

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

2013 APR 10 A 10:13

CERTUSVIEW TECHNOLOGIES, LLC,)
)
 Plaintiff,)

CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

v.)

JURY TRIAL DEMANDED

UNITED STATES INFRASTRUCTURE)
 CORPORATION,)

Case No.: 2:13CV182

SERVE:)

Secretary of the Commonwealth)
 Service of Process Department)
 Patrick Henry Building)
 111 East Broad Street)
 Richmond, Virginia 23219)

and USIC LOCATING SERVICES, INC.,)

SERVE:)

CT Corporation System)
 2701 Cox Road, Suite 301)
 Glen Allen, Virginia 23060)

Defendants.)

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff CertusView Technologies, LLC (“CertusView”), by counsel, respectfully states as follows for its complaint alleging patent infringement in violation of the patent laws of the United States, 35 U.S.C. § 1 *et seq.* (the “Patent Act”), against Defendants United States Infrastructure Corporation (“USIC”) and USIC Locating Services, Inc. (“USICLS”).

PARTIES

1. Plaintiff CertusView is a Florida corporation having offices at 3960 RCA Boulevard, Suite 6002, Palm Beach Gardens, Florida 33410.

2. Defendant USIC is a corporation organized under the laws of Delaware and having a place of business at 8167 Mechanicsville Turnpike, Suite H, Mechanicsville, Virginia 23111.

3. Defendant USICLS is a corporation organized under the laws of Indiana and having a place of business at 3337 NW 55th Street, Ft. Lauderdale, Florida 33309.

JURISDICTION AND VENUE

(Subject Matter Jurisdiction)

4. Plaintiff's claims arise under a federal statute, the Patent Act. Accordingly, this Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 and 1338(a).

(Personal Jurisdiction)

5. Defendants USIC and USICLS transact business in the Commonwealth of Virginia, including the Eastern District of Virginia.

6. The patent infringement of which CertusView complains has occurred in interstate commerce. Defendants USIC and USICLS have committed acts of patent infringement in the Commonwealth of Virginia, including in the Eastern District of Virginia.

7. Defendants USIC and USICLS are subject to personal jurisdiction in the Commonwealth of Virginia, including the Eastern District of Virginia.

(Venue)

8. Defendants reside in this judicial district pursuant to 28 U.S.C. §1391(c), and venue in this judicial district is proper under 28 U.S.C. §§ 1391(c) and 1400(b).

FACTS COMMON TO ALL COUNTS

9. CertusView is an industry leader in the development of technology for the prevention of damage to underground infrastructure. The patents at issue, as set forth in the paragraphs that follow, relate to devices and methods involving searchable electronic records of underground infrastructure.

10. CertusView is the owner of all right, title, and interest in and to U.S. Patent No. 8,290,204, entitled "Searchable electronic records of underground facility locate marking operations" (the "'204 Patent"). A true and correct copy of the '204 Patent is attached as **Exhibit A**.

11. CertusView is the owner of all right, title, and interest in and to U.S. Patent No. 8,407,001, entitled "Systems and methods for using location data to electronically display dispensing of markers by a marking system or marking tool" (the "'001 Patent"). A true and correct copy of the '001 Patent is attached as **Exhibit B**.

CLAIMS FOR RELIEF

COUNT I- PATENT INFRINGEMENT ('204 PATENT)

12. CertusView incorporates by reference each of the foregoing paragraphs as if fully set forth herein.

13. Defendants USIC and USICLS have infringed, and continue to infringe, literally and/or under the doctrine of equivalents, the '204 Patent at least by making, using, offering to sell, and/or selling devices and/or services covered by the claims of the '204 Patent and by actively and intentionally inducing others to infringe one or more claims of the '204 Patent.

14. CertusView has sustained damages as a result of Defendants' infringement of the '204 Patent for which USIC and USICLS are liable.

15. CertusView has no adequate remedy at law for Defendants' continued infringement of the '204 Patent such that CertusView is entitled to injunctive relief from and against further acts of infringement by USIC and USICLS.

COUNT II –
PATENT INFRINGEMENT ('001 PATENT)

16. CertusView incorporates by reference each of the foregoing paragraphs as if fully stated herein.

17. Defendants USIC and USICLS have infringed, and continue to infringe, literally and/or under the doctrine of equivalents, the '001 Patent at least by making, using, offering to sell, and/or selling devices and/or services covered by the claims of the '001 Patent and by actively and intentionally inducing others to infringe one or more claims of the '001 Patent.

18. CertusView has sustained damages as a result of Defendants' infringement of the '001 Patent for which USIC and USICLS are liable.

19. CertusView has no adequate remedy at law for Defendants' continued infringement of the '001 Patent such that CertusView is entitled to injunctive relief from and against further acts of infringement by USIC and USICLS.

DEMAND FOR JURY TRIAL

CertusView hereby demands a trial by jury of all issues so triable in this action.

PRAYER FOR RELIEF

WHEREFORE, CertusView respectfully requests that the Court award CertusView the following relief:

- A. injunctive relief from and against USIC and USICLS and each of their respective affiliates, subsidiaries, officers, directors, employees, agents, representatives, licensees, successors, assigns, and all those acting for them, on their behalf, or in concert with them, from further infringement of the '204 Patent and the '001 Patent, as alleged herein;
- B. compensatory damages, costs, prejudgment interest, and postjudgment interest for infringement of the '204 Patent and the '001 Patent;
- C. award such other and further relief as this Court may deem just and proper.

Dated: April 10, 2013

Respectfully submitted,

By: _____

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