

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

MPHJ TECHNOLOGY INVESTMENTS, LLC,

Plaintiff,

v.

UNUM GROUP,

Defendant.

Civil Action No. _____

JURY TRIAL REQUESTED

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff MPHJ Technology Investments, LLC, by way of Complaint against Defendant Unum Group, 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 Unum Group is a corporation organized under the laws of the State of Delaware, and may be served by serving its Registered Agent, Corporation Service Company at 2711 Centerville Road, Wilmington, Delaware 19808.

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 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, Unum Group is a company that provides disability insurance products as well as other insurance products, including group benefits, life insurance and other related services in the United States.

17. On information and belief, Unum Group has more than 10,000 employees worldwide, a substantial number of who work in the United States at Unum Group's 35 field offices, 4 major operations centers and headquarters. *See* Unum Group ROI and Business Benefits Assessment attached hereto and incorporated as Exhibit B1.

18. On information and belief, since at least 2009, Unum Group 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, Unum Group 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 "Unum Group IT System."

20. On information and belief, the Unum Group IT System in part uses hardware from Lexmark, including but not limited to Lexmark multifunction peripherals ("MFPs"). Ex. B1.

21. On information and belief, the Unum Group IT System stores and implements software from Lexmark, including but not limited to Lexmark Embedded Solutions Framework (eSF), Print Release, and Software Development Kit software. Ex. B1; *see also* Unum Group Success Story attached hereto and incorporated as Exhibit B2.

22. On information and belief, the Unum Group IT System is described as an online document management platform that "scans incoming documents, launches automated

workflows, and gives employees fast, secure online access to customer documents from their desktop computers.” Ex. B1.

23. On information and belief, Unum Group reports that the Lexmark MFPs interface directly with the company’s servers and business systems. Ex. B1

24. On information and belief, the Unum Group IT System includes the ability to scan and send documents as electronic images directly to software applications accessible to PCs connected to the system.

25. On information and belief, Unum Group has used the Unum Group IT System to scan more than 250 million documents from paper to electronic format. Ex. B1.

26. On information and belief, Unum Group, together with employees, agents, consultants and subcontractors under its control, acquired the components of, and then assembled, the Unum Group IT System.

27. On information and belief, Unum Group has used, and continues to use the Unum Group IT System in its business activities. Ex. B1.

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

28. On information and belief, the Unum Group 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.

A. Claim 1 of the ’173 Patent

29. 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.

30. On information and belief, the Unum Group IT System made and used by Defendant infringes at least Claim 1 of the ’173 Patent.

31. 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:

32. On information and belief, whether or not the above preamble is construed as limiting, if construed as such, the Unum Group IT System meets those limitations as set forth below.

33. On information and belief, as set forth in more detail herein, the Unum Group 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.”

34. On information and belief, the Unum Group IT System satisfies the elements of this preamble, at least in part because the system is an online document management platform that “scans incoming documents, launches automated workflows, and gives employees fast, secure online access to customer documents from their desktop computers” and enables the company’s Lexmark-brand MFPs to “interface directly with all of [Unum Group’s] servers and business systems.” Ex. B1.

35. On information and belief, the Unum Group IT System includes, among the plurality of external destinations, one or more of external devices, local files and applications that are responsively connectable to at least one communication network.

36. 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. Ex. B1.

37. On information and belief, the Unum Group IT System provides Unum Group's employees with "secure online access to customer documents from their desktop computers" and enables the company's Lexmark-brand MFPs to "interface directly with all of [Unum Group's] servers and business systems." Ex. B1.

38. 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;

39. On information and belief, as set forth in more detail in the following paragraphs, in the Unum Group 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."

40. On information and belief, the Unum Group IT System utilizes a fleet of "standardized, optimized and fully networked output infrastructure of Lexmark [MFPs] across all U.S. locations that is managed and maintained by Lexmark." Ex. B1.

41. 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."

42. On information and belief, the Unum Group IT System stores and implements Lexmark's Print Release software to enable implementation of the "one-touch button concept" and enable authenticated users to scan a document to an external destination such as a pre-configured network folder, an email address, or even fax the scanned document directly from the MFP. *See* Lexmark Print Release Brochure attached hereto and incorporated as Exhibit B3; Lexmark Print Release User's Guide attached hereto and incorporated as Exhibit B4.

