IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MPHJ TECHNOLOGY INVESTMENTS, LLC, Plaintiff, v. DILLARD'S, INC., Defendant.	Civil Action No. _____ **JURY TRIAL REQUESTED**

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff MPHJ Technology Investments, LLC, by way of Complaint against Defendant Dillard's, Inc., hereby alleges as follows:

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.*

THE PARTIES

2. Plaintiff MPHJ is a limited liability company organized under the laws of the State of Delaware with a place of business at 1013 Centre Road, Suite 403S, Wilmington, Delaware 19805.

3. On information and belief, Defendant Dillard's, Inc., is a corporation organized under the laws of the State of Delaware, and may be served by serving its Registered Agent, The Corporation Trust Company at 1209 Orange Street, Wilmington, Delaware 19801.

JURISDICTION AND VENUE

4. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 and 1338.

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

6. This Court has personal jurisdiction over Defendant at least because Defendant has ongoing and systematic contacts with this District and the United States. Specifically, Defendant is a corporation organized under the laws of Delaware, has a registered agent for service of process in Delaware, and has at least thereby availed itself of the privileges and the protections of the laws of the State of Delaware.

THE PATENTS-IN-SUIT

7. On July 16, 2013, United States Patent No. 8,488,173, entitled "Distributed Computer Architecture and Process for Document Management," was duly and legally issued by the United States Patent and Trademark Office ("USPTO"). A true and correct copy of the '173 Patent is attached as Exhibit A1 to this Complaint.

8. On January 13, 2009, United States Patent No. 7,477,410, entitled "Distributed Computer Architecture and Process for Virtual Copying," was duly and legally issued by the USPTO. A true and correct copy of the '410 Patent is attached as Exhibit A2 to this Complaint.

9. Plaintiff MPHJ is the assignee and owner of the right, title and interest in and to the '173 Patent, including the right to assert all causes of action arising under said Patent and the right to any remedies for infringement of it.

10. Plaintiff MPHJ is the assignee and owner of the right, title and interest in and to the '410 Patent, including the right to assert all causes of action arising under said Patent and the right to any remedies for infringement of it.

11. Canon, Inc. has entered into an agreement with MPHJ that includes certain provisions for the benefit of Canon customers. One provision is a covenant-not-to-sue for the benefit of any company otherwise infringing the Patents, which applies only where all of the

scanners or MFPs that are part of any infringing system of that company are Canon Products. On information and belief, this provision is not applicable to Defendant.

12. A second provision of the Canon agreement is that MPHJ shall not seek damages for the portion of any infringing system used by Defendant that may be attributable on a pro rata basis to a Canon scanner or MFP product. To the extent any system of Defendant may be the beneficiary of this provision, the claims for relief made herein in this Complaint should be considered modified accordingly.

13. Sharp Corporation has entered into an agreement with MPHJ that includes certain provisions for the benefit of Sharp customers. One provision is a covenant-not-to-sue for the benefit of any company otherwise infringing the Patents, which applies only where all of the scanners or MFPs that are part of any infringing system of that company are Sharp Products. On information and belief, this provision is not applicable to Defendant.

14. A second provision of the Sharp agreement is that MPHJ shall not seek damages for the portion of any infringing system used by Defendant that may be attributable on a pro rata basis to a Sharp scanner or MFP product. To the extent any system of Defendant may be the beneficiary of this provision, the claims for relief made herein in this Complaint should be considered modified accordingly.

BACKGROUND

15. MPHJ re-alleges and incorporates herein all allegations made in the preceding paragraphs, and further alleges as follows.

16. On information and belief, Dillard's is a company that operates retail department stores in the United States.

17. On information and belief, Dillard's has approximately 38,000 employees.

18. On information and belief, since at least 2007, Dillard's has owned and operated at least one system capable of transmitting electronic images, graphics and/or documents via a communications network from a network addressable scanner, digital copier, or other multifunction peripheral to external destinations, such as devices, files and applications that would satisfy at least one claim each of the '173 Patent and the '410 Patent.

19. On information and belief, Dillard's owns and operates at least one IT system for which the following allegations are true and accurate, even if particular components, connections, or functionality have changed or modified over time. The allegations contained herein on information and belief, relate to any such prior systems, and also the current version of such system, which shall be referred to herein as the "Dillard's IT System."

20. On information and belief, the Dillard's IT System in part uses software from Xerox Corporation, including but not limited to Xerox FlowPort, Xerox SMARTsend and Xerox DocuShare. *See* 2010 Dillard's, Inc. Retail Case Study attached hereto and incorporated as Exhibit B1; 2006 Dillard's, Inc. Retail Case Study attached hereto and incorporated as Exhibit B2.

21. On information and belief, the Dillard's IT System uses hardware from Xerox Corporation, including Xerox multifunction peripherals ("MFPs"). Ex. B1; Ex. B2.

22. On information and belief, the Dillard's IT System is capable of scanning a document and sending it to multiple locations. Ex. B1; Ex. B2.

23. On information and belief, the Dillard's IT System includes server hardware at each retail location to facilitate electronic transmission of files. Ex. B1.

24. On information and belief, the Dillard's IT System includes the ability to scan and send documents as electronic images directly into email software applications operating on PCs

connected to the system. *See* Xerox FlowPort Brochure attached hereto and incorporated as Exhibit B3; Xerox SMARTsend Website attached hereto and incorporated as Exhibit B4; Xerox SMARTsend 3.0 Brochure attached hereto and incorporated as Exhibit B5.

25. On information and belief, Dillard's, together with employees, agents, consultants and subcontractors under its control, acquired the components of, and then assembled, the Dillard's IT System.

26. On information and belief, Dillard's has used, and continues to use the Dillard's IT System in its business activities. Ex. B1.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 8,488,173

27. On information and belief, the Dillard's IT System, and/or the use of such system, infringes one or more claims of the '173 Patent, including the claims specifically referenced hereafter.

A. Claim 1 of the '173 Patent

28. For its first claim for relief, Plaintiff MPHJ re-alleges and incorporates herein all allegations made in the preceding paragraphs, and further alleges as follows.

29. On information and belief, the Dillard's IT System made and used by Defendant infringes at least Claim 1 of the '173 Patent.

30. The preamble of Claim 1 of the '173 Patent recites:

> A system capable of transmitting at least one of an electronic image, electronic graphics and electronic document to a plurality of external destinations including one or more of external devices, local files and applications responsively connectable to at least one communication network, comprising:

31. On information and belief, whether or not the above preamble is construed as limiting, if construed as such, the Dillard's IT System meets those limitations as set forth below.

32. On information and belief, as set forth in more detail herein, the Dillard's IT System made and used by Defendant is "a system capable of transmitting at least one of an electronic image, electronic graphics and electronic document to a plurality of external destinations including one or more of external devices, local files and applications responsively connectable to at least one communication network."

33. On information and belief, the Dillard's IT System was put into place, in part, to facilitate "electronic transmission of [merchandise] directives." Ex. B1.

34. On information and belief, the Dillard's IT System includes, among the plurality of external destinations, "one or more of external devices, local files and applications" that would be "responsively connectable to at least one communication network."

35. On information and belief, these devices, files and applications likely include at least PCs operating email software, networked storage and server hardware for storing and implementing image-routing and document repository software, and MFPs. Ex. B1; Ex. B2.

36. On information and belief, these devices, files and applications would be connected by at least one communication network that is utilized by at least one server to store and implement the Xerox DocuShare, Xerox FlowPort and/or Xerox SMARTsend software. Ex. B1; Ex. B2.

37. A first element of Claim 1 of the '173 Patent requires:

> at least one network addressable scanner, digital copier or other multifunction peripheral capable of rendering at least one of said electronic image, electronic graphics and electronic document in response to a selection of a Go button;

38. On information and belief, as set forth in more detail in the following paragraphs, in the Dillard's IT System there is "at least one network addressable scanner, digital copier or

other multifunction peripheral capable of rendering at least one of said electronic image, electronic graphics and electronic document in response to a selection of a Go button."

