

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

MPHJ TECHNOLOGY INVESTMENTS, LLC

Plaintiff,

v.

THE COCA-COLA COMPANY

Defendant.

Civil Action No. _____

JURY TRIAL REQUESTED

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff MPHJ Technology Investments, LLC, by way of Complaint against Defendant The Coca-Cola Company, 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 State of Delaware with a place of business at 1013 Centre Road, Suite 403S, Wilmington, Delaware 19805.

3. On information and belief, Coca-Cola, 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 St., 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. Plaintiff MPHJ re-alleges and incorporates herein all allegations made in the preceding paragraphs, and further alleges as follows.

16. On information and belief, Coca-Cola is the world's largest beverage company, licensing and marketing four of the world's top five non-alcoholic sparkling beverage brands

such as Coca-Cola, Diet Coke, Fanta and Sprite and distributes these products through company owned or controlled bottling and distribution operations.

17. On information and belief, Coca-Cola finalized the acquisition of the United States operations of one of its largest distributors, Coca-Cola Enterprises, Inc., in October 2010.

18. On information and belief, since at least 2010, Coca-Cola, 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 (“MFP”) to destination devices that would satisfy at least one claim each of the ’173 Patent and the ’410 Patent.

19. On information and belief, Defendant Coca-Cola 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 relate to any such prior systems, and also the current version of such system, which together shall be referred herein as the “Coca-Cola IT system.”

20. On information and belief, the Coca-Cola IT System in part utilizes hardware from Lexmark, including but not limited to, Lexmark printers and MFPs. *See* Coca-Cola Enterprises, Inc. Case Study attached hereto and incorporated as Exhibit B1.

21. On information and belief, the Coca-Cola IT System is described as a standardized infrastructure of Lexmark C772 color and T644 monochrome laser printers, as well as Lexmark X642e and X646dte MFPs, all connected to the company’s network and integrated with the company’s FileNet system. Ex. B1.

22. On information and belief, Coca-Cola reports that the Lexmark MFPs interface directly with the company’s servers and business systems. Ex. B1

23. On information and belief, the Coca-Cola IT System includes the ability to scan and send documents as electronic images directly into email software applications accessible to PCs connected to the system.

24. On information and belief, Defendant Coca-Cola, together with employees, agents, consultants and subcontractors under its control, acquired the components of, and then assembled the Coca-Cola IT System.

25. On information and belief, Defendant Coca-Cola has used, and continues to use the Coca-Cola IT System in its business activities. Ex. B1.

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

26. On information and belief, the Coca-Cola IT System and/or the use of such system infringes one or more claims of the '173 Patent, including the claims specifically referenced in the following paragraphs.

A. Claim 1 of the '173 Patent

27. 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.

28. On information and belief, the Coca-Cola IT System made and used by Defendant infringes at least Claim 1 of the '173 Patent.

29. 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:

30. On information and belief, whether or not the above preamble is construed as limiting, if construed as such, the Coca-Cola IT System meets those limitations as set forth below.

31. On information and belief, as set forth in more detail herein, the Coca-Cola 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.”

32. On information and belief, the Coca-Cola IT System is described as a standardized infrastructure of Lexmark C772 color and T644 monochrome laser printers, as well as Lexmark X642e and X646dte MFPs, all connected to the company’s network and integrated with the company’s FileNet system. Ex. B1.

33. On information and belief, use of the networked Lexmark MFPs provides the capability to transmit an electronic image to a plurality of destinations, including PCs running email software, FTP sites, network printers, fax machines, and/or file servers. *See, e.g.*, Lexmark Document Solutions Suite website attached hereto and incorporated as Exhibit B2.

34. On information and belief, as set forth in more detail in the following paragraphs, in the Coca-Cola IT System there are, among the plurality of external destinations, one or more external devices, local files and applications that are responsively connectable to at least one communication network.

35. On information and belief, these devices, files and applications include at least PCs operating email software, networked storage, MFPs and server hardware to store electronic copies of paper documents. *See, e.g.*, Ex. B1.

36. On information and belief, these devices, files and applications are connected via both a local area network as well as the Internet to provide the multitude of capabilities found in the Coca-Cola IT System. Ex. B1.

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 Coca-Cola IT System made and used by Defendant 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, these devices are expressly stated to be utilized in the Coca-Cola IT System in the form of Lexmark X642e and X646dte MFPs. Ex. B1.

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.”

41. On information and belief, the Coca-Cola IT System consists of, in part, Lexmark MFPs used in conjunction with Lexmark Document Solutions Suite software. Ex. B1.

42. On information and belief, such software enables users of the Coca-Cola IT System to “scan, fax, copy, print, email or archive from the push of a button.” Ex. B2.

43. 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;

44. On information and belief, as set forth in more detail in the following paragraphs, in the Coca-Cola IT System made and used by Defendant there is “at least one memory storing a plurality of interface protocols for interfacing and communicating.”

