit, and possesses all rights of recovery under the patents-in-suit, including the right to sue for infringement and recover past damages.

3. Upon information and belief, Defendant General Imaging Co. is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at 2158 West 190th Street, Torrance, California.

JURISDICTION AND VENUE

4. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*, including 35 U.S.C. §§ 271, 281-285. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

5. Upon information and belief, GIC has transacted business and committed acts of infringement within the State of Delaware, and the District of Delaware, and is subject to the personal jurisdiction of this Court.

6. Upon information and belief, GIC has offered for sale, imported, or sold electronic products capable of being used, *inter alia*, to capture, process, and view digital images in this District.

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

8. GIC resides in this District for the purposes of venue, insofar as it is subject to the personal jurisdiction in this District, has committed acts of infringement in this District, solicits business in this District, provides services in this District, encourages others to practice infringing methods in this District, and conducts other business in this District.

COUNT I – PATENT INFRINGEMENT

9. On September 12, 2000, the United States Patent and Trademark Office duly and legally issued the ‘480 patent to FlashPoint, as assignee of the inventors Eric C. Anderson, Steve Saylor, and Amanda R. Mander. The ‘480 patent is in full force and effect. FlashPoint is the legal owner of the ‘480 patent and possesses all rights of recovery under the ‘480 patent.

10. On April 24, 2001, the United States Patent and Trademark Office duly and legally issued the ‘538 patent to FlashPoint, as assignee of the inventor Eric C. Anderson. The

‘538 patent is in full force and effect. FlashPoint is the legal owner of the ‘538 patent and possesses all rights of recovery under the ‘538 patent.

11. On April 24, 2001, the United States Patent and Trademark Office duly and legally issued the ‘190 patent to FlashPoint, as assignee of the inventors Tim Takao Aihara and Rodney Somerstein. The ‘190 patent is in full force and effect. FlashPoint is the legal owner of the ‘190 patent and possesses all rights of recovery under the ‘190 patent.

12. On June 19, 2001, the United States Patent and Trademark Office duly and legally issued the ‘316 patent to FlashPoint, as assignee of the inventor Eric C. Anderson. The ‘316 patent is in full force and effect. FlashPoint is the legal owner of the ‘316 patent and possesses all rights of recovery under the ‘316 patent.

13. On January 7, 2003, the United States Patent and Trademark Office duly and legally issued the ‘575 patent to FlashPoint, as assignee of the inventors Michael A. Ramirez and Eric C. Anderson. The ‘575 patent is in full force and effect. FlashPoint is the legal owner of the ‘575 patent and possesses all rights of recovery under the ‘575 patent.

14. On May 11, 1999, the United States Patent and Trademark Office duly and legally issued the ‘309 patent to FlashPoint, as assignee of the inventor Eric C. Anderson. The ‘309 patent is in full force and effect. FlashPoint is the legal owner of the ‘309 patent and possesses all rights of recovery under the ‘309 patent.

15. On August 21, 2001, the United States Patent and Trademark Office duly and legally issued the ‘447 patent to FlashPoint, as assignee of the inventors Michael A. Ramirez and Eric C. Anderson. The ‘447 patent is in full force and effect. FlashPoint is the legal owner of the ‘447 patent and possesses all rights of recovery under the ‘447 patent.

16. In 1996, FlashPoint was founded as a spin-off of the Imaging Division of Apple Computer, Inc. ("Apple"). FlashPoint continued the research and development of the core technologies started at Apple, and perfected such technologies.

17. Those technologies, protected by the patents-in-suit, enable users to, among other things, capture, process, and view digital images.

18. The marketplace has long recognized the value of FlashPoint's inventions, including the patents-in-suit. Licensees include Canon Inc., Casio Computer Co., Ltd., Concord Camera Corp., Seiko Epson Corp., Fuji Photo Film Co., Ltd., Hewlett-Packard Co., Eastman Kodak Co., Konica Corp., Matsushita Electric Industrial Co., Minolta Co., Ltd., Pentax Corp., Ricoh Corp., Samsung Techwin Co., Ltd., Sanyo Electric Co., Ltd., Sharp Corp., Toshiba Corp., and Vivitar Corp.

19. Upon information and belief, GIC practices inventions covered by the patents-in-suit.

20. Upon information and belief, GIC has infringed and continues to infringe one or more claims of each of the patents-in-suit by making, using, importing, providing, offering to sell, and selling (directly or through intermediaries) infringing products and/or services, in this District and elsewhere in the United States. Upon information and belief, GIC has also contributed to the infringement of one or more claims of each of the patents-in-suit, and/or actively induced others to infringe one or more claims of each of the patents-in-suit, in this District and elsewhere in the United States.

21. GIC's aforesaid activities have been without authority and/or license from FlashPoint.

22. FlashPoint is entitled to recover from GIC the damages sustained by FlashPoint as a result of GIC's wrongful acts in an amount subject to proof at trial.

23. GIC's infringement of Flashpoint's exclusive rights under the patents-in-suit will continue to damage Flashpoint, causing irreparable harm for which there is no adequate remedy at law, unless enjoined by this Court.

JURY DEMAND

24. Plaintiff demands a trial by jury on all issues.

PRAYER FOR RELIEF

Plaintiff FlashPoint Technology, Inc. respectfully requests the following relief:

A. An adjudication that GIC has infringed and continues to infringe claims of the patents-in-suit;

B. An award to Flashpoint of damages adequate to compensate Flashpoint for GIC's acts of infringement together with prejudgment interest;

C. A grant of permanent injunction pursuant to 35 U.S.C. § 283, enjoining GIC from further acts of (1) infringement, (2) contributory infringement, and (3) actively inducing infringement with respect to the claims of the patents-in-suit; and

D. Any further relief that this Court deems just and proper.

/s/ David J. Margules

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