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 Unum Group IT System 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 MFPs utilized in the Unum Group IT System. Ex. B1.

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

47. On information and belief, the existence of communication between electronic devices and applications composing the Unum Group IT System as per Exhibit B1 requires that Unum Group MFPs be internetworked with other Unum Group 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 Unum Group IT System's internetwork, the stored protocols allow said scanning device to interface and communicate with other previously identified 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 Unum Group 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 Unum Group 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 Unum Group IT System, as per Exhibit B1, indicates that Unum Group MFPs are internetworked with at least some Unum Group IT System’s devices and applications and will implement at least some of said interface protocols across this internetwork between said devices and applications.

54. 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.

55. On information and belief, when connected to the Unum Group IT System’s internetwork, the stored protocols allow at least one 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 Unum Group 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 Unum Group IT System includes a corporate email system. Ex. B1.

59. On information and belief, the Lexmark MFPs utilized in the Unum Group IT System, at least through functionality enabled by Print Release software, are capable of sending scanned documents as attachments to emails. Ex. B4.

60. On information and belief, an email protocol, such as, for example POP (Post Office Protocol), IMAP (Internet Message Access Protocol), MAPI (Messaging Application Programming Interface) and/or SMTP (Simple Mail Transfer Protocol) would be embedded within the MFP’s memory to enable this functionality.

61. 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;

62. On information and belief, as set forth in more detail in the following paragraphs, in the Unum Group 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.”

63. On information and belief, the Unum Group has “scann[ed] millions of existing files into the [Unum Group IT System]” which are stored on local servers at Unum Group’s corporate headquarters. Ex.B1.

64. On information and belief, the Unum Group IT System utilizes Lexmark MFPs and stores and implements Lexmark software to transmit electronic documents to a local file stored on Unum Group’s local servers.

65. On information and belief, the interface protocols necessary to transmit these electronic documents such as referred to in the preceding paragraph to the local file would 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 Unum Group 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, the Unum Group IT System utilizes a fleet of “standardized, optimized and fully networked output infrastructure of Lexmark [MFPs] across all U.S. locations that is managed and maintained by Lexmark.” Ex. B1.

69. On information and belief, such an arrangement would enable external destinations such as other networked hardware devices and applications hosted on the Unum Group IT System network to communicate with the networked MFPs and such communications would ordinarily be facilitated through the use of the local area network to which the devices and applications are connected.

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 paragraph, in the Unum Group 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, said limitation is met when Unum Group scans paper documents located at the company’s 35 field offices and transmits them via a communication network to the Unum Group IT System servers located at Unum Group’s corporate headquarters so that they may be made accessible online to Unum Group’s employees. Ex. B1.

73. 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;

74. On information and belief, as set forth in more detail in the following paragraphs, in the Unum Group 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.”

75. On information and belief, the Unum Group IT System, at one point, utilized 2,200 printers. Ex. B1.

76. On information and belief, through the conversion to standardized Lexmark-brand MFPs, the company was able to retire more than 150 printers. Ex. B1.

77. On information and belief, there are still, within the Unum Group IT System, a fleet of printers aside from the Lexmark MFPs.

78. 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;

79. On information and belief, as set forth in more detail in the following paragraphs, in the Unum Group 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.”

80. On information and belief, the Unum Group IT System utilizes, Lexmark-brand MFPs in conjunction with Lexmark’s Embedded Solutions Framework (“eSF”). Ex. B2.

81. On information and belief, the eSF platform enables Unum Group to “run sophisticated document-routing workflow applications,” such as those which would seamlessly replicate, transmit and integrate electronic images and provide automation functionality. Ex. B2.

82. On information and belief, the Unum Group IT System stores and implements Lexmark’s Print Release software to enable the implementation of the “one-touch button concept” and enable authenticated users to scan a document to an external destination such as a pre-configured network folder or an email address directly from the MFP and thereby seamlessly replicate and transmit the document to at least one of a plurality of external destinations. Ex. B1; Ex. B3; Ex. B4.

83. 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

84. On information and belief, as set forth in more detail in the following paragraphs, in the Unum Group 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.”

85. On information and belief, a stated purpose of the Unum Group IT System is to “convert paper documents to electronic form . . . keep the files intact, and make them universally available from any location.” Ex. B1.

