

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

MYKEY TECHNOLOGY INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. _____
	)	
CPR TOOLS, INC., INTELLIGENT COMPUTER	)	JURY TRIAL DEMANDED
SOLUTIONS, INC., LOGICUBE, INC.,	)	
	)	
Defendants.	)	

COMPLAINT

Plaintiff MyKey Technology Inc. (“MyKey” or “Plaintiff”), for its Complaint against Defendants CPR Tools, Inc.; Intelligent Computer Solutions, Inc.; and Logicube, Inc., states and alleges as follows:

THE PARTIES

1. MyKey is a Delaware corporation with its principal place of business at 7851 C Beachcraft Avenue, Gaithersburg, Maryland 20879.
2. On information and belief, Defendant CPR Tools, Inc. (“CPR”) is a Florida corporation having its principal place of business at 905 Industrial Blvd., Labelle, FL 33935.
3. On information and belief, Defendant Intelligent Computer Solutions, Inc. (“ICS”) is a California corporation having its principal place of business at 9350 Eton Ave, Chatsworth, CA 91311.
4. On information and belief, Defendant Logicube, Inc. (“Logicube”) is a California corporation having its principal place of business at 19755 Nordhoff Place, Chatsworth, CA 91311.

JURISDICTION AND VENUE

5. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*, including 35 U.S.C. § 271. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6. Defendants are subject to personal jurisdiction in this district because each Defendant has conducted and does conduct business within the State of Delaware. Each Defendant, directly or through intermediaries (including distributors, retailers, and others), ships, distributes, offers for sale, sells, and advertises (including the provision of an interactive web page) its products in the United States, the State of Delaware, and the District of Delaware. Upon information and belief, each Defendant has purposefully and voluntarily placed one or more of its infringing products, as described below, into the stream of commerce with the expectation that they will be purchased by consumers in the District of Delaware. Upon information and belief, these infringing products have been and continue to be purchased by consumers in the District of Delaware. Each Defendant has committed the tort of patent infringement within the State of Delaware and, more particularly, within the District of Delaware.

7. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b), 1391(c) and 1391(d) and 28 U.S.C. § 1400(b). Defendants reside in this district because they are subject to personal jurisdiction in this district.

BACKGROUND

8. MyKey owns all of the rights, title and interests in U.S. Patent No. 6,813,682 (the “682 patent”), U.S. Patent No. 7,159,086 (the “086 patent”) and U.S. Patent No. 7,228,379 (the “379 patent”) (collectively, the “patents-in-suit”).

9. The '682 patent, entitled "Write Protection for Computer Long-Term Memory Devices," was duly and legally issued by the United States Patent and Trademark Office on November 2, 2004, after full and fair examination. A copy of the '682 patent is attached hereto as Exhibit A. MyKey has made, offered for sale, and sold within the United States products that embody the claimed invention of the '682 patent and that are marked with the '682 patent number.

10. The '086 patent, entitled "Systems and Methods For Creating Exact Copies Of Computer Long-Term Storage Devices," was duly and legally issued by the United States Patent and Trademark Office on January 2, 2007, after full and fair examination. A copy of the '086 patent is attached hereto as Exhibit B. MyKey has offered for sale within the United States products that embody the claimed invention of the '086 patent.

11. The '379 patent, entitled "Systems and Methods For Removing Data Stored On Long-Term Memory Devices," was duly and legally issued by the United States Patent and Trademark Office on June 5, 2007, after full and fair examination. A copy of the '379 patent is attached hereto as Exhibit C. MyKey has offered for sale within the United States products that embody the claimed invention of the '379 patent.

COUNT I

INFRINGEMENT OF THE '682 PATENT

12. MyKey incorporates each of the preceding paragraphs 1-11 as if fully set forth herein.

13. Upon information and belief, CPR has been and is infringing literally and/or under the doctrine of equivalents, the '682 patent by making, using, selling, offering for sale,

and/or importing in or into the United States, without authority, products that fall within the scope of at least claim 1 of the '682 patent.

14. By making, using, selling, offering for sale, and/or importing into the United States, without authority, products that fall within the scope of the claims of the '682 patent, CPR has also induced infringement of the '682 patent under 35 U.S.C. § 271(b), and has contributed to the infringement of the '682 patent under 35 U.S.C. § 271(c). The infringing products have no substantial non-infringing uses.

15. Upon information and belief, CPR had knowledge of the '682 patent but has engaged in its infringing conduct nonetheless. CPR's infringement is therefore willful.

16. MyKey has no adequate remedy at law against these acts of patent infringement. Unless CPR is permanently enjoined from its unlawful and willful infringement of the '682 patent, MyKey will suffer irreparable harm.

17. As a direct and proximate result of CPR's acts of patent infringement, MyKey has been and continues to be injured and has sustained and will continue to sustain substantial damages in an amount not presently known.

18. Upon information and belief, ICS has been and is infringing literally and/or under the doctrine of equivalents, the '682 patent by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that fall within the scope of at least claim 1 of the '682 patent, including, but not limited to the ICS Super DriveLock.