45. On information and belief, such memory is resident on the networked Lexmark MFPs. *See* Lexmark X642e Specifications attached hereto and incorporated as Exhibit B3; Lexmark X646dte Specifications attached hereto and incorporated as Exhibit B4.

46. On information and belief, implementation of said protocols is a requirement for devices in the Coca-Cola IT System to communicate and interface with external devices and applications.

47. On information and belief, the existence of communication within the Coca-Cola IT System, as per Exhibit B1, requires that Coca-Cola MFPs be internetworked with at least some of the Coca-Cola IT System devices and applications and must implement said interface protocols across this internetwork between said devices and applications.

48. On information and belief, said protocols 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.

49. On information and belief, when connected to the Coca-Cola IT System's internetwork, the stored protocols allow said scanning device to interface and communicate with other network devices.

50. 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,

51. On information and belief, as set forth in more detail in the following paragraphs, the Coca-Cola 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.”

52. On information and belief, implementation of said protocols is a requirement for devices in the Coca-Cola IT System to communicate and interface with external devices and applications.

53. On information and belief, the existence of communication between electronic devices and applications composing the Coca-Cola IT System, as per Exhibit B1, requires that Coca-Cola MFPs be physically and logically internetworked with all Coca-Cola IT System’s devices and applications and must implement said interface protocols across this internetwork between said devices and applications.

54. On information and belief, said protocols are initiated and 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.

55. On information and belief, when connected to the Coca-Cola IT System’s internetwork, the stored protocols allow said scanning device to interface and communicate with other network devices and applications.

56. 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;

57. On information and belief, as set forth in more detail in the following paragraphs, in the Coca-Cola 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.”

58. On information and belief, the Coca-Cola IT System includes a corporate email system. Ex. B1.

59. On information and belief, the Lexmark MFPs utilized in the Coca-Cola IT System are capable of sending scanned documents as attachments to emails. Ex. B2.

60. On information and belief, such functionality would ordinarily require the necessary email protocols to be embedded within the MFP's memory.

61. On information and belief, these email protocols may include, for example, POP (Post Office Protocol), IMAP (Internet Message Access Protocol), MAPI (Messaging Application Programming Interface) and/or SMTP (Simple Mail Transfer Protocol).

62. 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;

63. On information and belief, as set forth in more detail in the following paragraphs, in the Coca-Cola 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."

64. On information and belief, the Coca-Cola IT System is capable of transmitting scanned documents from Lexmark MFPs directly to local files on PCs. *See* Lexmark X642 User's Guide Table of Contents attached hereto and incorporated as Exhibit B5; Lexmark X646 User's Guide Table of Contents attached hereto and incorporated as Exhibit B6.

65. On information and belief, the interface protocols necessary to transmit these electronic documents to the local file may include, for example, FTP and SMB.

66. 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;

67. On information and belief, as set forth in more detail in the following paragraphs, in the Coca-Cola 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.”

68. On information and belief, all of the Lexmark MFPs are connected to the company network and Coca-Cola can monitor the device location, status, and maintenance needs of each MFP through a secure, personalized website. Ex. B1.

69. On information and belief, that the MFPs are connected to the Coca-Cola IT System network enabling remote monitoring and management capabilities as well as connectivity to other devices and applications would ordinarily require the utilization of at least one local area network to facilitate these communications. Ex. B1.

70. 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;

71. On information and belief, as set forth in more detail in the following paragraphs, in the Coca-Cola IT System made and used by Defendant “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.”

72. On information and belief, such functionality in the Coca-Cola IT System is made evident through the statement that, in regards to the Lexmark MFPs, “[a]ll the devices are connected to the network” coupled with the use of Lexmark Document Solutions Suite software which enables the initiation of job processes from Lexmark MFPs and further permits

transmitting scanned documents to multiple destinations including, for example, network printers, email boxes, file servers, and databases. Ex. B1; Ex. B2.

73. On information and belief, such functionality would ordinarily require the scanned documents to be transmitted over at least one communication network.

74. 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;

75. On information and belief, as set forth in more detail in the following paragraph, in the Coca-Cola 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.”

76. On information and belief, in addition to Lexmark MFPs, the Coca-Cola IT System makes use of standalone Lexmark printers such as the C772n and T644 which can receive electronic documents transmitted for printing. Ex. B1; *see also* Lexmark C772n Specifications website attached hereto and incorporated as Exhibit B7; Lexmark T644 Specifications website attached hereto and incorporated as Exhibit B8.

77. 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;

78. On information and belief, as set forth in more detail in the following paragraph, in the Coca-Cola 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.”

79. On information and belief, such capability is supported by the Coca-Cola IT System through the use of Lexmark Document Solutions Suite software which enables a user to scan a document from a Lexmark MFP and distribute it to multiple destinations simultaneously with “the push of a button.” Ex. B2.

80. 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

81. On information and belief, as set forth in more detail in the following paragraphs, in the Coca-Cola 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.”