86. On information and belief, this is made possible by utilizing a fleet of “standardized, optimized and fully networked output infrastructure of Lexmark [MFPs] across all U.S. locations” to scan documents and using a centralized repository to store and provide access to files for Unum Group employees locally and at dispersed locations, such as Unum Group’s field offices. Ex. B1.

87. On information and belief, the centralized repository is compatible with file formats such as, for example, TIFF, PDF, and JPEG, and does not require modification to store files captured from the Unum Group IT System’s networked Lexmark MFPs.

88. On information and belief, other potential external destinations which do not require modification for file format compatibility include, for example, email boxes to which electronic files are sent as attachments. Ex. B4.

89. 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.

90. On information and belief, as set forth in more detail in the following paragraphs, in the Unum Group 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.”

91. On information and belief, Unum Group has converted millions of documents into electronic format and stored them at servers located at the company’s headquarters. Ex. B1.

92. On information and belief, these documents are communicable across a network and made available to Unum Group’s employees at any of the company’s 35 field offices and 4 major operations centers. Ex. B1.

93. On information and belief, in addition to the centralized repository maintained on servers located at Unum Group’s headquarters, the Unum Group IT System stores and implements Lexmark Print Release software which enables scanned documents to be sent to email boxes and network folders and can also be printed by a remote printer other than the Lexmark MFP that originally scanned the document. Ex. B1; Ex. B3; Ex. B4.

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

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

95. On information and belief, the Unum Group IT System made and used by Defendant infringes at least Claim 2 of the ’173 Patent.

96. 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.

97. On information and belief, as set forth in more detail in the following paragraphs, in the Unum Group 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.”

98. On information and belief, the Unum Group IT System includes a corporate email system. Ex. B1.

99. On information and belief, said corporate email system is a commercially-available software package for business electronic mail exchange running as an application on Unum Group’s communication network.

100. On information and belief, the Unum Group IT System stores and implements Lexmark Print Release software. Ex. B1.

101. On information and belief, Print Release software provides functionality which permits the capture and transmission of documents to a specified email address in the Unum Group IT System. Ex. B4.

102. On information and belief, the Unum Group IT System would store and execute an interface protocol such as, for example, POP, IMAP, MAPI, and/or SMTP when utilizing the email functionality in Print Release software. Ex. B4.

C. Claim 3 of the ’173 Patent

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

104. On information and belief, the Unum Group IT System made and used by Defendant infringes at least Claim 3 of the ’173 Patent.

105. 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.

106. On information and belief, as set forth in more detail in the following paragraphs, in the Unum Group 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.”

107. On information and belief, virtually all of Unum Group’s business files are accessible to its employees online via the use of a centralized repository. Ex. B1.

108. On information and belief, the Unum Group has “scann[ed] millions of existing files into the [Unum Group IT System],” which are transmitted to and stored on local servers at Unum Group’s headquarters. Ex. B1.

109. On information and belief, the interface protocols necessary to transmit the electronic documents to the local server hosting the local file would include, for example, FTP and SMB.

110. On information and belief, said repository stores files and provides centralized access for all scanned files to all Unum Group employees throughout all locations. Ex. B1.

111. On information and belief, said functionality that provides centralized access of virtually all business files illustrates that said files are accessible to applications other than said software package for business electronic mail exchange.

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

112. On information and belief, the Unum Group IT System, and/or the use of such system, infringes one or more claims of the '410 Patent, including the claims specifically referenced in the following.

A. Claim 1 of the '410 Patent

113. 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.

114. On information and belief, the Unum Group IT System made and used by Defendant infringes at least Claim 1 of the '410 Patent.

115. 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:

116. On information and belief, whether or not the above preamble is construed as limiting, if construed as such, the Unum Group IT System meets those limitations as set forth below.

117. On information and belief, as set forth in more detail herein, the Unum Group 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.”

118. On information and belief, the Unum Group IT System satisfies the elements of this preamble, at least in part because the system is an online document management platform that “scans incoming documents, launches automated workflows, and gives employees fast, secure online access to customer documents from their desktop computers” and enables the company’s Lexmark-brand MFPs to “interface directly with all of [Unum Group’s] servers and business systems.” Ex. B1.

119. On information and belief, the Unum Group 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.”

120. 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.

121. On information and belief, the system provides Unum Group’s employees with “secure online access to customer documents from their desktop computers” and enables the company’s MFPs to “interface directly with all of [Unum Group’s] servers and business systems.” Ex. B1.

