

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

MYKEY TECHNOLOGY INC.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 11-444-RGA
)	
CRU ACQUISITIONS GROUP LLC,)	JURY TRIAL DEMANDED
DIGITAL INTELLIGENCE, INC.,)	
GUIDANCE SOFTWARE, INC., and)	
GUIDANCE TABLEAU LLC,)	
)	
Defendants.)	

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff MyKey Technology Inc. (“MyKey”), files this Amended Complaint against Defendants CRU Acquisition Group LLC; Digital Intelligence, Inc.; Guidance Software, Inc.; and Guidance Tableau LLC, 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. Defendant CRU Acquisition Group, LLC (“CRU”) is a Washington corporation having its principal place of business at 1000 SE Tech Center Dr., Suite 160, Vancouver, WA 68683. CRU Acquisition Group, LLC is doing business as CRU-DataPort LLC.

3. Defendant Digital Intelligence, Inc. (“Digital Intelligence”) is a Wisconsin corporation having its principal place of business at 17165 W. Glendale Drive, New Berlin, WI 53151.

4. Defendant Guidance Software, Inc. (“Guidance Software”) is a Delaware corporation having its principal place of business at 215 North Marengo Avenue, Suite 250, Pasadena, CA 91101.

5. Defendant Guidance Tableau, LLC (“Guidance Tableau”) is a Delaware corporation having its principal place of business at 215 N. Morengo Ave., Suite 250, Pasadena, CA 91101. Guidance Tableau is a wholly-owned subsidiary of Guidance Software. Guidance Software formed Guidance Tableau to sell the products it acquired from Tableau LLC.

JURISDICTION AND VENUE

6. 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).

7. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b) and 1400(b).

BACKGROUND

8. MyKey owns all of the right, title, and interest 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.

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.

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.

COUNT I

INFRINGEMENT OF THE '682 PATENT

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

13. CRU has infringed and continues to infringe the '682 patent, literally and/or under the doctrine of equivalents, 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 claims 1-8, 11-13, 16-21, 24-36, and 40-45 of the '682 patent, including, but not limited to the WiebeTech Forensic UltraDock V4, FastBloc FE, FastBloc LE, FastBloc 2 FE, FastBloc 2 LE, FastBloc 3 FE, Forensic Lab Dock PN/31320-0409-0000, Forensic Lab Dock PN/31320-2209-0000, Forensic RTX, Forensic Combo Dock, Forensic Notebook Dock, and USB Write Blocker products, each previously accused of infringement by MyKey, and known by CRU to be accused herein. The infringing products complained of herein also include other products that are reasonably similar or operate in substantially the same way, and the fact that the other infringing products are not mentioned in this complaint by name or other product identification does not signify that the other infringing products are not accused herein.

14. CRU became aware of the '682 patent and the content of the claims of the '682 patent at least as early as 2009. CRU received information about the existence and content of the patents-in-suit, including the '682 patent, no later than in or about August 2009 during the High Tech Crime Investigation Association Conference, but has engaged in its infringing conduct nonetheless.

15. CRU knowingly induced infringement of the '682 patent by actively encouraging and directing others to make, use, sell, offer to sell, and/or import in or into the United States accused CRU products, all with knowledge of the '682 patent and the content of its claims, and with the intent to induce conduct CRU knew to fall within the scope of the claims of the '682 patent. The actions by which CRU induced infringement of the '682 patent included instructing others to make sales of the accused CRU products, instructing others to test the accused CRU products, and creating and disseminating, or directing the creation or dissemination of, promotional and marketing materials, instructional materials and product manuals, and technical materials related to the accused CRU products.

16. By making, using, selling, importing, and offering for sale the accused CRU products in the United States, CRU contributes to the infringement of claim 30 of the '682 patent because the accused CRU products can only be used with a computer and a storage device to practice claim 30 of the '682 patent. The accused CRU products are material to practicing the invention claimed in claim 30 of the '682 patent and the accused CRU products have no substantial non-infringing uses.

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

18. As a direct and proximate result of CRU'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.

19. Digital Intelligence has infringed and continues to infringe the '682 patent, literally and/or under the doctrine of equivalents, by using, selling, and/or offering for sale, in the United States, without authority, products that fall within the scope of at least claims 1-8, 11-13, 16-21, 24-36, and 40-45 of the '682 patent, including, but not limited to the T3458is, T35e, T35es-R2, T35es-R2-RW, T4es, T6es, T335, T35is, T3458is, T34589is, T8-R2, T9, TD1, TD2, and TD3 products, each previously accused of infringement by MyKey, and known by Digital Intelligence to be accused herein. The infringing products complained of herein also include other products that are reasonably similar or operate in substantially the same way, and the fact that the other infringing products are not mentioned in this complaint by name or other product identification does not signify that the other infringing products are not accused herein. Digital Intelligence is a nation reseller of these Guidance Software and Guidance Tableau products. For these products, Digital Intelligence, Guidance Software, and Guidance Tableau are liable jointly, severally, or in the alternative for the infringement of the '682 patent.