19. By making, using, selling, offering for sale, and/or importing into the United States, without authority, products that fall within the scope of the claims of the '682 patent, ICS has also induced infringement of the '682 patent under 35 U.S.C. § 271(b), and has contributed

to the infringement of the '682 patent under 35 U.S.C. § 271(c). The infringing products have no substantial non-infringing uses.

20. Upon information and belief, ICS had knowledge of the '682 patent as early as August 2009 during the High Tech Crime Investigation Association Conference, but has engaged in its infringing conduct nonetheless. ICS's infringement is therefore willful.

21. MyKey has no adequate remedy at law against these acts of patent infringement. Unless ICS is permanently enjoined from its unlawful and willful infringement of the '682 patent, MyKey will suffer irreparable harm.

22. As a direct and proximate result of ICS's acts of patent infringement, MyKey has been and continues to be injured and has sustained and will continue to sustain substantial damages in an amount not presently known.

23. Upon information and belief, Logicube has been and is infringing literally and/or under the doctrine of equivalents, the '682 patent by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that fall within the scope of at least claim 1 of the '682 patent, including, but not limited to the Logicube Forensic Dossier.

24. By making, using, selling, offering for sale, and/or importing into the United States, without authority, products that fall within the scope of the claims of the '682 patent, Logicube has also induced infringement of the '682 patent under 35 U.S.C. § 271(b), and has contributed to the infringement of the '682 patent under 35 U.S.C. § 271(c). The infringing products have no substantial non-infringing uses.

25. Upon information and belief, Logicube had knowledge of the '682 patent as early as August 2009 during the High Tech Crime Investigation Association Conference, but has engaged in its infringing conduct nonetheless. Logicube's infringement is therefore willful.

26. MyKey has no adequate remedy at law against these acts of patent infringement. Unless Logicube is permanently enjoined from its unlawful and willful infringement of the '682 patent, MyKey will suffer irreparable harm.

27. As a direct and proximate result of Logicube's acts of patent infringement, MyKey has been and continues to be injured and has sustained and will continue to sustain substantial damages in an amount not presently known.

28. MyKey has incurred and will incur attorneys' fees, costs, and expenses in the prosecution of this action. The circumstances of this dispute create an exceptional case within the meaning of 35 U.S.C. § 285, and MyKey is entitled to recover its reasonable and necessary fees and expenses.

COUNT II

INFRINGEMENT OF THE '086 PATENT

29. MyKey incorporates each of the preceding paragraphs 1-28 as if fully set forth herein.

30. Upon information and belief, CPR has been and is infringing literally and/or under the doctrine of equivalents, the '086 patent by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that fall within the scope of at least claim 1 of the '086 patent.

31. By making, using, selling, offering for sale, and/or importing into the United States, without authority, products that fall within the scope of the claims of the '086 patent,

CPR has also induced infringement of the '086 patent under 35 U.S.C. § 271(b), and has contributed to the infringement of the '086 patent under 35 U.S.C. § 271(c). The infringing products have no substantial non-infringing uses.

32. Upon information and belief, CPR had knowledge of the '086 patent but has engaged in its infringing conduct nonetheless. CPR's infringement is therefore willful.

33. MyKey has no adequate remedy at law against these acts of patent infringement. Unless CPR is permanently enjoined from its unlawful and willful infringement of the '086 patent, MyKey will suffer irreparable harm.

34. As a direct and proximate result of CPR's acts of patent infringement, MyKey has been and continues to be injured and has sustained and will continue to sustain substantial damages in an amount not presently known.

35. Upon information and belief, ICS has been and is infringing literally and/or under the doctrine of equivalents, the '086 patent by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that fall within the scope of at least claim 1 of the '086 patent, including, but not limited to the IM Solo-4 Forensic Hard Drive Acquisition/Duplicator.

36. By making, using, selling, offering for sale, and/or importing into the United States, without authority, products that fall within the scope of the claims of the '086 patent, ICS has also induced infringement of the '086 patent under 35 U.S.C. § 271(b), and has contributed to the infringement of the '086 patent under 35 U.S.C. § 271(c). The infringing products have no substantial non-infringing uses.

37. Upon information and belief, ICS had knowledge of the '086 patent as early as August 2009 during the High Tech Crime Investigation Association Conference, but has engaged in its infringing conduct nonetheless. ICS's infringement is therefore willful.

38. MyKey has no adequate remedy at law against these acts of patent infringement. Unless ICS is permanently enjoined from its unlawful and willful infringement of the '086 patent, MyKey will suffer irreparable harm.

39. As a direct and proximate result of ICS's acts of patent infringement, MyKey has been and continues to be injured and has sustained and will continue to sustain substantial damages in an amount not presently known.

40. Upon information and belief, Logicube has been and is infringing literally and/or under the doctrine of equivalents, the '086 patent by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that fall within the scope of at least claim 1 of the '086 patent, including, but not limited to the Logicube Forensic Dossier.

41. By making, using, selling, offering for sale, and/or importing into the United States, without authority, products that fall within the scope of the claims of the '086 patent, Logicube has also induced infringement of the '086 patent under 35 U.S.C. § 271(b), and has contributed to the infringement of the '086 patent under 35 U.S.C. § 271(c). The infringing products have no substantial non-infringing uses.