82. On information and belief, the Coca-Cola IT System possesses this capability through its use of Lexmark MFPs in conjunction with Lexmark Document Solutions Suite software. *See, e.g.*, Ex. B1; Ex. B2.

83. On information and belief, the Lexmark Document Solutions Suite software supplements the Lexmark MFP’s native capability to alter the output file type and thus process the image into a file format that is compatible with the external destination, without having to modify the external destination. *See, e.g.*, Ex. B2; Ex. B5; Ex. B6.

84. 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.

85. On information and belief, as set forth in more detail in the following paragraphs, in the Coca-Cola 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.”

86. On information and belief, such capability is supported by the Coca-Cola IT System through the use of Lexmark Document Solutions Suite software which enables a user to scan a document from a Lexmark MFP and distribute it to multiple destinations, including email addresses, file servers, database systems, as well as networked printers. Ex. B2.

87. On information and belief, such printers are stated to be part of the Coca-Cola IT System. Ex. B1.

B. Claim 2 of the '173 Patent

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

89. On information and belief, the Coca-Cola IT System made and used by Defendant infringes at least Claim 2 of the '173 Patent.

90. 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.

91. On information and belief, as set forth in more detail in the following paragraphs, in the Coca-Cola 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.”

92. On information and belief, use of an email system within the Coca-Cola IT System is expressly stated. Ex. B1.

93. On information and belief, the Coca-Cola IT System utilizes Lexmark Document Solutions Suite software which enables users to scan documents from a Lexmark MFP and send the scanned image to email addresses. Ex. B2.

94. On information and belief, such use of the Coca-Cola IT System would ordinarily require the use of interface protocols such as, for example, POP, IMAP, MAPI and/or SMTP.

C. Claim 3 of the '173 Patent

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

96. On information and belief, the Coca-Cola IT System made and used by Defendant infringes at least Claim 3 of the '173 Patent.

97. 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.

98. On information and belief, as set forth in more detail in the following paragraphs, in the Coca-Cola 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.”

99. On information and belief, the Coca-Cola IT System, through its use of Lexmark MFPs, is able to scan a document and transmit it to a local file. Ex. B5; Ex. B6.

100. On information and belief, the Lexmark devices in the Coca-Cola IT System have been integrated with the company’s FileNet system. Ex. B1.

101. On information and belief, FileNet is “[a] single repository for enterprise content management to provide centralized access and better control.” *See* FileNet Content Management website attached hereto and incorporated as Exhibit B9.

102. On information and belief, this integration provides users the capability to access and manage the document online, from a centralized repository. Ex. B1; Ex. B9.

103. On information and belief, such functionality in the Coca-Cola IT System indicates that the scanned document is accessible by an application other than said software package for business electronic mail exchange.

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

104. On information and belief, the Coca-Cola 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

105. 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.

106. On information and belief, the Coca-Cola IT System made and used by Defendant infringes at least Claim 1 of the '410 Patent.

107. 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, comprising:

108. On information and belief, whether or not the above preamble is construed as limiting, if construed as such, the Coca-Cola IT System meets those limitations as set forth below.

109. On information and belief, as set forth in more detail herein, the Coca-Cola 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.”

110. On information and belief, the Coca-Cola IT System is described as a standardized infrastructure of Lexmark C772 color and T644 monochrome laser printers, as well as Lexmark X642e and X646dte MFPs, all connected to the company's network and integrated with the company's FileNet system. Ex. B1.

111. On information and belief, use of the networked Lexmark MFPs provides the capability to transmit an electronic image to a plurality of destinations, including PCs running email software, FTP sites, network printers, fax machines, and/or file servers. *See, e.g.*, Ex. B2.

112. On information and belief, the Coca-Cola 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.”

113. On information and belief, these devices and applications include at least PCs operating email software, networked storage, MFPs and server hardware to store electronic copies of paper documents. Ex. B1.

114. On information and belief, these devices and applications are connected via both a local area network as well as the Internet to provide the multitude of capabilities found in the Coca-Cola IT System. Ex. B1.

115. 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;

116. On information and belief, as set forth in more detail in the following paragraphs, in the Coca-Cola IT System made and used by Defendant there is “at least one memory storing a plurality of interface protocols for interfacing and communicating.”

117. On information and belief, such memory is resident on the networked Lexmark MFPs. Ex. B3; Ex. B4.

118. On information and belief, implementation of said protocols is a requirement for devices in the Coca-Cola IT System to communicate and interface with external devices and applications.

119. On information and belief, the existence of communication between electronic devices and applications composing the Coca-Cola IT System, as per Exhibit B1, requires that Coca-Cola's MFPs be internetworked with other Coca-Cola IT System devices and applications and must implement said interface protocols across this internetwork between said devices and applications.

120. On information and belief, said protocols 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.

121. On information and belief, when connected to the Coca-Cola IT System's internetwork, the stored protocols allow said scanning device to interface and communicate with other network devices.