39. On information and belief, the Dillard's IT System utilizes "Xerox Document Centre multifunction networked systems" and "Xerox WorkCentre Pro color multi-function devices." Ex. B1; Ex. B2.

40. On information and belief, such devices are "capable of rendering at least one of said electronic image, electronic graphics and electronic document in response to a selection of a Go button." Ex. B1; Ex. B2; Ex. B3.

41. On information and belief, the Dillard's IT System stores and implements Xerox FlowPort software which enables the scanning and routing of documents with "green button simplicity" and only requires the user to "[p]ush the button… [t]hat's about it." Ex. B2; Ex. B3.

42. On information and belief, the Dillard's IT System also stores and implements Xerox SMARTsend software which incorporates the use of a "Scan to Home button, which …simplifies scanning for walk-up users by automatically sending scans to a pre-defined home destination." Ex. B4.

43. On information and belief, the language describing the "button" features within both FlowPort and SMARTsend software plainly illustrates the functionality and response generated from the selection of a "Go button" as described in Claim 1.

44. A second element of Claim 1 of the '173 Patent requires:

> At least one memory storing a plurality of interface protocols for interfacing and communicating;

45. On information and belief, as set forth in more detail in the following paragraphs, in the Dillard's IT System there is "at least one memory storing a plurality of interface protocols for interfacing and communicating."

46. On information and belief, such memory is resident on the MFPs utilized in the Dillard's IT System. Ex. B1; Ex. B2.

47. On information and belief, the Dillard's IT System utilizes 473 Xerox MFPs. Ex. B2.

48. On information and belief, the Dillard's IT System stores and implements FlowPort and/or SMARTsend image-routing software. Ex. B1; Ex. B2.

49. On information and belief, in the Dillard's IT System these components are utilized together to scan paper invoices directly into applications such as, for example, the Dillard's accounts payable systems. Ex. B1; Ex. B2.

50. On information and belief, the existence of communication within the Dillard's IT System between the Dillard's MFPs and applications such as the Dillard's accounts payable systems requires that Dillard's MFPs be internetworked with the Dillard's IT System's devices and applications and must implement said interface protocols across this internetwork between said devices and applications.

51. On information and belief, said protocols for interfacing and communicating are temporarily stored throughout the process of their assembly within the MFP's internal memory (RAM), and enable functionality such as the ability to transmit an image from said scanning device to a specified destination.

52. On information and belief, when connected to the Dillard's IT System's internetwork, the stored protocols allow said scanning device to interface and communicate with other devices, files and applications.

53. A third element of Claim 1 of the '173 Patent requires:

> at least one processor responsively connectable to said at least one memory, and implementing the plurality of interface protocols as a

> software application for interfacing and communicating with the plurality of external destinations including the one or more of the external devices and applications,

54. On information and belief, as set forth in more detail in the following paragraphs, the Dillard's IT System has "at least one processor responsively connectable to said at least one memory, and implementing the plurality of interface protocols as a software application for interfacing and communicating with the plurality of external destinations including the one or more of the external devices and applications."

55. On information and belief, implementation of said protocols is a requirement for devices in the Dillard's IT System to communicate and interface with external devices and applications.

56. On information and belief, the admitted existence of communication between electronic devices and applications composing the Dillard's IT System, as per Exhibits B1 and B2, indicates that Dillard's MFPs are internetworked with at least some of the Dillard's IT System's devices and applications and will implement at least some of said interface protocols across this internetwork between said devices and applications.

57. On information and belief, said protocols are handled via the MFPs internal processor (CPU), which is "connectable to said at least one memory" and enables functionality such as the ability to transmit an image from said scanning device to a specified destination.

58. On information and belief, when connected to the Dillard's IT System's internetwork, the stored protocols allow at least one scanning device to interface and communicate with other network devices and applications.

59. A fourth element of Claim 1 of the '173 Patent requires:

> wherein one of said plurality of interface protocols is employed when one of said external destinations is email application software;

60. On information and belief, as set forth in more detail in the following paragraphs, in the Dillard's IT System made and used by Defendant "one of said plurality of interface protocols is employed when one of said external destinations is email application software."

61. On information and belief, the use of corporate email systems is ubiquitous in companies the size of Dillard's.

62. On information and belief, the Dillard's IT System is capable of scanning a document and transmitting it to an external destination such as email application software.

63. On information and belief, the Dillard's IT System stores and implements Xerox DocuShare, SMARTsend and/or FlowPort software. Ex. B1. Ex. B2.

64. On information and belief, "DocuShare supports document-centric collaborative processes out of the box, offering interfaces to leading office and email applications." *See* Xerox DocuShare 4 Brochure attached hereto and incorporated as Exhibit B6.

65. On information and belief, SMARTsend users have the capability to "[s]hare hard copy information" by scanning the document and sending it to "multiple email addresses, repositories, network folders, FTP folders, web URLs or remote printers." Ex. B5.

66. On information and belief, FlowPort software enables users "to merge paper documents into email, workflow, and document management systems" and "decreases telecommunications and overnight mail costs through remote printing and email distribution features." Ex. B3.

67. On information and belief, the interface protocols necessary to utilize these capabilities in conjunction with email application software would include, for example, SMTP, IMAP, POP, MAPI and/or MIME.

68. A fifth element of Claim 1 of the '173 Patent requires:

> wherein a second of said plurality of interface protocols is employed when the one of said external destinations is a local file;

69. On information and belief, as set forth in more detail in the following paragraphs, in the Dillard's IT System made and used by Defendant "a second of said plurality of interface protocols is employed when the one of said external destinations is a local file."

70. On information and belief, the Dillard's IT System stores and implements Xerox SMARTsend and/or FlowPort image-routing software as well as Document Centre MFPs. Ex. B1; Ex. B2.

71. On information and belief, SMARTsend users have the capability to "[s]hare hard copy information" by scanning the document and sending it to local files including, for example, network folders. Ex. B5.

72. On information and belief, FlowPort, when coupled with Document Centre devices, enables "Scan to File" functionality. Ex. B3.

73. On information and belief, the Dillard's IT System makes use of servers at each store to electronically transmit merchandise directives. Ex. B1; Ex. B2.

74. On information and belief, a data transmission protocol such as, for example, FTP, SMB, and/or TCP/IP would be implemented to facilitate the functionality referenced in the preceding paragraphs.

75. A sixth element of Claim 1 of the '173 Patent requires:

> wherein a plurality of said external destinations is in communication with said at least one network addressable scanner, digital copier or other multifunction peripheral over a local area network;

76. On information and belief, as set forth in more detail in the following paragraphs, in the Dillard's IT System made and used by Defendant "a plurality of said external destinations

is in communication with said at least one network addressable scanner, digital copier or other multifunction peripheral over a local area network."

77. The Dillard's IT System includes external destinations such as, for example servers and MFPs, files, such as, for example, those files hosted on servers and PCs within the Dillard's IT System, as well as applications, such as, for example, Dillard's accounts payable system and corporate email system.

78. On information and belief, these external destinations communicate with at "least one network addressable scanner, digital copier or other multifunction peripheral over a local area network" including, for example, when paper invoices are scanned from an MFP directly into Dillard's accounts payable systems. Ex. B2.

79. On information and belief, these paper invoices are scanned and entered into the accounts payable system via SMARTsend and/or FlowPort software. Ex. B1; Ex. B2.

80. On information and belief, SMARTsend and FlowPort software are server-based, and as such, use of the software's image-routing functionality would ordinarily require communication between the MFP, the server on which the software is hosted, and the external destination to which the scanned image is ultimately sent. Ex. B3; Ex.

81. On information and belief, such an arrangement would ordinarily indicate that the scanned documents are transmitted, at least in part, over a local area network.

82. A seventh element of Claim 1 of the '173 Patent requires:

> wherein at least one of said external destinations receives said electronic image, electronic graphics and electronic document as a result of a transmission over the at least one communication network;

83. On information and belief, as set forth in more detail in the following paragraphs, in the Dillard's IT System made and used by Defendant there is "at least one of said external

destinations receives said electronic image, electronic graphics and electronic document as a result of a transmission over the at least one communication network."