20. Digital Intelligence had knowledge of the '682 patent and the contents of the claims of the '682 patent at least as early as August 2009 during the High Tech Crime Investigation Association Conference, but has engaged in its infringing conduct nonetheless.

21. Digital Intelligence knowingly induced infringement of the '682 patent by actively encouraging and directing others to use, sell, and/or offer to sell in the United States accused Digital Intelligence products, all with knowledge of the '682 patent and the content of its claims, and with the intent to induce conduct Digital Intelligence knew to fall within the scope of

the claims of the '682 patent. The actions by which Digital Intelligence induced infringement of the '682 patent included instructing others to use the accused Digital Intelligence products, instructing others to test the accused Digital Intelligence products, and creating and disseminating, or directing the creation or dissemination of, promotional and marketing materials, instructional materials and product manuals, and technical materials related to the accused Digital Intelligence products.

22. By making, using, selling, and offering for sale the accused Digital Intelligence products in the United States, Digital Intelligence contributes to the infringement of claim 30 of the '682 patent because the accused Digital Intelligence products can only be used with a computer and a storage device to practice claim 30 of the '682 patent. The accused Digital Intelligence products are material to practicing the invention claimed in claim 30 of the '682 patent and the accused Digital Intelligence products have no substantial non-infringing uses.

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

24. As a direct and proximate result of Digital Intelligence'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.

25. Guidance Software has infringed and continues to infringe the '682 patent, literally and/or under the doctrine of equivalents, 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 claims 1-8, 11-13, 16-21, 24-36, and 40-45 of the '682 patent, including, but not limited to the FastBloc FE, FastBloc LE, FastBloc 2 FE, Fastbloc 2 LE, FastBloc 3 FE, T3458is,

T35e, T35es-R2, T35es-R2-RW, T4es, T6es, T335, T35is, T3458is, T34589is, T8-R2, T9, TD1, TD2, and TD3 products, each previously accused of infringement by MyKey, and known by Guidance Software to be accused herein. The infringing products complained of herein also include other products that are reasonably similar or operate in substantially the same way, and the fact that the other infringing products are not mentioned in this complaint by name or other product identification does not signify that the other infringing products are not accused herein. In addition, Guidance Software was a reseller of the FastBloc FE, FastBloc LE, FastBloc 2 FE, Fastbloc 2 LE, FastBloc 3 FE products developed by CRU. For these products, Guidance Software and CRU are liable jointly, severally, or in the alternative for the infringement of the '682 patent.

26. Guidance Software became aware of the '682 patent and the content of the claims of the '682 patent at least as early as 2005 through a third-party company. Guidance Software also became aware of MyKey's write-blocker products at least as early as 2005 through a third-party company. Guidance Software further received information about the existence and content of the patents-in-suit, including the '682 patent, no later than in or about August 2009 during the High Tech Crime Investigation Association Conference, but has engaged in its infringing conduct nonetheless.

27. Guidance Software knowingly induced infringement of the '682 patent by actively encouraging and directing others to make, use, sell, offer to sell, and/or import in or into the United States accused Guidance Software products, all with knowledge of the '682 patent and the content of its claims, and with the intent to induce conduct Guidance Software knew to fall within the scope of the claims of the '682 patent. The actions by which Guidance Software induced infringement of the '682 patent included instructing others to make sales of the accused

Guidance Software products, instructing others to test the accused Guidance Software products, and creating and disseminating, or directing the creation or dissemination of, promotional and marketing materials, instructional materials and product manuals, and technical materials related to the accused Guidance Software products.

28. By making, using, selling, importing, and offering for sale the accused Guidance Software products in the United States, Guidance Software contributes to the infringement of claim 30 of the '682 patent because the accused Guidance Software products can only be used with a computer and a storage device to practice claim 30 of the '682 patent. The accused Guidance Software products are material to practicing the invention claimed in claim 30 of the '682 patent and the accused Guidance Software products have no substantial non-infringing uses.