122. 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,

123. On information and belief, as set forth in more detail in the following paragraphs, the Coca-Cola 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."

124. On information and belief, the existence of communication between electronic devices and applications composing the Coca-Cola IT System, as per Exhibit B1, indicates that Coca-Cola's MFPs will be internetworked with at least some Coca-Cola IT System devices and

applications and will implement at least some of said interface protocols across this internetwork between said devices and applications.

125. On information and belief, said protocols are initiated and 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.

126. On information and belief, when connected to the Coca-Cola IT System’s internetwork, the stored protocols allow said scanning device to interface and communicate with other previously identified network devices and applications.

127. 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.

128. On information and belief, as set forth in more detail in the following paragraphs, the Coca-Cola 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.”

129. On information and belief, the Coca-Cola IT System utilizes, in part, Lexmark MFPs in conjunction with Lexmark Document Solutions Suite software. Ex. B1.

130. On information and belief, this provides the Coca-Cola IT System with the capability to scan a document from a Lexmark MFP and transmit it to multiple destinations simultaneously, including PCs, e-mail addresses, or an FTP destination. Ex. B2; Ex. B5; Ex. B6.

131. On information and belief, these destinations are capable of being communicated with externally, or via the Internet, and thus the Coca-Cola IT System is capable of performing these functions through use of the Internet as well.

B. Claim 2 of the '410 Patent

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

133. On information and belief, the Coca-Cola IT System made and used by Defendant infringes at least Claim 2 of the '410 Patent.

134. Claim 2 adds the following additional requirement:

A computer data management system according to Claim 1, wherein the computer data management system is implemented as a service.

135. On information and belief, as set forth in more detail in the following paragraphs, the Coca-Cola IT System made and used by Defendant “is implemented as a service.”

136. On information and belief, implementation of the Coca-Cola IT System as a service is expressly stated. Ex. B1.

137. On information and belief, Lexmark and Coca-Cola “entered into a Distributed Fleet Management agreement that provides for proactive monitoring and management of all the output devices over five years.” Ex. B1.

138. On information and belief, this agreement enables Coca-Cola to “gain insight into printer locations, status, device performance and utilization.” Ex. B1.

139. On information and belief, “[t]hrough a secure, personalized web site, [Coca-Cola] is able to view detailed device location, status and maintenance needs.” Ex. B1.

140. On information and belief, said computer data management system is operated and maintained by Lexmark, for the express purpose of providing monitoring and management services and solutions to Coca-Cola.

C. Claim 4 of the '410 Patent

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

142. On information and belief, the Coca-Cola IT System made and used by Defendant infringes at least Claim 4 of the '410 Patent.

143. 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.

144. On information and belief, as set forth in more detail in the following paragraphs, the Coca-Cola IT System made and used by Defendant “includes at least one application programmer interface.”

145. On information and belief, the Coca-Cola IT System includes at least one application programmer interface through its use of FileNet software. Ex. B1.

146. On information and belief, FileNet provides “[a]pplication development support through proprietary and industry-standard APIs.” Ex. B9.

D. Claim 6 of the '410 Patent

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

148. On information and belief, the Coca-Cola IT System made and used by Defendant infringes at least Claim 6 of the '410 Patent.

149. 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.

150. On information and belief, as set forth in more detail in the following paragraphs, the Coca-Cola 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.”

151. On information and belief, the Coca-Cola IT System stores and implements Lexmark Document Solutions Suite software. Ex. B1.

152. On information and belief, said software “integrates into an environment’s workflow by enabling job processes that can be initiated from a Lexmark MFP or from a user’s workstation.” Ex. B2.

153. On information and belief, such use would require an interface between the MFP and the user workstations.

154. On information and belief, as per Exhibit B1, the Coca-Cola IT System facilitates communication between Lexmark MFPs and Lexmark management applications.

155. On information and belief, said communication requires an interface.

156. On information and belief, such an interface would be utilized to transmit and receive scanned documents, and furthermore, enables external devices and applications to communicate with the Lexmark MFPs and user workstations.

E. Claim 7 of the '410 Patent

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

158. On information and belief, the Coca-Cola IT System made and used by Defendant infringes at least Claim 7 of the '410 Patent.

159. 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.

160. On information and belief, as set forth in more detail in the following paragraphs, the Coca-Cola 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.”

161. On information and belief, Coca-Cola leverages the Lexmark “MFP infrastructure for distributed capture applications and direct integration into FileNet.” Ex. B1.

162. On information and belief, that the Coca-Cola system enables distributed capture applications and integration into FileNet, would suggest that components of the Coca-Cola IT System must be capable of linking and communicating with these devices and applications.

163. On information and belief, the Lexmark MFPs utilized in the Coca-Cola IT System are capable of processing the scanned image into multiple file formats depending on the destination of the scanned image. *See, e.g.*, Ex. B5; Ex. B6.