84. On information and belief, the Dillard's accounts payable system is one such "external destination" that "receives said electronic image, electronic graphics and electronic document as a result of a transmission over the at least one communication network" when paper invoices are scanned "directly into accounts payable systems." Ex. B1; Ex. B2.

85. On information and belief, these invoices are then viewed and approved online. Ex. B1.

86. The scanning of paper invoices from an MFP directly into Dillard's accounts payable systems suggests that the transmission of these documents occurs over at least one communication network. Ex. B1.

87. An eighth element of Claim 1 of the '173 Patent requires:

> a printer other than said at least one network addressable scanner, digital copier or other multifunction peripheral;

88. On information and belief, as set forth in more detail in the following paragraphs, in the Dillard's IT System made and used by Defendant there is "a printer other than said at least one network addressable scanner, digital copier or other multifunction peripheral."

89. On information and belief, the Dillard's IT System includes at least "473 Document Centre multifunction networked systems" that replaced a number of devices, including stand-alone printers. Ex. B2.

90. On information and belief, the Dillard's IT System, through the SMARTsend component, enables scanning at one MFP and printing at a remote printer, including other MFPs and thus satisfies the limitation found in above element of Claim 1. Ex. B5.

91. A ninth element of Claim 1 of the '173 Patent requires:

> wherein, in response to the selection of said Go button, an electronic document management system integrates at least one of said electronic image, electronic graphics and electronic document using software so that said electronic image, electronic graphics and electronic document gets seamlessly replicated and transmitted to at least one of said plurality of external destinations;

92. On information and belief, as set forth in more detail in the following paragraphs, in the Dillard's IT System made and used by Defendant "in response to the selection of said Go button, an electronic document management system integrates at least one of said electronic image, electronic graphics and electronic document using software so that said electronic image, electronic graphics and electronic document gets seamlessly replicated and transmitted to at least one of said plurality of external destinations."

93. On information and belief, the Dillard's IT System stores and implements Xerox FlowPort software which permits a document to be scanned and routed, *i.e.* replicated and transmitted, with "green button simplicity" and only requires the user to "[p]ush the button… [t]hat's about it." Ex. B2; Ex. B3.

94. On information and belief, the Dillard's IT System stores and implements Xerox SMARTsend software which enables the use of a "Scan to Home button, which …simplifies scanning for walk-up users by automatically sending scans to a pre-defined home destination." Ex. B4.

95. On information and belief, the functionality of the above-referenced Xerox software components stored and implemented by the Dillard's IT System, enables said documents to be sent to a plurality of external destinations including, for example, email addresses, document repositories, FTP folders and printers. Ex. B3; Ex. B4.

96. On information and belief, the language describing the "button" features within both FlowPort and SMARTsend software plainly illustrates the functionality and response generated from the selection of a "Go button" as described in Claim 1.

97. A tenth element of Claim 1 of the '173 Patent requires:

> wherein at least one of said electronic image, electronic graphics and electronic document is processed by said at least one network addressable scanner, digital copier or other multifunction peripheral into a file format, and wherein a plurality of said external destinations are compatible with said file format without having to modify said external destinations; and

98. On information and belief, as set forth in more detail in the following paragraphs, in the Dillard's IT System made and used by Defendant "at least one of said electronic image, electronic graphics and electronic document is processed by said at least one network addressable scanner, digital copier or other multifunction peripheral into a file format, and wherein a plurality of said external destinations are compatible with said file format without having to modify said external destinations."

99. On information and belief, the Dillard's IT System, through use of component software such as, for example, SMARTsend, is able to scan a document into industry standard file formats and send it to multiple destinations all in the same workflow and thus process the document into a file format that is compatible with the external destination, without having to modify the external destination. Ex. B4.

100. An eleventh element of Claim 1 of the '173 Patent requires:

> wherein upon said replication and seamless transmission to at least one of said external destinations, said electronic image, electronic graphics and electronic document is communicable across a network to at least three other of said external destinations, and is optionally printable by said printer.

101. On information and belief, as set forth in more detail in the following paragraphs, in the Dillard's IT System made and used by Defendant "upon said replication and seamless transmission to at least one of said external destinations, said electronic image, electronic graphics and electronic document is communicable across a network to at least three other of said external destinations, and is optionally printable by said printer."

102. On information and belief, the Dillard's IT System is composed of, in part, 473 MFPs, spread across Dillard's retail stores, divisions and headquarters as well as software that enables remote management of in-store equipment. Ex. B2.

103. On information and belief, in conjunction with the component software including, for example FlowPort and SMARTsend, the Dillard's IT System is capable of scanning a document and transmitting it to at least three other external destinations including, for example, email addresses, document repositories, FTP folders, and printers. Ex. B3; Ex. B4.

B. Claim 2 of the '173 Patent – no evidence of which email software they use

104. Plaintiff MPHJ re-alleges and incorporates herein all allegations made in the preceding paragraphs, and further alleges as follows.

105. The Dillard's IT System made and used by Defendant infringes at least Claim 2 of the '173 Patent.

106. Claim 2 adds the following additional requirement:

> wherein as a result of the implementing of one or more of said plurality of interface protocols in said system, said electronic image, electronic graphics and electronic document gets seamlessly transmitted to a commercially-available software package for business electronic mail exchange running as an application on said communication network.

107. On information and belief, as set forth in more detail in the following paragraphs, in the Dillard's IT System made and used by Defendant "as a result of the implementing of one

or more of said plurality of interface protocols in said system, said electronic image, electronic graphics and electronic document gets seamlessly transmitted to a commercially-available software package for business electronic mail exchange running as an application on said communication network."

108. On information and belief, the use of corporate email systems is ubiquitous in companies the size of Dillard's.

109. On information and belief, the Dillard's IT System includes at least one "commercially-available software package for business electronic mail exchange running as an application on said communication network."

110. On information and belief, the Dillard's IT System utilizes Xerox MFPs. Ex. B1; Ex. B2.

111. On information and belief, the Dillard's IT System stores and implements SMARTsend and/or FlowPort software. Ex. B1; Ex. B2.

112. On information and belief, such components all permit integration for use with email. Ex. B3; Ex. B5.

113. On information and belief, SMARTsend enables users of the Dillard's IT System to "[s]hare hard copy information" between "…multiple email addresses, repositories, network folders, FTP folders, web URLs or remote printers" and "[s]end documents to multiple destinations in one scan," including email addresses. Ex. B4; Ex. B5.

114. On information and belief, FlowPort software allows users of the Dillard's IT System "to merge paper documents into email, workflow, and document management systems" and also "decreases telecommunications and overnight mail costs through… email distribution features." Ex. B3.

115. On information and belief, the Dillard's IT System is able to capture and transmit documents to corporate email boxes via FlowPort, and/or SMARTsend software. Ex. B3; Ex. B5; Ex. B6.

116. On information and belief, the Dillard's IT System would store and implement protocols such as, for example, SMTP, IMAP, POP, MAPI and/or MIME when utilizing the above-referenced functionality in the FlowPort and/or SMARTsend software.

C. Claim 3 of the '173 Patent

117. Plaintiff MPHJ re-alleges and incorporates herein all allegations made in the preceding paragraphs, and further alleges as follows.

118. The Dillard's IT System made and used by Defendant infringes at least Claim 3 of the '173 Patent.

119. Claim 3 adds the following additional requirement:

> The system of claim 2, wherein as a result of the implementation of one or more of said plurality of interface protocols in said system, said electronic image, electronic graphics and electronic document gets seamlessly transmitted to said local file accessible by one or more applications other than said software package for business electronic mail exchange.

120. On information and belief, as set forth in more detail in the following paragraphs, in the Dillard's IT System made and used by Defendant "as a result of the implementation of one or more of said plurality of interface protocols in said system, said electronic image, electronic graphics and electronic document gets seamlessly transmitted to said local file accessible by one or more applications other than said software package for business electronic mail exchange."

