

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

21 srl,

Plaintiff,

v.

APPLE INC., CDW CORPORATION,
OFFICEMAX INCORPORATED, and
WALGREEN CO.,

Defendants.

FILED STAMP: DECEMBER 23, 2008

08CV7350

JUDGE GOTTSCHALL

Case No. MAG. JUDGE COX

J. N.

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff 21srl complains of Defendants Apple Inc. ("Apple"), CDW Corporation ("CDW"), OfficeMax Incorporated ("OfficeMax") and Walgreen Co. ("Walgreens") as follows:

1. This is a claim for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code. This Court has exclusive jurisdiction over the subject matter of this case under 28 U.S.C. § 1338(a).

2. Plaintiff 21 srl is an Italian corporation that has a principal place of business at Via De Canis 3, I-14100 Asti (AT) Italy. 21 srl owns United States Patent No. 7,340,451 B2 ("the '451 Patent") (Exhibit A), entitled "Dynamic Taxonomy Process for Browsing and Retrieving Information in Large Heterogeneous Data Bases," which issued on March 4, 2008, and has the exclusive right to license and enforce the '451 Patent and to collect all damages for infringement. 21 srl, thus, has standing to sue for infringement of the '451 Patent.

3. Apple Inc. (“Apple”) is a California corporation having its principle place of business at 1 Infinite Loop, Cupertino, California 95014. Apple has a place of business in this judicial district and does substantial business in this judicial district.

4. CDW Corporation (“CDW”) is an Illinois corporation having its principle place of business at 200 N. Milwaukee Avenue, Vernon Hills, Illinois 60061. CDW is registered to do business in the State of Illinois as CDW Corporation.

5. OfficeMax Incorporated (“OfficeMax”) is a Delaware corporation having its principle place of business at 263 Shuman Boulevard, Naperville, Illinois 60563. OfficeMax is registered to do business in the State of Illinois as OfficeMax Incorporated.

6. Walgreen Co. (“Walgreens”) is an Illinois corporation having its principle place of business at 200 Wilmot Road, Deerfield, Illinois 60015. Walgreens is registered to do business in the State of Illinois as Walgreen Co.

7. Each Defendant transacts business in this judicial district and has committed acts of infringement in this judicial district, at least by operating websites and conducting business over those websites that are accessible to residents of Illinois and which infringe at least claim 13 of the ‘451 Patent.

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

9. Apple has infringed and continues to infringe the ‘451 Patent by knowingly and actively inducing others to infringe through the use of the apple.com website and by actively and knowingly aiding and abetting users’ direct infringement through the use of the apple.com website. Apple had knowledge of the ‘451 Patent at the time it acted with the specific intent to induce infringement.

10. CDW has infringed and continues to infringe the '451 Patent by knowingly and actively inducing others to infringe through the use of the cdw.com website and by actively and knowingly aiding and abetting users' direct infringement through the use of the cdw.com website. CDW had knowledge of the '451 Patent at the time it acted with the specific intent to induce infringement.

11. OfficeMax has infringed and continues to infringe the '451 Patent by knowingly and actively inducing others to infringe through the use of the officemax.com website and by actively and knowingly aiding and abetting users' direct infringement through the use of the officemax.com website. OfficeMax had knowledge of the '451 Patent at the time it acted with the specific intent to induce infringement.

12. Walgreens has infringed and continues to infringe the '451 Patent by knowingly and actively inducing others to infringe and by contributing to the infringement of others through the use of the walgreens.com website and by actively and knowingly aiding and abetting users' direct infringement through the use of the walgreens.com website. Walgreens had knowledge of the '451 Patent at the time it acted with the specific intent to induce infringement.

13. Plaintiff 21 srl has complied with 35 U.S.C. § 287.

14. Defendants' acts of infringement have injured and continue to injure Plaintiff 21 srl and it is entitled to recover damages adequate to compensate it for such infringement, but in no event less than a reasonable royalty.

WHEREFORE, Plaintiff 21 srl respectfully requests this Court enter judgment against Defendants Apple, CDW, OfficeMax and Walgreens, individually and jointly, and against their subsidiaries, successors, parents, affiliates, officers, directors, agents,

servants, employees, and all persons in active concert or participation with them, granting the following relief:

- A. The entry of judgment in favor of Plaintiff and against each of the defendants;
- B. An award of damages adequate to compensate Plaintiff for the infringement that has occurred, together with prejudgment interest from the date the infringement began, but in no event less than a reasonable royalty as permitted by 35 U.S.C. § 284;
- C. A finding that this case is exceptional and an award to Plaintiff of its attorneys' fees and costs as provided by 35 U.S.C. § 285;
- D. A permanent injunction prohibiting further infringement and/or acts of infringement and inducement of the '451 Patent; and,
- E. Such other relief that Plaintiff is entitled to under law and any other and further relief that this Court or a jury may deem just and proper.

Jury Demand

Plaintiff demands a trial by jury on all issues presented in this Complaint.

/s/Raymond P. Niro

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