F. Claim 8 of the '410 Patent

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

165. On information and belief, the Coca-Cola IT System made and used by Defendant infringes at least Claim 8 of the '410 Patent.

166. 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:

167. On information and belief, whether or not the above preamble is construed as limiting, if construed as such, the Coca-Cola IT System meets those limitations as set forth below.

168. On information and belief, as set forth in more detail herein, the Coca-Cola 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.”

169. On information and belief, the Coca-Cola IT System is described as a standardized infrastructure of Lexmark C772 color and T644 monochrome laser printers, as well as Lexmark X642e and X646dte MFPs, all connected to the company’s network and integrated with the company’s FileNet system. Ex. B1.

170. On information and belief, use of the networked Lexmark MFPs provides the capability to transmit an electronic image to a plurality of destinations, including PCs running email software, FTP sites, network printers, fax machines, and/or file servers. *See, e.g.*, Ex. B2.

171. On information and belief, the Coca-Cola 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.”

172. On information and belief, these devices and applications include at least PCs operating email software, networked storage, MFPs and server hardware to store electronic copies of paper documents. Ex. B1.

173. On information and belief, these devices and applications are connected via both a local area network as well as the Internet to provide the multitude of capabilities found in the Coca-Cola IT System. Ex. B1.

174. 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;

175. On information and belief, as set forth in more detail in the following paragraph, in the Coca-Cola IT System made and used by Defendant there is “at least one memory storing a plurality of interface protocols for interfacing and communicating.”

176. On information and belief, allegations and information sufficient to establish that the Coca-Cola 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.

177. 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,

178. On information and belief, as set forth in more detail in the following paragraphs, the Coca-Cola 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.”

179. On information and belief, the existence of communication between electronic devices and applications composing the Coca-Cola IT System, as per Exhibit B1, indicates that Coca-Cola's MFPs will be internetworked with at least some Coca-Cola IT System's devices and applications and must implement said interface protocols across this internetwork between said devices and applications.

180. On information and belief, said protocols are initiated and handled via the MFP's 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.

181. On information and belief, when connected to the Coca-Cola IT System's internetwork, the stored protocols allow said scanning device to interface and communicate with other network devices and applications.

182. 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.

183. On information and belief, as set forth in more detail in the following paragraphs, the Coca-Cola 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."

184. On information and belief, the Coca-Cola IT System possesses this capability through its use of Lexmark MFPs in conjunction with Lexmark Document Solutions Suite software. *See, e.g.*, Ex. B1; Ex. B2.

185. On information and belief, the Lexmark Document Solutions Suite software supplements the Lexmark MFPs native capability to alter the output file type and thus integrate

an image into a destination application, without the need to modify the destination application.
See, e.g., Ex. B2; Ex. B5; Ex. B6.

G. Claim 9 of the '410 Patent

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

187. On information and belief, the Coca-Cola IT System made and used by Defendant infringes at least Claim 9 of the '410 Patent.

188. Claim 9 adds the following additional requirement:

A computer data management system according to Claim 8, wherein the computer data management system is implemented as a service.

189. On information and belief, as set forth in more detail in the following paragraph, the Coca-Cola IT System made and used by Defendant “is implemented as a service.”

190. On information and belief, allegations and information sufficient to establish that the Coca-Cola IT System satisfies the elements of Claim 9 is provided above in connection with the identically worded element of Claim 2 of the '410 Patent.

H. Claim 11 of the '410 Patent

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

192. On information and belief, the Coca-Cola IT System made and used by Defendant infringes at least Claim 11 of the '410 Patent.

193. 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).

194. On information and belief, as set forth in more detail in the following paragraph, the Coca-Cola IT System made and used by Defendant “includes at least one application programmer interface.”

195. On information and belief, allegations and information sufficient to establish that the Coca-Cola 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.

I. Claim 13 of the '410 Patent

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

197. On information and belief, the Coca-Cola IT System made and used by Defendant infringes at least Claim 13 of the '410 Patent.

198. 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.

199. On information and belief, as set forth in more detail in the following paragraph, the Coca-Cola 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.”

200. On information and belief, allegations and information sufficient to establish that the Coca-Cola 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.

J. Claim 14 of the '410 Patent

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

202. On information and belief, the Coca-Cola IT System made and used by Defendant infringes at least Claim 14 of the '410 Patent.

203. 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.

204. On information and belief, as set forth in more detail in the following paragraph, the Coca-Cola 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.”

205. On information and belief, allegations and information sufficient to establish that the Coca-Cola 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.

K. Claim 15 of the '410 Patent

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

207. On information and belief, the Coca-Cola IT System made and used by Defendant infringes at least Claim 15 of the '410 Patent.

208. The preamble of Claim 15 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, comprising:

209. On information and belief, whether or not the above preamble is construed as limiting, if construed as such, the Coca-Cola IT System meets those limitations as set forth below.

210. On information and belief, as set forth in more detail herein, the Coca-Cola 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.”