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

30. As a direct and proximate result of Guidance Software'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.

31. Guidance Tableau has infringed and continues to infringe the '682 patent, literally and/or under the doctrine of equivalents, 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 claims 1-8, 11-13, 16-21, 24-36, and 40-45 of the '682 patent, including, but not limited to the FastBloc FE, FastBloc LE, FastBloc 2 FE, Fastbloc 2 LE, FastBloc 3 FE, T3458is, T35e, T35es-R2, T35es-R2-RW, T4es, T6es, T335, T35is, T3458is, T34589is, T8-R2, T9, TD1, TD2, and TD3 products, each previously accused of infringement by MyKey, and known by Guidance

Tableau to be accused herein. The infringing products complained of herein also include other products that are reasonably similar or operate in substantially the same way, and the fact that the other infringing products are not mentioned in this complaint by name or other product identification does not signify that the other infringing products are not accused herein. For these products, Guidance Tableau and Guidance Software are liable jointly, severally, or in the alternative for the infringement of the '682 patent.

32. Guidance Tableau became aware of the '682 patent and the content of the claims of the '682 patent at least as early as 2005 through a third-party company. Guidance Tableau also became aware of MyKey's write-blocker products at least as early as 2005 through a third-party company. Guidance Tableau further received information about the existence and content of the patents-in-suit, including the '682 patent, no later than in or about August 2009 during the High Tech Crime Investigation Association Conference, but has engaged in its infringing conduct nonetheless.

33. Guidance Tableau knowingly induced infringement of the '682 patent by actively encouraging and directing others to make, use, sell, offer to sell, and/or import in or into the United States accused Guidance Tableau products, all with knowledge of the '682 patent and the content of its claims, and with the intent to induce conduct Guidance Tableau knew to fall within the scope of the claims of the '682 patent. The actions by which Guidance Tableau induced infringement of the '682 patent included instructing others to make sales of the accused Guidance Tableau products, instructing others to test the accused Guidance Tableau products, and creating and disseminating, or directing the creation or dissemination of, promotional and marketing materials, instructional materials and product manuals, and technical materials related to the accused Guidance Tableau products.

34. By making, using, selling, importing, and offering for sale the accused Guidance Tableau products in the United States, Guidance Tableau contributes to the infringement of claim 30 of the '682 patent because the accused Guidance Tableau products can only be used with a computer and a storage device to practice claim 30 of the '682 patent. The accused Guidance Tableau products are material to practicing the invention claimed in claim 30 of the '682 patent and the accused Guidance Tableau products have no substantial non-infringing uses.

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

36. As a direct and proximate result of Guidance Tableau'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.

37. 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

38. MyKey incorporates each of the preceding paragraphs 1-37 as if fully set forth herein.

39. Digital Intelligence has infringed and continues to infringe the '086 patent, literally and/or under the doctrine of equivalents, 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 claims 1 of the '086 patent, including, but not limited to the TD1, TD2, and TD3, each previously accused of infringement by MyKey, and known by Digital Intelligence to be accused herein. The infringing products complained of herein also include other products that are reasonably similar or operate in substantially the same way, and the fact that the other infringing products are not mentioned in this complaint by name or other product identification does not signify that the other infringing products are not accused herein. Digital Intelligence is a nation reseller of these Guidance Software and Guidance Tableau products. For these products, Digital Intelligence, Guidance Software, and Guidance Tableau are liable jointly, severally, or in the alternative for the infringement of the '086 patent.

40. Digital Intelligence had knowledge of the '086 patent and the contents of the claims of the '086 patent at least as early as August 2009 during the High Tech Crime Investigation Association Conference, but has engaged in its infringing conduct nonetheless.

41. Digital Intelligence knowingly induced infringement of the '086 patent by actively encouraging and directing others to use, sell, and/or offer to sell in the United States accused Digital Intelligence products, all with knowledge of the '086 patent and the content of its claims, and with the intent to induce conduct Digital Intelligence knew to fall within the scope of the claims of the '086 patent. The actions by which Digital Intelligence induced infringement of the '086 patent included instructing others to use the accused Digital Intelligence products, instructing others to test the accused Digital Intelligence products, and creating and disseminating, or directing the creation or dissemination of, promotional and marketing materials, instructional materials and product manuals, and technical materials related to the accused Digital Intelligence products.

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

43. As a direct and proximate result of Digital Intelligence'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.

44. Guidance Software has infringed and continues to infringe the '086 patent, literally and/or under the doctrine of equivalents, 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 claims 1 of the '086 patent, including, but not limited to the TD1, TD2, and TD3 products, each previously accused of infringement by MyKey, and known by Guidance Software to be accused herein. The infringing products complained of herein also include other products that are reasonably similar or operate in substantially the same way, and the fact that the other infringing products are not mentioned in this complaint by name or other product identification does not signify that the other infringing products are not accused herein. For these products, Guidance Software, and Guidance Tableau are liable jointly, severally, or in the alternative for the infringement of the '086 patent.