121. On information and belief, such interface protocols would include, for example FTP and/or SMB.

122. On information and belief, the Dillard's IT System stores and implements Xerox FlowPort and/or SMARTsend image-routing software as well as DocuShare document repository software. Ex. B1; Ex. B2.

123. On information and belief, several features of these components illustrate that local files to which documents have been transmitted are accessible to applications other than email applications.

124. On information and belief, FlowPort permits a user of the Dillard's IT System to "turn hard copy documents… into high quality digital documents" and route them "to email, document repositories, or other applications." Ex. B3.

125. On information and belief, FlowPort also enables users to identify and retrieve "specific digital documents and route them for faxing, emailing or printing to a specific output device" indicating that other applications have access to local files to which scanned documents have been sent. Ex. B3.

126. On information and belief, SMARTsend enables the addition of indexing data to scanned documents for use in later search and retrieval of the scanned documents. Ex. B4.

127. On information and belief, "DocuShare supports document-centric collaborative processes out of the box, offering interfaces to leading office and email applications." Ex. B6.

128. On information and belief, these features indicate that documents scanned and sent to local files are subsequently accessible to applications other than email applications.

COUNT II – INFRINGEMENT OF U.S. PATENT NO. 7,477,410

129. On information and belief, the Dillard's IT System, and/or the use of such system, infringes one or more claims of the '410 Patent, including the claims specifically referenced hereafter.

A. Claim 1 of the ’410 Patent

130. For its second claim for relief, Plaintiff MPHJ re-alleges and incorporates herein all allegations made in the preceding paragraphs, and further alleges as follows.

131. On information and belief, the Dillard’s IT System made and used by Defendant infringes at least Claim 1 of the ’410 Patent.

132. The preamble of Claim 1 of the ’410 Patent recites:

> A computer data management system including at least one of an electronic image, graphics and document management system capable of transmitting at least one of an electronic image, electronic graphics and electronic document to a plurality of external destinations including one or more of external devices and applications responsively connectable at least one of locally and via the Internet.

133. On information and belief, whether or not the above preamble is construed as a limitation, if construed as such, the Dillard’s IT System meets those limitations as set forth below.

134. On information and belief, as set forth in more detail herein, the Dillard’s IT System made and used by Defendant is “a computer data management system including at least one of an electronic image, graphics and document management system capable of transmitting at least one of an electronic image, electronic graphics and electronic document to a plurality of external destinations including one or more of external devices and applications responsively connectable at least one of locally and via the Internet.”

135. On information and belief, the Dillard’s IT System was put into place, in part, to facilitate “electronic transmission of [merchandise] directives” and to streamline and automate manual workflow processes utilizing the latest office systems technologies. Ex. B1.

136. On information and belief, the Dillard's IT System includes, among the plurality of external destinations, "one or more of external devices and applications" that would be "responsively connectable to at least one of locally and via the Internet."

137. On information and belief, these devices and applications include at least PCs operating email software, networked storage and server hardware operating document repository and image-routing software, and MFPs. Ex. B1; Ex. B2; Ex. B3; Ex. B5; Ex. B6.

138. On information and belief, these devices and applications would be connected by at least one locally and via the Internet to store and implement the server-based image-routing and document repository software.

139. On information and belief, the Dillard's IT System utilizes the Internet for electronic transmission of large files from the corporate office to servers located at each store. Ex. B1.

140. A first element of Claim 1 of the '410 Patent requires:

> at least one memory storing a plurality of interface protocols for interfacing and communicating;

141. On information and belief, as set forth in more detail in the following paragraphs, in the Dillard's IT System made and used by Defendant there is "at least one memory storing a plurality of interface protocols for interfacing and communicating."

142. On information and belief, such memory is resident on the MFPs utilized in the Dillard's IT System. Ex. B1; Ex. B2.

143. On information and belief, the Dillard's IT System utilizes 473 Xerox MFPs. Ex. B2.

144. On information and belief, the Dillard's IT System stores and implements FlowPort and/or SMARTsend image-routing software. Ex. B1; Ex. B2.

145. On information and belief, in the Dillard's IT System these components are utilized together to scan paper invoices directly into applications such as, for example, the Dillard's accounts payable systems. Ex. B1; Ex. B2.

146. On information and belief, the existence of communication within the Dillard's IT System between the Dillard's MFPs and applications such as the Dillard's accounts payable systems requires that Dillard's MFPs be internetworked with the Dillard's IT System's devices and applications and must implement said interface protocols across this internetwork between said devices and applications.

147. On information and belief, said protocols for interfacing and communicating are temporarily stored throughout the process of their assembly within the MFP's internal memory (RAM), and enable functionality such as the ability to transmit an image from said scanning device to a specified destination.

148. On information and belief, when connected to the Dillard's IT System's internetwork, the stored protocols allow said scanning device to interface and communicate with other devices, files and applications.

149. A second element of Claim 1 of the '410 Patent requires:

> at least one processor responsively connectable to said at least one memory, and implementing the plurality of interface protocols as a software application for interfacing and communicating with the plurality of external destinations including the one or more of the external devices and applications,

150. On information and belief, as set forth in more detail in the following paragraphs, the Dillard's IT System has "at least one processor responsively connectable to said at least one memory, and implementing the plurality of interface protocols as a software application for interfacing and communicating with the plurality of external destinations including the one or more of the external devices and applications."

151. On information and belief, implementation of said protocols is a requirement for devices in the Dillard's IT System to communicate and interface with external devices and applications.

152. On information and belief, the admitted existence of communication between electronic devices and applications composing the Dillard's IT System, as per Exhibits B1 and B2, indicates that Dillard's MFPs will be internetworked with at least some of the Dillard's IT System's devices and applications and will implement at least some of said interface protocols across this internetwork between said devices and applications.

153. On information and belief, said protocols are handled via the MFPs internal processor (CPU), which is "connectable to said at least one memory" and enables functionality such as the ability to transmit an image from said scanning device to a specified destination.

154. On information and belief, when connected to the Dillard's IT System's internetwork, the stored protocols allow at least one scanning device to interface and communicate with other network devices and applications.

155. A third element of Claim 1 of the '410 Patent requires:

> wherein the computer data management system includes the capability to integrate an image using software so that the image gets seamlessly replicated and transmitted to at least one of other devices and applications, and via the Internet.

156. On information and belief, as set forth in more detail in the following paragraphs, the Dillard's IT System made and used by Defendant "includes the capability to integrate an image using software so that the image gets seamlessly replicated and transmitted to at least one of other devices and applications, and via the Internet."

157. On information and belief, various components of the Dillard's IT System provide this capability including, for example, SMARTsend image-routing software which enables the

"shar[ing] [of] hard copy information" between "multiple email addresses, repositories, network folders, FTP folders, web URLs or remote printers." Ex. B5.

158. On information and belief, the replication and transmission features found in the SMARTsend software enables the Dillard's IT System to "integrate an image using software so that the image gets seamlessly replicated and transmitted to at least one of other devices and applications" including, for example, Dillard's accounts payable systems; the Xerox MFPs dispersed throughout Dillard's retail stores, divisional offices, and headquarters; and servers installed at each retail store to handle large electronic merchandise directive files. Ex. B1.

159. On information and belief, the Internet would ordinarily be utilized by the Dillard's IT System to facilitate the transmission of images, including electronic merchandise directives, to devices located at Dillard's retail stores.

B. Claim 4 of the '410 Patent

160. Plaintiff MPHJ re-alleges and incorporates herein all allegations made in the preceding paragraphs, and further alleges as follows.

161. On information and belief, the Dillard's IT System made and used by Defendant infringes at least Claim 4 of the '410 Patent.

162. Claim 4 adds the following additional requirement:

> A computer data management system according to Claim 1, wherein the computer data management system includes at least one application programmer interface (API).

163. On information and belief, as set forth in more detail in the following paragraph, the Dillard's IT System made and used by Defendant "includes at least one application programmer interface."