211. On information and belief, the Coca-Cola IT System is described as a standardized infrastructure of Lexmark C772 color and T644 monochrome laser printers, as well as Lexmark X642e and X646dte MFPs, all connected to the company’s network and integrated with the company’s FileNet system. Ex. B1.

212. On information and belief, use of the networked Lexmark MFPs provides the capability to transmit an electronic image to a plurality of destinations, including PCs running email software, FTP sites, network printers, fax machines, and/or file servers. *See, e.g.*, Ex. B2.

213. On information and belief, the Coca-Cola 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.”

214. On information and belief, these devices and applications include at least PCs operating email software, networked storage, MFPs and server hardware to store electronic copies of paper documents. Ex. B1.

215. On information and belief, these devices and applications are connected via both a local area network as well as the Internet to provide the multitude of capabilities found in the Coca-Cola IT System. Ex. B1.

216. 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;

217. On information and belief, as set forth in more detail in the following paragraph, in the Coca-Cola IT System made and used by Defendant there is “at least one memory storing a plurality of interface protocols for interfacing and communicating.”

218. On information and belief, allegations and information sufficient to establish that the Coca-Cola 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.

219. 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,

220. On information and belief, as set forth in more detail in the following paragraph, the Coca-Cola 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.”

221. On information and belief, allegations and information sufficient to establish that the Coca-Cola 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.

222. 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.

223. On information and belief, as set forth in more detail in the following paragraphs, the Coca-Cola 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."

224. On information and belief, the Coca-Cola IT System stores and implements Lexmark Document Solutions Suite software. Ex. B1.

225. On information and belief, existence of the interface referred to above can be inferred from the Coca-Cola IT System's implementation of this software.

226. On information and belief, said software "integrates into an environment's workflow by enabling job processes that can be initiated from a Lexmark MFP or from a user's workstation." Ex. B2

227. On information and belief, such use would ordinarily require an interface between the MFP and/or the user workstations with the applications receiving the electronic image, graphic or document.

228. On information and belief, said software makes use of a "GO" operation by "giving users the power to scan, fax, copy, print, e-mail or archive from the push of a button." Ex. B2.

L. Claim 16 of the '410 Patent

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

230. On information and belief, the Coca-Cola IT System made and used by Defendant infringes at least Claim 16 of the '410 Patent.

231. Claim 16 adds the following additional requirement:

A computer data management system according to Claim 15, wherein the computer data management system is implemented as a service.

232. On information and belief, as set forth in more detail in the following paragraph, the Coca-Cola IT System made and used by Defendant “is implemented as a service.”

233. On information and belief, allegations and information sufficient to establish that the Coca-Cola IT System satisfies the elements of Claim 16 is provided above in connection with the identically worded element of Claim 2 of the '410 Patent.

M. Claim 18 of the '410 Patent

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

235. the Coca-Cola IT System made and used by Defendant infringes at least Claim 18 of the '410 Patent.

236. 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).

237. On information and belief, as set forth in more detail in the following paragraph, the Coca-Cola IT System made and used by Defendant “includes at least one application programmer interface.”

238. On information and belief, allegations and information sufficient to establish that the Coca-Cola 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.

N. Claim 20 of the '410 Patent

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

240. On information and belief, the Coca-Cola IT System made and used by Defendant infringes at least Claim 20 of the '410 Patent.

241. 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.

242. On information and belief, as set forth in more detail in the following paragraph, the Coca-Cola 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.”

243. On information and belief, allegations and information sufficient to establish that the Coca-Cola 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.

O. Claim 21 of the '410 Patent

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

245. On information and belief, the Coca-Cola IT System made and used by Defendant infringes at least Claim 21 of the '410 Patent.

246. 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.

247. On information and belief, as set forth in more detail in the following paragraph, the Coca-Cola 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.”

248. On information and belief, allegations and information sufficient to establish that the Coca-Cola 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.

P. Claim 22 of the '410 Patent

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

250. On information and belief, the Coca-Cola IT System made and used by Defendant infringes at least Claim 22 of the '410 Patent.

251. The preamble of Claim 22 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, comprising:

252. On information and belief, whether or not the above preamble is construed as limiting, if construed as such, the Coca-Cola IT System meets those limitations as set forth below.

253. On information and belief, as set forth in more detail herein, the Coca-Cola 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.”

254. On information and belief, the Coca-Cola IT System is described, as a standardized infrastructure of Lexmark C772 color and T644 monochrome laser printers as well as Lexmark X642e and X646dte MFPs, all connected to the company’s network and integrated with the company’s FileNet system. Ex. B1.

255. On information and belief, use of the networked Lexmark MFPs provides the capability to transmit an electronic image to a plurality of destinations, including PCs running email software, FTP sites, network printers, fax machines, and/or file servers. *See, e.g.*, Ex. B2.