122. 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;

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

124. On information and belief, such memory is resident on the MFPs utilized in the Unum Group IT System. Ex. B1.

125. On information and belief, implementation of said protocols is a requirement for devices in the Unum Group IT System to communicate and interface with external devices and applications.

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

127. 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.

128. 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,

129. On information and belief, as set forth in more detail in the following paragraphs, the Unum Group 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.”

130. On information and belief, implementation of said protocols is a requirement for devices in the Unum Group IT System to communicate and interface with external devices and applications.

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

132. 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.

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

134. 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.

135. On information and belief, as set forth in more detail in the following paragraphs, the Unum Group 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."

136. On information and belief, Unum Group has automated many business processes utilizing the online document-management platform Ex. B1.

137. On information and belief, Unum Group's employees seamlessly replicate and transmit a document by "scan[ing] a claim document at any Lexmark device, right at the field

office” and leveraging pre-configured, customized workflows so that “the document gets automatically routed to the right specialist.” Ex. B1.

138. On information and belief, such functionality would ordinarily use the Internet as a communication medium.

B. Claim 2 of the '410 Patent

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

140. On information and belief, the Unum Group IT System made and used by Defendant infringes at least Claim 2 of the '410 Patent.

141. 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.

142. On information and belief, as set forth in more detail in the following paragraphs, the Unum Group IT System made and used by Defendant “is implemented as a service.”

143. On information and belief, implementation of the Unum Group IT System as a service is expressly stated. Ex. B1.

144. On information and belief, in the Unum Group IT System, “Lexmark proactively monitors the company’s entire network of output devices . . . freeing up IT resources to focus on other projects” and said system is an “automated document platform” which provides automated document routing as well as customized workflow applications. Ex. B1.

145. On information and belief, the displacement of these tasks and the liberation of IT resources are directly indicative of the implementation of said Unum Group IT System as a service.

C. Claim 6 of the '410 Patent

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

147. On information and belief, the Unum Group IT System made and used by Defendant infringes at least Claim 6 of the '410 Patent.

148. 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.

149. On information and belief, as set forth in more detail in the following paragraph, the Unum Group 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.”

150. On information and belief, the existence and use of “at least one interface to interface with at least one of a plurality of external applications” is expressly admitted by Unum Group in stating “more than 30 of our business processes can be executed from the eTask touchscreen interface on any Lexmark MFPs” and “[t]he MFPs interface directly with all of our servers and business systems.” Ex. B1.

D. Claim 7 of the '410 Patent

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

152. On information and belief, the Unum Group IT System made and used by Defendant infringes at least Claim 7 of the '410 Patent.

153. 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.

154. On information and belief, as set forth in more detail in the following paragraphs, the Unum Group 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.”

155. On information and belief, the Unum Group IT System utilizes a “fully networked output infrastructure of Lexmark [MFPs]” which are all “visible on the network and are constantly monitored and maintained by Lexmark.” Ex. B1.

156. On information and belief, there are “[c]ustomized software applications running on the Lexmark MFPs [that] have turned paper-based processes into electronic document workflows.” Ex. B1.

157. On information and belief, the networked (linked) MFPs interface (communicate) directly with at least some of the Unum Group IT System business applications. Ex. B1.

E. Claim 8 of the '410 Patent

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

159. On information and belief, the Unum Group IT System made and used by Defendant infringes at least Claim 8 of the '410 Patent.

160. The preamble of Claim 8 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:

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

162. On information and belief, as set forth in more detail herein, the Unum Group 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.”

163. On information and belief, the Unum Group IT System satisfies the elements of this preamble, at least in part, because the system is an online document management platform that “scans incoming documents, launches automated workflows, and gives employees fast, secure online access to customer documents from their desktop computers” and enables the company’s Lexmark-brand MFPs to “interface directly with all of [Unum Group’s] servers and business systems.” Ex. B1.

164. On information and belief, the Unum Group 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.”

165. 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.

166. On information and belief, the system provides Unum Group’s employees with “secure online access to customer documents from their desktop computers” and enables the

company's MFPs to "interface directly with all of [Unum Group's] servers and business systems." Ex. B1.

167. 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;

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

169. On information and belief, allegations and information sufficient to establish that the Unum Group 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.