164. On information and belief, the Dillard's IT System stores and implements DocuShare software. Ex. B1; Ex. B2.

165. On information and belief, included with said DocuShare software is a "[r]ich set of APIs." *See* Xerox DocuShare Development Network Brochure attached hereto and incorporated as Exhibit B7.

C. Claim 6 of the '410 Patent

166. Plaintiff MPHJ re-alleges and incorporates herein all allegations made in the preceding paragraphs, and further alleges as follows.

167. On information and belief, the Dillard's IT System made and used by Defendant infringes at least Claim 6 of the '410 Patent.

168. Claim 6 adds the following additional requirement:

> A computer data management system according to Claim 1, wherein the computer data management system includes at least one interface to interface with at least one of a plurality of external applications.

169. On information and belief, as set forth in more detail in the following paragraphs, the Dillard's IT System made and used by Defendant "includes at least one interface to interface with at least one of a plurality of external devices and a plurality of external applications."

170. On information and belief, the Dillard's IT System consists of, in part, FlowPort and DocuShare software. Ex. B2.

171. On information and belief, each of these components includes at least 1 interface for interfacing with devices and applications.

172. On information and belief, FlowPort utilizes a web browser-based client interface for interfacing with devices such as the Document Centre MFPs and networked printers, as well as for interfacing with applications such as, for example, billing and accounting systems and DocuShare. Ex. B2; Ex. B3.

173. On information and belief, DocuShare, another web browser-based application, offers interfaces to "leading office and email applications." Ex. B6.

174. On information and belief, such features of these software components stored and implemented by the Dillard's IT System illustrate the "at least one interface to interface with at least one of a plurality of external applications."

D. Claim 7 of the '410 Patent

175. Plaintiff MPHJ re-alleges and incorporates herein all allegations made in the preceding paragraphs, and further alleges as follows.

176. On information and belief, the Dillard's IT System made and used by Defendant infringes at least Claim 7 of the '410 Patent.

177. Claim 7 adds the following additional requirement:

> A computer data management system according to Claim 1, wherein the computer data management system is capable of at least one of linking and communicating with a plurality of applications to enable a user to process files and electronic images.

178. On information and belief, as set forth in more detail in the following paragraphs, the Dillard's IT System made and used by Defendant "is capable of at least one of linking and communicating with a plurality of applications to enable a user to process files and electronic images."

179. On information and belief, the Dillard's IT System is composed of multiple components, including MFPs for scanning of paper documents, and software such as FlowPort and DocuShare that enable the processing and routing of the scanned paper documents. Ex. B2; Ex. B3; Ex. B6.

180. On information and belief, these components are linked together on the Dillard's network and are capable of communicating with each other to support the processing of the digital files and images.

181. On information and belief, FlowPort "converts scanned images into a variety of digital formats" and then "sends those documents via email, stores them in repositories, and processes documents and metadata with custom applications." Ex. B3.

182. On information and belief, DocuShare also participates in "[e]nd-to-end content capture, processing, and distribution." Ex. B6.

E. Claim 8 of the '410 Patent

183. Plaintiff MPHJ re-alleges and incorporates herein all allegations made in the preceding paragraphs, and further alleges as follows.

184. On information and belief, the Dillard's IT System made and used by Defendant infringes at least Claim 8 of the '410 Patent.

185. The preamble of Claim 8 of the '410 Patent recites as follows:

> A computer data management system including at least one of an electronic image, graphics and document management system capable of transmitting at least one of an electronic image, electronic graphics and electronic document to a plurality of external destinations including one or more of external devices and applications responsively connectable at least one of locally and via the Internet, comprising:

186. On information and belief, whether or not the above preamble is construed as a limitation, if construed as such, the Dillard's IT System meets those limitations as set forth in more detail below.

187. On information and belief, as set forth in more detail herein, the Dillard's IT System made and used by Defendant is "a computer data management system including at least

one of an electronic image, graphics and document management system capable of transmitting at least one of an electronic image, electronic graphics and electronic document to a plurality of external destinations including one or more of external devices and applications responsively connectable at least one of locally and via the Internet."

188. On information and belief, the Dillard's IT System was put into place, in part, to facilitate "electronic transmission of [merchandise] directives." Ex. B1.

189. On information and belief, the Dillard's IT System includes, among the plurality of external destinations, "one or more of external devices and applications" that would be "responsively connectable to at least one of locally and via the Internet."

190. On information and belief, these devices and applications include at least PCs operating email software, networked storage and server hardware operating document management and image-routing software, and MFPs. Ex. B1; Ex. B2; Ex. B3; Ex. B5; Ex. B6.

191. On information and belief, these devices and applications would be connected by at least one of locally and via the Internet to run the server-based image-routing software.

192. On information and belief, the Dillard's IT System utilizes the Internet for electronic transmission of large files from the corporate office to servers located at each store. Ex. B1.

193. A first element of Claim 8 of the '410 Patent requires:

> at least one memory storing a plurality of interface protocols for interfacing and communicating;

194. On information and belief, as set forth in more detail in the following paragraph, in the Dillard's IT System made and used by Defendant there is "at least one memory storing a plurality of interface protocols for interfacing and communicating."

195. On information and belief, allegations and information sufficient to establish that the Dillard's IT System satisfies the first element of Claim 8 is provided above in connection with the identically worded element of Claim 1 of the '410 Patent.

196. A second element of Claim 8 of the '410 Patent requires:

> at least one processor responsively connectable to said at least one memory, and implementing the plurality of interface protocols as a software application for interfacing and communicating with the plurality of external destinations including the one or more of the external devices and applications,

197. On information and belief, as set forth in more detail in the following paragraph, in the Dillard's IT System has "at least one processor responsively connectable to said at least one memory, and implementing the plurality of interface protocols as a software application for interfacing and communicating with the plurality of external destinations including the one or more of the external devices and applications."

198. On information and belief, allegations and information sufficient to establish that the Dillard's IT System satisfies the second element of Claim 8 is provided above in connection with the identically worded element of Claim 1 of the '410 Patent.

199. A third element of Claim 8 of the '410 Patent requires:

> wherein the computer data management system includes the capability to integrate the electronic images into a destination application without the need to modify the destination application.

200. On information and belief, as set forth in more detail in the following paragraph, the Dillard's IT System made and used by Defendant "includes the capability to integrate the electronic images into a destination application without the need to modify the destination application."

201. On information and belief, the Dillard's IT System, through use of component software such as, for example, SMARTsend, which enables the Dillard's IT System to scan a

document into industry standard file formats and send it to multiple destinations all in the same workflow and thus integrate and image into a destination application, without having to modify the destination application. Ex. B4.

F. Claim 11 of the ’410 Patent

202. Plaintiff MPHJ re-alleges and incorporates herein all allegations made in the preceding paragraphs, and further alleges as follows.

203. On information and belief, the Dillard’s IT System made and used by Defendant infringes at least Claim 11 of the ’410 Patent.

204. Claim 11 adds the following additional requirement:

> A computer data management system according to Claim 8, wherein the computer data management system includes at least one application programmer interface (API).

205. On information and belief, as set forth in more detail in the following paragraph, the Dillard’s IT System made and used by Defendant “includes at least one application programmer interface.”

206. On information and belief, allegations and information sufficient to establish that the Dillard’s IT System satisfies the elements of Claim 11 is provided above in connection with the identically worded element of Claim 4 of the ’410 Patent.

G. Claim 13 of the ’410 Patent

207. Plaintiff MPHJ re-alleges and incorporates herein all allegations made in the preceding paragraphs, and further alleges as follows.

208. On information and belief, the Dillard’s IT System made and used by Defendant infringes at least Claim 13 of the ’410 Patent.

209. Claim 13 adds the following additional requirement:

> A computer data management system according to Claim 8, wherein the computer data management system includes at least one interface to interface with at least one of a plurality of external applications.