256. On information and belief, the Coca-Cola 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.”

257. On information and belief, these devices and applications include at least PCs operating email software, networked storage, MFPs and server hardware to store electronic copies of paper documents. Ex. B1.

258. On information and belief, these devices and applications are connected via both a local area network, as well as the Internet, to provide the multitude of capabilities found in the Coca-Cola IT System. Ex. B1.

259. 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;

260. On information and belief, as set forth in more detail in the following paragraph, in the Coca-Cola IT System made and used by Defendant there is “at least one memory storing a plurality of interface protocols for interfacing and communicating.”

261. On information and belief, allegations and information sufficient to establish that the Coca-Cola 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.

262. 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,

263. On information and belief, as set forth in more detail in the following paragraph, the Coca-Cola 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.”

264. On information and belief, allegations and information sufficient to establish that the Coca-Cola 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.

265. 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.

266. On information and belief, as set forth in more detail in the following paragraphs, the Coca-Cola 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.”

267. On information and belief, in the Coca-Cola IT System, the Lexmark components automate “paper-intensive workflow processes...for significant time and cost savings improvements.” Ex. B1.

268. On information and belief, this is accomplished by implementing the Lexmark Document Solutions Suite software to program automated workflow processes into the Lexmark MFPs, index the scanned documents and deposit them directly into the FileNet system. Ex. B1.

269. On information and belief, such workflows constitute “adding at least one of electronic document, data and paper processing with a single programming step.”

Q. Claim 23 of the '410 Patent

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

271. On information and belief, the Coca-Cola IT System made and used by Defendant infringes at least Claim 23 of the '410 Patent.

272. Claim 23 adds the following additional requirement:

A computer data management system according to Claim 22, wherein the computer data management system is implemented as a service.

273. On information and belief, as set forth in more detail in the following paragraph, the Coca-Cola IT System made and used by Defendant “is implemented as a service.”

274. On information and belief, allegations and information sufficient to establish that the Coca-Cola IT System satisfies the elements of Claim 23 is provided above in connection with the identically worded element of Claim 2 of the '410 Patent.

R. Claim 25 of the '410 Patent

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

276. On information and belief, the Coca-Cola IT System made and used by Defendant infringes at least Claim 25 of the '410 Patent.

277. 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).

278. On information and belief, as set forth in more detail in the following paragraph, the Coca-Cola IT System made and used by Defendant “includes at least one application programmer interface.”

279. On information and belief, allegations and information sufficient to establish that the Coca-Cola 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.

S. Claim 27 of the '410 Patent

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

281. On information and belief, the Coca-Cola IT System made and used by Defendant infringes at least Claim 27 of the '410 Patent.

282. 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.

283. On information and belief, as set forth in more detail in the following paragraph, the Coca-Cola 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.”

284. On information and belief, allegations and information sufficient to establish that the Coca-Cola 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.

T. Claim 28 of the '410 Patent

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

286. On information and belief, the Coca-Cola IT System made and used by Defendant infringes at least Claim 28 of the '410 Patent.

287. 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.

288. On information and belief, as set forth in more detail in the following paragraph, the Coca-Cola 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.”

289. On information and belief, allegations and information sufficient to establish that the Coca-Cola 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.

U. Claim 34 of the '410 Patent

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

291. On information and belief, the Coca-Cola IT System made and used by Defendant infringes at least Claim 34 of the '410 Patent.

292. 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:

293. On information and belief, whether or not the above preamble is construed as limiting, if construed as such, the Coca-Cola IT System meets those limitations as set forth below.

294. On information and belief, as set forth in more detail herein, the Coca-Cola 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.”

295. On information and belief, the Coca-Cola IT System is described as a standardized infrastructure of Lexmark C772 color and T644 monochrome laser printers, as well as Lexmark X642e and X646dte MFPs, all connected to the company’s network and integrated with the company’s FileNet system. Ex. B1.

296. On information and belief, use of the networked Lexmark MFPs provides the capability to transmit an electronic image to a plurality of destinations, including PCs running email software, FTP sites, network printers, fax machines, and/or file servers. *See, e.g.*, Ex. B2.

297. On information and belief, the Coca-Cola 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, MFPs and server hardware to store electronic copies of paper documents. Ex. B1.

299. On information and belief, these devices and applications are connected via both a local area network as well as the Internet to provide the multitude of capabilities found in the Coca-Cola IT System. Ex. B1.

300. 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 one of other devices and applications, and via the Internet;

301. On information and belief, as set forth in more detail in the following paragraphs, in the Coca-Cola 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 one of other devices and applications, and via the Internet.”

302. On information and belief, said first application system can be found in Lexmark Document Solutions Suite software stored and implemented by the Coca-Cola IT System. Ex. B1.

303. On information and belief, in the Coca-Cola IT System, said software is in conjunction with Lexmark MFPs. Ex. B1.

304. On information and belief, this provides the Coca-Cola IT System with the capability to scan a document from a Lexmark MFP and transmit it to multiple destinations simultaneously, including PCs, e-mail addresses, or an FTP destination. Ex. B2; Ex. B5; Ex. B6.