170. 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,

171. On information and belief, as set forth in more detail in the following paragraph, the Unum Group 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."

172. On information and belief, allegations and information sufficient to establish that the Unum Group 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.

173. 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.

174. On information and belief, as set forth in more detail in the following paragraphs, the Unum Group 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.”

175. On information and belief, a stated purpose of the Unum Group IT System is to “convert paper documents to electronic form . . . keep the files intact, and make them universally available from any location.” Ex. B1.

176. On information and belief, this is made possible by utilizing a fleet of “standardized, optimized and fully networked output infrastructure of Lexmark [MFPs] across all U.S. locations” to create a centralized repository application, known as Enterprise Data Search, for Unum Group’s employees to store and access business files. Ex. B1; Ex. B2.

177. On information and belief, in the Unum Group IT System, the Lexmark MFPs, in conjunction with Lexmark’s Software Development Kit software, are able to convert scanned documents into industry standard file formats such as, for example, TIFF, PDF, and JPEG, and integrate them into Unum Group’s business applications, including for example, Enterprise Data Search, without the need to modify those applications. Ex. B2.

F. Claim 9 of the ’410 Patent

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

179. On information and belief, the Unum Group IT System made and used by Defendant infringes at least Claim 9 of the ’410 Patent.

180. 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.

181. On information and belief, as set forth in more detail in the following paragraph, the Unum Group IT System made and used by Defendant “is implemented as a service.”

182. On information and belief, allegations and information sufficient to establish that the Unum Group 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.

G. Claim 13 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 Unum Group IT System made and used by Defendant infringes at least Claim 13 of the '410 Patent.

185. 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.

186. On information and belief, as set forth in more detail in the following paragraph, the Unum Group 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.”

187. On information and belief, allegations and information sufficient to establish that the Unum Group 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

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

189. On information and belief, the Unum Group IT System made and used by Defendant infringes at least Claim 14 of the '410 Patent.

190. 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.

191. On information and belief, as set forth in more detail in the following paragraph, the Unum Group 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.”

192. On information and belief, allegations and information sufficient to establish that the Unum Group 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

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

194. On information and belief, the Unum Group IT System made and used by Defendant infringes at least Claim 15 of the '410 Patent.

195. 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:

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

197. On information and belief, as set forth in more detail herein, the Unum Group 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.”

198. On information and belief, the Unum Group IT System satisfies the elements of this preamble, at least in part, because the system is an online document management platform that “scans incoming documents, launches automated workflows, and gives employees fast, secure online access to customer documents from their desktop computers” and enables the company’s Lexmark-brand MFPs to “interface directly with all of [Unum Group’s] servers and business systems.” Ex. B1.

199. On information and belief, the Unum Group 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.”

200. 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.

201. On information and belief, the system provides Unum Group's employees with "secure online access to customer documents from their desktop computers" and enables the company's MFPs to "interface directly with all of [Unum Group's] servers and business systems." Ex. B1.

202. 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;

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

204. On information and belief, allegations and information sufficient to establish that the Unum Group 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.

205. 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,

206. On information and belief, as set forth in more detail in the following paragraph, the Unum Group 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."

207. On information and belief, allegations and information sufficient to establish that the Unum Group 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.

208. 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.

209. On information and belief, as set forth in more detail in the following paragraphs, the Unum Group 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."

210. On information and belief, the Unum Group IT System enables the functionality of a single "GO" operation through the use of Lexmark's Print Release software and its dedicated icons that support the "one-touch button concept." Ex. B3.

211. On information and belief, this feature enables authenticated users to scan a document from a Lexmark MFP to devices, applications, and the Internet.

212. On information and belief, a user of the Unum Group IT System can scan a document and send it to a physical device such as a networked printer, a business application such as the Unum Group corporate email system, or the user may utilize the Internet to copy a document into the Unum Group's central server repository located at headquarters. Ex. B1; Ex. B4.

213. On information and belief, use of such interface within the Unum Group IT System is further supported by Unum Group's use of sophisticated workflows "triggered from custom icons added to each MFP's e-Task touchscreen." Ex. B2.

J. Claim 16 of the '410 Patent

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

215. On information and belief, the Unum Group IT System made and used by Defendant infringes at least Claim 16 of the '410 Patent.

216. 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.

217. On information and belief, as set forth in more detail in the following paragraph, the Unum Group IT System made and used by Defendant “is implemented as a service.”