210. On information and belief, as set forth in more detail in the following paragraph, the Dillard's IT System made and used by Defendant "includes at least one interface to interface with at least one of a plurality of external devices and a plurality of external applications."

211. On information and belief, allegations and information sufficient to establish that the Dillard's IT System satisfies the elements of Claim 13 is provided above in connection with the identically worded element of Claim 6 of the '410 Patent.

H. Claim 14 of the '410 Patent

212. Plaintiff MPHJ re-alleges and incorporates herein all allegations made in the preceding paragraphs, and further alleges as follows.

213. On information and belief, the Dillard's IT System made and used by Defendant infringes at least Claim 14 of the '410 Patent.

214. Claim 14 adds the following additional requirement:

> A computer data management system according to Claim 8, wherein the computer data management system is capable of at least one of linking and communicating with a plurality of external devices and a plurality of external applications.

215. On information and belief, as set forth in more detail in the following paragraph, the Dillard's IT System made and used by Defendant "is capable of at least one of linking and communicating with a plurality of applications to enable a user to process files and electronic images."

216. On information and belief, allegations and information sufficient to establish that the Dillard's IT System satisfies the elements of Claim 14 is provided above in connection with the identically worded element of Claim 7 of the '410 Patent.

I. Claim 15 of the ’410 Patent

217. Plaintiff MPHJ re-alleges and incorporates herein all allegations made in the preceding paragraphs, and further alleges as follows.

218. On information and belief, the Dillard’s IT System made and used by Defendant infringes at least Claim 15 of the ’410 Patent.

219. The preamble of Claim 15 of the ’410 Patent recites as follows:

> A computer data management system including at least one of an electronic image, graphics and document management system capable of transmitting at least one of an electronic image, electronic graphics and electronic document to a plurality of external destinations including one or more of external devices and applications responsively connectable at least one of locally and via the Internet, comprising:

220. On information and belief, whether or not the above preamble is construed as a limitation, if construed as such, the Dillard’s IT System meets those limitations as set forth in more detail below.

221. On information and belief, as set forth in more detail herein, the Dillard’s IT System made and used by Defendant is “a computer data management system including at least one of an electronic image, graphics and document management system capable of transmitting at least one of an electronic image, electronic graphics and electronic document to a plurality of external destinations including one or more of external devices and applications responsively connectable at least one of locally and via the Internet.”

222. On information and belief, the Dillard’s IT System was put into place, in part, to facilitate “electronic transmission of [merchandise] directives.” Ex. B1.

223. On information and belief, the Dillard's IT System includes, among the plurality of external destinations, "one or more of external devices and applications" that would be "responsively connectable to at least one of locally and via the Internet."

224. On information and belief, these devices and applications include at least PCs operating email software, networked storage and server hardware operating document management and image-routing software, and MFPs. Ex. B1; Ex. B2; Ex. B3; Ex. B5; Ex. B6.

225. On information and belief, these devices and applications would be connected by at least one locally and via the Internet to run the server-based image-routing software.

226. On information and belief, the Dillard's IT System utilizes the Internet for electronic transmission of large files from the corporate office to servers located at each store. Ex. B1.

227. A first element of Claim 15 of the '410 Patent requires:

> at least one memory storing a plurality of interface protocols for interfacing and communicating;

228. On information and belief, as set forth in more detail in the following paragraph, in the Dillard's IT System made and used by Defendant there is "at least one memory storing a plurality of interface protocols for interfacing and communicating."

229. On information and belief, allegations and information sufficient to establish that the Dillard's IT System satisfies the first element of Claim 15 is provided above in connection with the identically worded element of Claim 1 of the '410 Patent.

230. A second element of Claim 15 of the '410 Patent requires:

> at least one processor responsively connectable to said at least one memory, and implementing the plurality of interface protocols as a software application for interfacing and communicating with the plurality of external destinations including the one or more of the external devices and applications,

231. On information and belief, as set forth in more detail in the following paragraph, the Dillard's IT System has "at least one processor responsively connectable to said at least one memory, and implementing the plurality of interface protocols as a software application for interfacing and communicating with the plurality of external destinations including the one or more of the external devices and applications."

232. On information and belief, allegations and information sufficient to establish that the Dillard's IT System satisfies the second element of Claim 15 is provided above in connection with the identically worded element of Claim 1 of the '410 Patent.

233. A third element of Claim 15 of the '410 Patent requires:

> wherein the computer data management system includes an interface that enables copying images between physical devices, applications, and the Internet using a single "GO" operation.

234. On information and belief, as set forth in more detail in the following paragraphs, the Dillard's IT System made and used by Defendant "includes an interface that enables copying images between physical devices, applications, and the Internet using a single "GO" operation."

235. On information and belief, the Dillard's IT System stores and implements Xerox FlowPort software which enables the scanning and routing of documents with "green button simplicity" and only requires the user to "[p]ush the button… [t]hat's about it." Ex. B2; Ex. B3.

236. On information and belief, the Dillard's IT System stores and implements Xerox SMARTsend software which incorporates the use of a "Scan to Home button, which…simplifies scanning for walk-up users by automatically sending scans to a pre-defined home destination." Ex. B4.

237. On information and belief, the language describing the "button" features within both FlowPort and SMARTsend software plainly illustrates the capability of copying images between physical devices, such as, for example, the geographically dispersed Xerox MFPs,

applications, such as, for example, Dillard's accounts payable systems, and the Internet, using a single "GO" operation. Ex. B2; Ex. B4.

238. On information and belief, the Dillard's IT System also makes use of servers at each store to electronically transmit merchandise directives from the corporate office to each retail store. Ex. B1; Ex. B2.

239. On information and belief, such electronic transmission of these files between the corporate office and the retail stores requires the use of the Internet.

J. Claim 18 of the '410 Patent

240. Plaintiff MPHJ re-alleges and incorporates herein all allegations made in the preceding paragraphs, and further alleges as follows.

241. On information and belief, the Dillard's IT System made and used by Defendant infringes at least Claim 18 of the '410 Patent.

242. Claim 18 adds the following additional requirement:

> A computer data management system according to Claim 15, wherein the computer data management system includes at least one application programmer interface (API).

243. On information and belief, as set forth in more detail in the following paragraph, the Dillard's IT System made and used by Defendant "includes at least one application programmer interface."

244. On information and belief, allegations and information sufficient to establish that the Dillard's IT System satisfies the elements of Claim 18 is provided above in connection with the identically worded element of Claim 4 of the '410 Patent.

K. Claim 20 of the '410 Patent

245. Plaintiff MPHJ re-alleges and incorporates herein all allegations made in the preceding paragraphs, and further alleges as follows.

246. On information and belief, the Dillard's IT System made and used by Defendant infringes at least Claim 20 of the '410 Patent.

247. Claim 20 adds the following additional requirement:

> A computer data management system according to Claim 15, wherein the computer data management system includes at least one interface to interface with at least one of a plurality of external devices and a plurality of external applications.

248. On information and belief, as set forth in more detail in the following paragraph, the Dillard's IT System made and used by Defendant "includes at least one interface to interface with at least one of a plurality of external devices and a plurality of external applications."

249. On information and belief, allegations and information sufficient to establish that the Dillard's IT System satisfies the elements of Claim 20 is provided above in connection with the identically worded element of Claim 6 of the '410 Patent.

L. Claim 21 of the '410 Patent

250. Plaintiff MPHJ re-alleges and incorporates herein all allegations made in the preceding paragraphs, and further alleges as follows.

251. On information and belief, the Dillard's IT System made and used by Defendant infringes at least Claim 21 of the '410 Patent.

252. Claim 21 adds the following additional requirement:

> A computer data management system according to Claim 15, where the computer data management system is capable of at least one linking and communicating with a plurality of applications to enable a user to process files and electronic images.

253. On information and belief, as set forth in more detail in the following paragraph, the Dillard's IT System made and used by Defendant "is capable of at least one linking and communicating with a plurality of applications to enable a user to process files and electronic images."

