

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

J. PATTON SPORTS MARKETING, INC.,

Plaintiff,

v.

OPSEC SECURITY, INC.,

Defendant.

Civil Action File No.

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff J. Patton Sports Marketing, Inc. (“JPatton”) states its Complaint against Defendant OpSec Security, Inc. (“Defendant”) as follows:

JURISDICTION AND VENUE

1. This is an action for patent infringement arising under the patent laws of the United States, Title 35, United States Code.

2. This Court has subject matter jurisdiction over all causes of action set forth herein pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.*

3. Venue is proper in this judicial district and division pursuant to 28 U.S.C. §§1391(b) and (c) and 1400(b) in that Defendant has done business in this

District, has committed acts of infringement in this District, and/or continues to commit acts of infringement in this District, entitling JPatton to relief.

PARTIES

4. JPatton is a Georgia corporation with a principal place of business at 3450 Rivergreen Court, Duluth, GA 30096.

5. JPatton is a leading provider of brand protection services, specializing in patented holographic security technologies and digital asset management. JPatton's products and services are designed to manage, enhance and authenticate brands. JPatton works with domestic and international partners in various industries including Sports Marketing, Pharmaceuticals, Manufacturing and Not-For-Profit Organizations. Utilizing state of the art equipment custom-engineered specifically to manufacture each security product in its metro-Atlanta, Georgia facility, JPatton's patented process has produced over 1.3 billion of tags and labels worldwide.

6. JPatton is the owner, by assignment, of all right, title, and interest in and to United States Patent No. 6,952,994 ("the '994 patent").

7. Defendant is a Colorado corporation having a corporate headquarters at 1600 Stout Street, Suite 800, Denver, CO 80202.

8. Defendant may be served this Complaint via its Registered Agent, Geoffrey M. Long, 1600 Stout Street, Suite 800, Denver, CO 80202.

9. Defendant is subject to personal jurisdiction in this Court because it maintains continuous and systematic contacts with this district and division, provides infringing products in this district and division, and has established sufficient minimum contacts with Georgia such that it is subject to personal jurisdiction in this Court.

COUNT ONE:
INFRINGEMENT OF U.S. PATENT NO. 6,952,994

10. JPatton realleges and incorporates herein the allegations of paragraphs 1 through 9 of this Complaint as if fully set forth herein.

11. On October 11, 2005, United States Patent No. 6,952,994 (“the ‘994 patent”) was duly and legally issued for “Identification Devices and Methods for Producing the Identification Devices.” JPatton holds all rights and interest in the ‘994 patent. A true and correct copy of the ‘994 patent is attached hereto as Exhibit A.

12. Defendant has infringed and continues to infringe the ‘994 patent. The infringing acts include, but are not limited to, the manufacture, use, sale, importation, and/or offer for sale of infringing identification devices by Defendant,

including but not limited to hang tags with micro-optic structures such as holograms.

13. Defendant is and has been aware of the '994 patent.

14. Defendant was placed on formal written notice of the '994 patent and its infringement thereof at least as early as August 16, 2012.

15. After being provided with such formal written notice, Defendant responded in writing and did not deny using processes and producing articles within the scope of the claims of the '994 patent.

16. Defendant's infringement is and has been willful.

17. The acts of infringement of the '994 patent by the Defendant have caused damage to JPatton, and JPatton is entitled to recover from the Defendant the damages sustained by JPatton as a result of such infringement in an amount subject to proof at trial.

18. The infringement of JPatton's exclusive rights under the '994 patent by the Defendant will continue to damage JPatton, causing irreparable harm, for which there is no adequate remedy at law, unless enjoined by this Court.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff JPatton prays that the Court enter judgment in its favor and against Defendant as follows:

- A. That the Court enter judgment of infringement against the Defendant;
- B. That the Defendant be ordered to pay damages adequate to compensate JPatton for the acts of infringement, pursuant to 35 U.S.C. § 284;
- C. That JPatton be awarded increased damages pursuant to 35 U.S.C. § 284 due to Defendant's willful infringement;
- D. That the Court find that this case is exceptional and award JPatton its reasonable attorneys' fees pursuant to 35 U.S.C. § 285;
- E. That the Defendant and its officers, agents, employees, and those acting in privity with them, be permanently enjoined from further infringement, contributory infringement, and/or inducing infringement of any of the patents-in-suit, pursuant to 35 U.S.C. § 283;
- F. That the Defendant be ordered to pay prejudgment and post-judgment interest;
- G. That the Defendant be ordered to pay all costs associated with this action; and
- H. That JPatton be granted such other and additional relief as the Court deems just, equitable, and proper.

DEMAND FOR JURY TRIAL

Pursuant to Fed. R. Civ. P. 38(b), JPatton demands a trial by jury of all issues triable of right by a jury.

This 24th day of May, 2013.

/s/ Dan R. Gresham

Dan R. Gresham

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