305. On information and belief, as these destinations are capable of being communicated with externally, or via the Internet, the Coca-Cola IT System is capable of performing these functions through use of the Internet as well.

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 Coca-Cola 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, said second application system is found as an embedded feature of the Lexmark MFPs utilized in the Coca-Cola IT System and is further supplemented by the implementation of Lexmark Document Solutions Suite software.

309. On information and belief, the Lexmark Document Solutions Suite software supplements the Lexmark MFP's native capability to alter the output file type and thus integrate an image into a destination application, without the need to modify the destination application.

See, e.g., Ex. B2; Ex. B5; Ex. B6.

310. 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

311. On information and belief, as set forth in more detail in the following paragraphs, in the Coca-Cola 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.”

312. On information and belief, the Coca-Cola IT System stores and implements Lexmark Document Solutions Suite software. Ex. B1.

313. On information and belief, existence of the interface referred to above can be inferred from the Coca-Cola IT System's implementation of this software.

314. On information and belief, said software "integrates into an environment's workflow by enabling job processes that can be initiated from a Lexmark MFP or from a user's workstation." Ex. B2.

315. On information and belief, such use would ordinarily require an interface between the MFP and/or the user workstations with the applications receiving the electronic image, graphic or document.

316. On information and belief, said software makes use of a "GO" operation by "giving users the power to scan, fax, copy, print, e-mail or archive from the push of a button." Ex. B2.

317. 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.

318. On information and belief, as set forth in more detail in the following paragraphs, in the Coca-Cola 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."

319. On information and belief, said third application system is found within the Lexmark Document Solutions Suite software stored and implemented by the Coca-Cola IT System.

320. On information and belief, in the Coca-Cola IT System, the Lexmark components automate "paper-intensive workflow processes...for significant time and cost savings improvements." Ex. B1.

321. On information and belief, this is accomplished by using the Lexmark Document Solutions Suite software to program automated workflow processes into the Lexmark MFPs, index the scanned documents and deposit them directly into the FileNet system. Ex. B1.

322. On information and belief, such workflows constitute “adding at least one of electronic document, data and paper processing with a single programming step.”

V. Claim 35 of the '410 Patent

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

324. On information and belief, the Coca-Cola IT System made and used by Defendant infringes at least Claim 35 of the '410 Patent.

325. Claim 35 adds the following additional requirement:

A computer data management system according to claim 34, wherein the computer data management system is implemented as a service.

326. On information and belief, as set forth in more detail in the following paragraph, the Coca-Cola IT System made and used by Defendant “is implemented as a service.”

327. On information and belief, allegations and information sufficient to establish that the Coca-Cola IT System satisfies the elements of Claim 35 is provided above in connection with the identically worded element of Claim 2 of the '410 Patent.

W. Claim 37 of the '410 Patent

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

329. On information and belief, the Coca-Cola IT System made and used by Defendant infringes at least Claim 37 of the '410 Patent.

330. 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).

331. On information and belief, as set forth in more detail in the following paragraph, the Coca-Cola IT System made and used by Defendant “includes at least one application programmer interface (API).”

332. On information and belief, allegations and information sufficient to establish that the Coca-Cola 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.

X. Claim 39 of the '410 Patent

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

334. On information and belief, the Coca-Cola IT System made and used by Defendant infringes at least Claim 39 of the '410 Patent.

335. 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.

336. On information and belief, as set forth in more detail in the following paragraph, the Coca-Cola 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.”

337. On information and belief, allegations and information sufficient to establish that the Coca-Cola 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.

Y. Claim 40 of the '410 Patent

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

339. On information and belief, the Coca-Cola IT System made and used by Defendant infringes at least Claim 40 of the '410 Patent.

340. 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.

341. On information and belief, as set forth in more detail in the following paragraph, the Coca-Cola 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.”

342. On information and belief, allegations and information sufficient to establish that the Coca-Cola 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

343. 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 their 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

/s/ Stamatios Stamoulis

Stamatios Stamoulis #4606

stamoulis@swdelaw.com

Richard C. Weinblatt #5080

weinblatt@swdelaw.com

Two Fox Point Centre

6 Denny Road, Suite 307

Wilmington, DE 19809

Telephone: (302) 999-1540

OF COUNSEL: (*pro hac vice* to be filed)

W. Bryan Farney

bfarney@farneydaniels.com

Cassandra Klingman

cklingman@farneydaniels.com

Farney Daniels PC

800 South Austin Avenue, Ste. 200

Georgetown, Texas 78626

(512) 582-2828

M. Brett Johnson
bjohnson@farneydaniels.com
Farney Daniels PC
8401 N. Central Expressway, Suite 280
Dallas, Texas 75225
(972) 432-5780

*Attorneys for Plaintiff
MPHJ Technology Investments, LLC*