254. On information and belief, allegations and information sufficient to establish that the Dillard's IT System satisfies the elements of Claim 21 is provided above in connection with the identically worded element of Claim 7 of the '410 Patent.

M. Claim 22 of the '410 Patent

255. Plaintiff MPHJ re-alleges and incorporates herein all allegations made in the preceding paragraphs, and further alleges as follows.

256. On information and belief, the Dillard's IT System made and used by Defendant infringes at least Claim 22 of the '410 Patent.

257. The preamble of Claim 22 of the '410 Patent recites as follows:

> A computer data management system including at least one of an electronic image, graphics and document management system capable of transmitting at least one of an electronic image, electronic graphics and electronic document to a plurality of external destinations including one or more of external devices and applications responsively connectable at least one of locally and via the Internet, comprising:

258. On information and belief, whether or not the above preamble is construed as a limitation, if construed as such, the Dillard's IT System meets those limitations as set forth below.

259. As set forth in more detail herein, the Dillard's IT System made and used by Defendant is "a computer data management system including at least one of an electronic image, graphics and document management system capable of transmitting at least one of an electronic image, electronic graphics and electronic document to a plurality of external destinations including one or more of external devices and applications responsively connectable at least one of locally and via the Internet."

260. On information and belief, the Dillard's IT System was put into place, in part, to facilitate "electronic transmission of [merchandise] directives." Ex. B1.

261. On information and belief, the Dillard's IT System includes, among the plurality of external destinations, "one or more of external devices and applications" that would be "responsively connectable to at least one of locally and via the Internet."

262. On information and belief, these devices and applications include at least PCs operating email software, networked storage and server hardware operating document management and image-routing software, and MFPs. Ex. B1; Ex. B2; Ex. B3; Ex. B5; Ex. B6.

263. On information and belief, these devices and applications would be connected by at least one locally and via the Internet to run the server-based image-routing software.

264. On information and belief, the Dillard's IT System utilizes the Internet for electronic transmission of large files from the corporate office to servers located at each store. Ex. B1.

265. A first element of Claim 22 of the '410 Patent requires:

> at least one memory storing a plurality of interface protocols for interfacing and communicating;

266. On information and belief, as set forth in more detail in the following paragraph, in the Dillard's IT System made and used by Defendant there is "at least one memory storing a plurality of interface protocols for interfacing and communicating."

267. On information and belief, allegations and information sufficient to establish that the Dillard's IT System satisfies the first element of Claim 22 is provided above in connection with the identically worded element of Claim 1 of the '410 Patent.

268. A second element of Claim 22 of the '410 Patent requires:

> at least one processor responsively connectable to said at least one memory, and implementing the plurality of interface protocols as a

> software application for interfacing and communicating with the plurality of external destinations including the one or more of the external devices and applications,

269. On information and belief, as set forth in more detail in the following paragraph, the Dillard's IT System has "at least one processor responsively connectable to said at least one memory, and implementing the plurality of interface protocols as a software application for interfacing and communicating with the plurality of external destinations including the one or more of the external devices and applications."

270. On information and belief, allegations and information sufficient to establish that the Dillard's IT System satisfies the second element of Claim 22 is provided above in connection with the identically worded element of Claim 1 of the '410 Patent.

271. A third element of Claim 22 of the '410 Patent requires:

> wherein the computer data management system includes the capability of adding at least one of electronic document, data and paper processing with a single programming step.

272. On information and belief, as set forth in more detail in the following paragraphs, the Dillard's IT System made and used by Defendant "includes the capability of adding at least one of electronic document, data and paper processing with a single programming step."

273. On information and belief, the Dillard's IT System stores and implements FlowPort and/or SMARTsend software to scan paper invoices directly into Dillard's accounts payable system which eliminates the need to manually key in the information. Ex. B1; Ex. B2.

274. On information and belief, such electronic document, data and paper processing is accomplished with a single programming step.

275. On information and belief, other electronic document, data and paper processing available with a single programming step include, for example, creating workflows to "indicate document destinations, digital formats, [and] how you want to publish [the document]" as well as

defining the "home destination" for using the "Scan to Home" feature available in the SMARTsend image-routing software stored and implemented by the Dillard's IT System. Ex. B1; Ex. B5.

N. Claim 25 of the '410 Patent

276. Plaintiff MPHJ re-alleges and incorporates herein all allegations made in the preceding paragraphs, and further alleges as follows.

277. On information and belief, the Dillard's IT System made and used by Defendant infringes at least Claim 25 of the '410 Patent.

278. Claim 25 adds the following additional requirement:

> A computer data management system according to Claim 22, wherein the computer data management system includes at least one application programmer interface (API).

279. On information and belief, as set forth in more detail in the following paragraph, the Dillard's IT System made and used by Defendant "includes at least one application programmer interface."

280. On information and belief, allegations and information sufficient to establish that the Dillard's IT System satisfies the elements of Claim 25 is provided above in connection with the identically worded element of Claim 4 of the '410 Patent.

O. Claim 27 of the '410 Patent

281. Plaintiff MPHJ re-alleges and incorporates herein all allegations made in the preceding paragraphs, and further alleges as follows.

282. On information and belief, the Dillard's IT System made and used by Defendant infringes at least Claim 27 of the '410 Patent.

283. Claim 27 adds the following additional requirement:

> A computer data management system according to Claim 22, wherein the computer data management system includes at least one interface to interface with at least one of a plurality of external devices and a plurality of external applications.

284. On information and belief, as set forth in more detail in the following paragraph, the Dillard's IT System made and used by Defendant "includes at least one interface to interface with at least one of a plurality of external devices and a plurality of external applications."

285. On information and belief, allegations and information sufficient to establish that the Dillard's IT System satisfies the elements of Claim 27 is provided above in connection with the identically worded element of Claim 6 of the '410 Patent.

P. Claim 28 of the '410 Patent

286. Plaintiff MPHJ re-alleges and incorporates herein all allegations made in the preceding paragraphs, and further alleges as follows.

287. On information and belief, the Dillard's IT System made and used by Defendant infringes at least Claim 28 of the '410 Patent.

288. Claim 28 adds the following additional requirement:

> A computer data management system according to Claim 22, wherein the computer data management system is capable of at least one of linking and communicating with a plurality of applications to enable a user to process files and electronic images.

289. On information and belief, as set forth in more detail in the following paragraph, the Dillard's IT System made and used by Defendant "is capable of at least one of linking and communicating with a plurality of applications to enable a user to process files and electronic images."

290. On information and belief, allegations and information sufficient to establish that the Dillard's IT System satisfies the elements of Claim 28 is provided above in connection with the identically worded element of Claim 7 of the '410 Patent.

Q. Claim 34 of the ’410 Patent

291. Plaintiff MPHJ re-alleges and incorporates herein all allegations made in the preceding paragraphs, and further alleges as follows.

292. On information and belief, the Dillard’s IT System made and used by Defendant infringes at least Claim 34 of the ’410 Patent.

293. The preamble of Claim 34 of the ’410 Patent recites:

> A computer data management system including at least one of an electronic image, graphics and document management system capable of transmitting at least one of an electronic image, electronic graphics and electronic document to a plurality of external destinations including one or more of external devices and applications responsively connectable at least one of locally and via the Internet, wherein the system comprises:

294. On information and belief, whether or not the above preamble is construed as a limitation, if construed as such, the Dillard’s IT System meets those limitations as set forth in more detail below.

295. As set forth in more detail herein, the Dillard’s IT System made and used by Defendant is “a computer data management system including at least one of an electronic image, graphics and document management system capable of transmitting at least one of an electronic image, electronic graphics and electronic document to a plurality of external destinations including one or more of external devices and applications responsively connectable at least one of locally and via the Internet.”

296. On information and belief, the Dillard’s IT System was put into place, in part, to facilitate “electronic transmission of [merchandise] directives.” Ex. B1.

297. On information and belief, the Dillard’s IT System includes, among the plurality of external destinations, “one or more of external devices and applications” that would be “responsively connectable to at least one of locally and via the Internet.”