42. Upon information and belief, Logicube had knowledge of the '086 patent as early as August 2009 during the High Tech Crime Investigation Association Conference, but has engaged in its infringing conduct nonetheless. Logicube's infringement is therefore willful.

43. MyKey has no adequate remedy at law against these acts of patent infringement. Unless Logicube is permanently enjoined from its unlawful and willful infringement of the '086 patent, MyKey will suffer irreparable harm.

44. As a direct and proximate result of Logicube's acts of patent infringement, MyKey has been and continues to be injured and has sustained and will continue to sustain substantial damages in an amount not presently known.

45. MyKey has incurred and will incur attorneys' fees, costs, and expenses in the prosecution of this action. The circumstances of this dispute create an exceptional case within the meaning of 35 U.S.C. § 285, and MyKey is entitled to recover its reasonable and necessary fees and expenses.

COUNT III

INFRINGEMENT OF THE '379 PATENT

46. MyKey incorporates each of the preceding paragraphs 1-45 as if fully set forth herein.

47. Upon information and belief, CPR has been and is infringing literally and/or under the doctrine of equivalents, the '379 patent by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that fall within the scope of at least claim 1 of the '379 patent.

48. By making, using, selling, offering for sale, and/or importing into the United States, without authority, products that fall within the scope of the claims of the '379 patent, CPR has also induced infringement of the '379 patent under 35 U.S.C. § 271(b), and has contributed to the infringement of the '379 patent under 35 U.S.C. § 271(c). The infringing products have no substantial non-infringing uses.

49. Upon information and belief, CPR had knowledge of the '379 patent but has engaged in its infringing conduct nonetheless. CPR's infringement is therefore willful.

50. MyKey has no adequate remedy at law against these acts of patent infringement. Unless CPR is permanently enjoined from its unlawful and willful infringement of the '379 patent, MyKey will suffer irreparable harm.

51. As a direct and proximate result of CPR's acts of patent infringement, MyKey has been and continues to be injured and has sustained and will continue to sustain substantial damages in an amount not presently known.

52. Upon information and belief, ICS has been and is infringing literally and/or under the doctrine of equivalents, the '379 patent by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that fall within the scope of at least claim 1 of the '379 patent, including, but not limited to the IM Solo-4 Forensic Hard Drive Acquisition/Duplicator.

53. By making, using, selling, offering for sale, and/or importing into the United States, without authority, products that fall within the scope of the claims of the '379 patent, ICS has also induced infringement of the '379 patent under 35 U.S.C. § 271(b), and has contributed to the infringement of the '379 patent under 35 U.S.C. § 271(c). The infringing products have no substantial non-infringing uses.

54. Upon information and belief, ICS had knowledge of the '379 patent as early as August 2009 during the High Tech Crime Investigation Association Conference, but has engaged in its infringing conduct nonetheless. ICS's infringement is therefore willful.

55. MyKey has no adequate remedy at law against these acts of patent infringement. Unless ICS is permanently enjoined from its unlawful and willful infringement of the '379 patent, MyKey will suffer irreparable harm.

56. As a direct and proximate result of ICS's acts of patent infringement, MyKey has been and continues to be injured and has sustained and will continue to sustain substantial damages in an amount not presently known.

57. MyKey has incurred and will incur attorneys' fees, costs, and expenses in the prosecution of this action. The circumstances of this dispute create an exceptional case within the meaning of 35 U.S.C. § 285, and MyKey is entitled to recover its reasonable and necessary fees and expenses.

PRAYER FOR RELIEF

MyKey requests that judgment be entered in its favor and against Defendants and that the Court grant the following relief to MyKey:

- (a) declare that the patents-in-suit are valid and enforceable;
- (b) declare that Defendants have infringed, induced the infringement of, and/or contributed to the infringement of the patents-in-suit;
- (c) declare that Defendants' infringement was willful;
- (d) award damages to MyKey to which it is entitled for patent infringement of the patents-in-suit, including but not limited to lost profits;
- (e) enter a preliminary, and thereafter, permanent injunction against Defendants for direct infringement of the patents-in-suit;

- (f) enter a preliminary, and thereafter, permanent injunction against Defendants for inducement of infringement and/or contributory infringement of the patents-in-suit;
- (g) award MyKey its expenses, costs, and attorneys' fees pursuant to 35 U.S.C. § 285;
- (h) award MyKey increased damages in an amount not less than three (3) times the amount of damages found by the jury or assessed by this Court for Defendants' willful infringement pursuant to 35 U.S.C. § 284;
- (i) award interest on MyKey's damages; and
- (j) such other relief as the Court deems just and proper.

JURY DEMAND

In accordance with Federal Rules of Civil Procedure 38 and 39, MyKey asserts its rights under the Seventh Amendment of the United States Constitution and demands a trial by jury on all issues.

Respectfully submitted,

POTTER ANDERSON & CORROON LLP

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Dated: May 20, 2011
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