218. On information and belief, allegations and information sufficient to establish that the Unum Group 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.

K. Claim 20 of the '410 Patent

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

220. On information and belief, the Unum Group IT System made and used by Defendant infringes at least Claim 20 of the '410 Patent.

221. 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.

222. On information and belief, as set forth in more detail in the following paragraph, the Unum Group 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.”

223. On information and belief, allegations and information sufficient to establish that the Unum Group 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

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

225. On information and belief, the Unum Group IT System made and used by Defendant infringes at least Claim 21 of the '410 Patent.

226. 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.

227. On information and belief, as set forth in more detail in the following paragraph, the Unum Group 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.”

228. On information and belief, allegations and information sufficient to establish that the Unum Group 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

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 Unum Group IT System made and used by Defendant infringes at least Claim 22 of the '410 Patent.

231. 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:

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

233. On information and belief, as set forth in more detail herein, the Unum Group 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.”

234. On information and belief, the Unum Group IT System satisfies the elements of this preamble, at least in part, because the system is an online document management platform that “scans incoming documents, launches automated workflows, and gives employees fast, secure online access to customer documents from their desktop computers” and enables the company’s Lexmark-brand MFPs to “interface directly with all of [Unum Group’s] servers and business systems.” Ex. B1.

235. On information and belief, the Unum Group 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.”

236. 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.

237. On information and belief, the system provides Unum Group’s employees with “secure online access to customer documents from their desktop computers” and enables the company’s MFPs to “interface directly with all of [Unum Group’s] servers and business systems.” Ex. B1.

238. 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;

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

240. On information and belief, allegations and information sufficient to establish that the Unum Group 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.

241. 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,

242. On information and belief, as set forth in more detail in the following paragraph, the Unum Group 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.”

243. On information and belief, allegations and information sufficient to establish that the Unum Group 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.

244. 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.

245. On information and belief, as set forth in more detail in the following paragraphs, the Unum Group 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.”

246. On information and belief, the Unum Group IT System stores and implements Lexmark’s Software Development Kit software. Ex. B2.

247. On information and belief, the Lexmark Software Development Kit allows Unum Group’s IT staff to write custom Java scripts to design and implement sophisticated workflows that interface directly with the company’s business systems. Ex. B2.

248. On information and belief, this enables Unum Group to add electronic document, data and paper processing with a single programming step.

249. On information and belief, the resulting workflow solutions are triggered from custom icons added to each Lexmark MFPs e-Task touchscreen. Ex. B1; Ex. B2.

N. Claim 23 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 Unum Group IT System made and used by Defendant infringes at least Claim 23 of the '410 Patent.

252. 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.

253. On information and belief, as set forth in more detail in the following paragraph, the Unum Group IT System made and used by Defendant “is implemented as a service.”

254. On information and belief, allegations and information sufficient to establish that the Unum Group 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.

O. Claim 27 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 Unum Group IT System made and used by Defendant infringes at least Claim 27 of the '410 Patent.

257. 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.

258. On information and belief, as set forth in more detail in the following paragraph, the Unum Group 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.”

259. On information and belief, allegations and information sufficient to establish that the Unum Group 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

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

261. On information and belief, the Unum Group IT System made and used by Defendant infringes at least Claim 28 of the '410 Patent.

262. 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.

263. On information and belief, as set forth in more detail in the following paragraph, the Unum Group 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.”

264. On information and belief, allegations and information sufficient to establish that the Unum Group 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

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

266. On information and belief, the Unum Group IT System made and used by Defendant infringes at least Claim 34 of the '410 Patent.

267. 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, comprising:

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

269. On information and belief, as set forth in more detail herein, the Unum Group 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.”

270. On information and belief, the Unum Group IT System satisfies the elements of this preamble, at least in part, because the system is an online document management platform that “scans incoming documents, launches automated workflows, and gives employees fast, secure online access to customer documents from their desktop computers” and enables the company’s Lexmark-brand MFPs to “interface directly with all of [Unum Group’s] servers and business systems.” Ex. B1.

271. On information and belief, the Unum Group 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.”

272. 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.

273. On information and belief, the system provides Unum Group’s employees with “secure online access to customer documents from their desktop computers” and enables the company’s MFPs to “interface directly with all of [Unum Group’s] servers and business systems.” Ex. B1.