298. On information and belief, these devices and applications include at least PCs operating email software, networked storage and server hardware operating document management and image-routing software, and MFPs. Ex. B1; Ex. B2; Ex. B3; Ex. B5; Ex. B6.

299. On information and belief, these devices and applications would be connected by at least one locally and via the Internet to run the server-based image-routing software.

300. On information and belief, the Dillard's IT System utilizes the Internet for electronic transmission of large files from the corporate office to servers located at each store. Ex. B1.

301. A first element of Claim 34 of the '410 Patent requires:

> a first application system to integrate an image using software so that the image gets seamlessly replicated into at least on of other devices and applications, and via the Internet;

302. On information and belief, as set forth in more detail in the following paragraphs, in the Dillard's IT System made and used by Defendant there is "a first application system to integrate an image using software so that the image gets seamlessly replicated into at least on of other devices and applications, and via the Internet."

303. On information and belief, various components of the Dillard's IT System provide this capability including, for example, a first application system found within SMARTsend image-routing software which enables the "shar[ing] [of] hard copy information" between "multiple email addresses, repositories, network folders, FTP folders, web URLs or remote printers." Ex. B5.

304. On information and belief, the replication and transmission features found in the SMARTsend software enables the Dillard's IT System to "integrate an image using software so that the image gets seamlessly replicated and transmitted to at least one of other devices and applications" including, for example, Dillard's accounts payable systems; the Xerox MFPs

dispersed throughout Dillard's retail stores, divisional offices and headquarters; and servers installed at each retail store to handle large electronic merchandise directive files. Ex. B1.

305. On information and belief, the Dillard's IT System uses the Internet to facilitate the transmission of images, including electronic merchandise directives, to devices located at Dillard's retail stores.

306. A second element of Claim 34 of the '410 Patent requires:

> a second application system to integrate electronic images into existing applications without the need to modify the destination application;

307. On information and belief, as set forth in more detail in the following paragraphs, in the Dillard's IT System made and used by Defendant there is "a second application system to integrate electronic images into existing applications without the need to modify the destination application."

308. On information and belief, the Dillard's IT System, through use of a second application system found in component software such as, for example, SMARTsend, is able to scan a document into industry standard file formats and send it to multiple destinations all in the same workflow and thus integrate an image into a destination application, without having to modify the destination application. Ex. B4.

309. A third element of Claim 34 of the '410 Patent requires:

> an interface comprising a software application that enables copying images between physical devices, applications, and the Internet using a single "GO" operation; and

310. On information and belief, as set forth in more detail in the following paragraphs, in the Dillard's IT System made and used by Defendant there is "an interface comprising a software application that enables copying images between physical devices, applications, and the Internet using a single "GO" operation."

311. On information and belief, the Dillard's IT System stores and implements Xerox FlowPort software which enables the scanning and routing of documents with "green button simplicity" and only requires the user to "[p]ush the button… [t]hat's about it." Ex. B2; Ex. B3.

312. On information and belief, the Dillard's IT System also consists of, in part, Xerox SMARTsend software that incorporates the use of a "Scan to Home button, which… simplifies scanning for walk-up users by automatically sending scans to a pre-defined home destination." Ex. B4.

313. On information and belief, the language describing the "button" features within both FlowPort and SMARTsend software plainly illustrates the capability of copying images between physical devices, such as, for example, the geographically dispersed Xerox MFPs, applications, such as, for example, Dillard's accounts payable systems, and the Internet, using a single "GO" operation. Ex. B2; Ex. B4.

314. A fourth element of Claim 34 of the '410 Patent requires:

> a third application system of adding at least one of electronic document and paper processing with a single programming step.

315. On information and belief, as set forth in more detail in the following paragraphs, in the Dillard's IT System made and used by Defendant there is "a third application system of adding at least one of electronic document and paper processing with a single programming step."

316. On information and belief, said third application system is found in FlowPort and/or SMARTsend software which enables the Dillard's IT System to scan paper invoices directly into Dillard's accounts payable system thereby eliminating the need to manually key in the information. Ex. B1; Ex. B2.

317. On information and belief, such electronic document, data and paper processing is accomplished with a single programming step.

318. On information and belief, said third application system which enables other electronic document, data and paper processing with a single programming step including, for example, creating workflows to "indicate document destinations, digital formats, [and] how you want to publish [the document]" as well as defining the "home destination" for using the "Scan to Home" can be found in SMARTsend image-routing software utilized by the Dillard's IT System. Ex. B1; Ex. B5.

R. Claim 37 of the '410 Patent

319. Plaintiff MPHJ re-alleges and incorporates herein all allegations made in the preceding paragraphs, and further alleges as follows.

320. On information and belief, the Dillard's IT System made and used by Defendant infringes at least Claim 37 of the '410 Patent.

321. Claim 37 adds the following additional requirement:

> A computer data management system according to Claim 34, wherein the computer data management system includes at least one application programmer interface (API).

322. On information and belief, as set forth in more detail in the following paragraph, the Dillard's IT System made and used by Defendant "includes at least one application programmer interface."

323. On information and belief, allegations and information sufficient to establish that the Dillard's IT System satisfies the elements of Claim 37 is provided above in connection with the identically worded element of Claim 4 of the '410 Patent.

S. Claim 39 of the '410 Patent

324. Plaintiff MPHJ re-alleges and incorporates herein all allegations made in the preceding paragraphs, and further alleges as follows.

325. On information and belief, the Dillard's IT System made and used by Defendant infringes at least Claim 39 of the '410 Patent.

326. Claim 39 adds the following additional requirement:

> A computer data management system according to Claim 34, wherein the computer data management system includes at least one interface to interface with at least one of a plurality of external devices and a plurality of external applications.

327. On information and belief, as set forth in more detail in the following paragraph, the Dillard's IT System made and used by Defendant "includes at least one interface to interface with at least one of a plurality of external devices and a plurality of external applications."

328. On information and belief, allegations and information sufficient to establish that the Dillard's IT System satisfies the elements of Claim 39 is provided above in connection with the identically worded element of Claim 6 of the '410 Patent.

T. Claim 40 of the '410 Patent

329. Plaintiff MPHJ re-alleges and incorporates herein all allegations made in the preceding paragraphs, and further alleges as follows.

330. On information and belief, the Dillard's IT System made and used by Defendant infringes at least Claim 40 of the '410 Patent.

331. Claim 40 adds the following additional requirement:

> A computer data management system according to Claim 34, where the compute data management system is capable of at least one of linking and communicating with a plurality of applications to enable a user to process files and electronic images.

332. On information and belief, as set forth in more detail in the following paragraph, the Dillard's IT System made and used by Defendant "is capable of at least one of linking and

communicating with a plurality of applications to enable a user to process files and electronic images."

333. On information and belief, allegations and information sufficient to establish that the Dillard's IT System satisfies the elements of Claim 40 is provided above in connection with the identically worded element of Claim 7 of the '410 Patent.

JURY DEMAND

334. Pursuant to Rule 38 of the Federal Rules of Civil Procedure, MPHJ demands a trial by jury on all issues triable as such.

PRAYER FOR RELIEF

WHEREFORE, MPHJ respectfully demands judgment for itself and against Defendant as follows:

A. an adjudication that Defendant has infringed the '173 Patent;

B. an adjudication that Defendant has infringed the '410 Patent;

C. an award of damages to be paid by Defendant adequate to compensate MPHJ for its past infringements of the '173 and '410 Patents and any continuing or future infringement through the date such judgment is entered, including interest, costs, expenses and enhanced damages for any willful infringement as justified under 35 U.S.C. § 284 and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;

D. to the extent the Defendant's conduct subsequent to the date of its notice of the MPHJ Patents is found to be objectively reckless, enhanced damages pursuant to 35 U.S.C. § 284 for Defendant's willful infringement of the '173 and '410 Patents; and,

E. an award to MPHJ of such further relief at law or in equity as the Court deems just and proper.

Dated: January 3, 2014

STAMOULIS & WEINBLATT LLC

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