274. 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;

275. On information and belief, as set forth in more detail in the following paragraphs, in the Unum Group 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.”

276. On information and belief, Unum Group has automated many business processes utilizing the online document-management platform Ex. B1.

277. On information and belief, Unum Group’s employees seamlessly replicate and transmit a document by “scan[ing] a claim document at any Lexmark device, right at the field office” and leveraging pre-configured, customized workflows so that “the document gets automatically routed to the right specialist.” Ex. B1.

278. On information and belief, such functionality would ordinarily use the Internet as a communication medium.

279. 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;

280. On information and belief, as set forth in more detail in the following paragraphs, in the Unum Group 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.”

281. On information and belief, said second application system is found within the Lexmark Software Development Kit software stored and implemented by the Unum Group IT System. Ex. B2.

282. On information and belief, a stated purpose of the Unum Group IT System is to “convert paper documents to electronic form . . . keep the files intact, and make them universally available from any location.” Ex. B1.

283. On information and belief, this is made possible by utilizing a fleet of “standardized, optimized and fully networked output infrastructure of Lexmark [MFPs] across all U.S. locations” to create a centralized repository application, known as Enterprise Data Search, for Unum Group’s employees to store and access business files. Ex. B1; Ex. B2.

284. On information and belief, in the Unum Group IT System, the Lexmark MFPs, in conjunction with Lexmark’s Software Development Kit software, are able to convert scanned documents into industry standard file formats such as, for example, TIFF, PDF, and JPEG, and integrate them into Unum Group’s business applications, including for example, Enterprise Data Search, without the need to modify those applications. Ex. B2.

285. 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

286. On information and belief, as set forth in more detail in the following paragraphs, in the Unum Group 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."

287. On information and belief, the Unum Group IT System enables the functionality of a single "GO" operation through the use of Lexmark's Print Release software which provides an interface to utilize dedicated icons that support the "one-touch button concept." Ex. B3.

288. On information and belief, this feature enables authenticated users to scan a document from a Lexmark MFP to other Unum Group IT System devices, applications, and the Internet.

289. On information and belief, a user of the Unum Group IT System can scan a document and send it to a physical device such as a networked printer, a business application such as the Unum Group corporate email system, or the user may utilize the Internet to copy a document into the Unum Group's central server repository located at headquarters. Ex. B1; Ex. B4.

290. On information and belief, use of such interface within the Unum Group IT System is further supported by Unum Group's use of sophisticated workflows created with Lexmark's Software Development Kit software, that are "triggered from custom icons added to each MFP's e-Task touchscreen." Ex. B2.

291. 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.

292. On information and belief, as set forth in more detail in the following paragraphs, in the Unum Group 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.”

293. On information and belief, said third application system is found within the Lexmark Software Development Kit software stored and implemented by the Unum Group IT System. Ex. B2.

294. On information and belief, the Lexmark Software Development Kit allows Unum Group’s IT staff to write custom Java scripts to design and implement sophisticated workflows that interface directly with the company’s business systems. Ex. B2.

295. On information and belief, this enables Unum Group to add electronic document, data and paper processing with a single programming step.

296. On information and belief, the resulting workflow solutions are triggered from custom icons added to each Lexmark MFPs e-Task touchscreen. Ex. B1; Ex. B2.

R. Claim 35 of the ’410 Patent

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

298. On information and belief, the Unum Group IT System made and used by Defendant infringes at least Claim 35 of the ’410 Patent.

299. 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.

300. On information and belief, as set forth in more detail in the following paragraph, the Unum Group IT System made and used by Defendant “is implemented as a service.”

301. On information and belief, allegations and information sufficient to establish that the Unum Group 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.

S. Claim 39 of the ’410 Patent

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

303. On information and belief, the Unum Group IT System made and used by Defendant infringes at least Claim 39 of the ’410 Patent.

304. 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.

305. On information and belief, as set forth in more detail in the following paragraph, the Unum Group 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.”

306. On information and belief, allegations and information sufficient to establish that the Unum Group 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

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

308. On information and belief, the Unum Group IT System made and used by Defendant infringes at least Claim 40 of the '410 Patent.

309. 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.

310. On information and belief, as set forth in more detail in the following paragraph, the Unum Group 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.”

311. On information and belief, allegations and information sufficient to establish that the Unum Group 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

312. 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

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