45. Guidance Software became aware of the '086 patent and the content of the claims of the '086 patent at least as early as 2009. Guidance Software further received information about the existence and content of the patents-in-suit, including the '086 patent, no later than in or about August 2009 during the High Tech Crime Investigation Association Conference, but has engaged in its infringing conduct nonetheless.

46. Guidance Software knowingly induced infringement of the '086 patent by actively encouraging and directing others to make, use, sell, offer to sell, and/or import in or into the United States accused Guidance Software products, all with knowledge of the '086 patent and the content of its claims, and with the intent to induce conduct Guidance Software knew to fall within the scope of the claims of the '086 patent. The actions by which Guidance Software induced infringement of the '086 patent included instructing others to make sales of the accused Guidance Software products, instructing others to test the accused Guidance Software products, and creating and disseminating, or directing the creation or dissemination of, promotional and marketing materials, instructional materials and product manuals, and technical materials related to the accused Guidance Software products.

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

48. As a direct and proximate result of Guidance Software'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.

49. Guidance Tableau has infringed and continues to infringe the '086 patent, literally and/or under the doctrine of equivalents, 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 claims 1 of the '086 patent, including, but not limited to the TD1, TD2, and TD3 products, each previously accused of infringement by MyKey, and known by Guidance Tableau to be accused herein. The infringing products complained of herein also include other products that are reasonably similar or operate in substantially the same way, and the fact that the other

infringing products are not mentioned in this complaint by name or other product identification does not signify that the other infringing products are not accused herein. For these products, Guidance Software, and Guidance Tableau are liable jointly, severally, or in the alternative for the infringement of the '086 patent.

50. Guidance Tableau became aware of the '086 patent and the content of the claims of the '086 patent at least as early as 2009. Guidance Tableau further received information about the existence and content of the patents-in-suit, including the '086 patent, no later than in or about August 2009 during the High Tech Crime Investigation Association Conference, but has engaged in its infringing conduct nonetheless.

51. Guidance Tableau knowingly induced infringement of the '086 patent by actively encouraging and directing others to make, use, sell, offer to sell, and/or import in or into the United States accused Guidance Tableau products, all with knowledge of the '086 patent and the content of its claims, and with the intent to induce conduct Guidance Tableau knew to fall within the scope of the claims of the '086 patent. The actions by which Guidance Tableau induced infringement of the '086 patent included instructing others to make sales of the accused Guidance Tableau products, instructing others to test the accused Guidance Tableau products, and creating and disseminating, or directing the creation or dissemination of, promotional and marketing materials, instructional materials and product manuals, and technical materials related to the accused Guidance Tableau products.

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

53. As a direct and proximate result of Guidance Tableau'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.

54. 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

55. MyKey incorporates each of the preceding paragraphs 1-54 as if fully set forth herein.

56. CRU has infringed and continues to infringe the '379 patent, literally and/or under the doctrine of equivalents, 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 2 of the '379 patent, including, but not limited to the Drive eRazer Pro MP, Drive eRazer Ultra, Drive eRazer Pro SE, and Drive eRazer products, each previously accused of infringement by MyKey, and known by CRU to be accused herein. The infringing products complained of herein also include other products that are reasonably similar or operate in substantially the same way, and the fact that the other infringing products are not mentioned in this complaint by name or other product identification does not signify that the other infringing products are not accused herein.

57. CRU became aware of the '379 patent and the content of the claims of the '379 patent at least as early as 2009. CRU received information about the existence and content of the patents-in-suit, including the '379 patent, no later than in or about August 2009 during the High

Tech Crime Investigation Association Conference, but has engaged in its infringing conduct nonetheless.

58. CRU knowingly induced infringement of the '379 patent by actively encouraging and directing others to make, use, sell, offer to sell, and/or import in or into the United States accused CRU products, all with knowledge of the '379 patent and the content of its claims, and with the intent to induce conduct CRU knew to fall within the scope of the claims of the '379 patent. The actions by which CRU induced infringement of the '379 patent included instructing others to make sales of the accused CRU products, instructing others to test the accused CRU products, and creating and disseminating, or directing the creation or dissemination of, promotional and marketing materials, instructional materials and product manuals, and technical materials related to the accused CRU products.

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

60. As a direct and proximate result of CRU'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.

61. Digital Intelligence has infringed and continues to infringe the '379 patent, literally and/or under the doctrine of equivalents, by using, selling, and/or offering for sale, in the United States, without authority, products that fall within the scope of at least claim 2 of the '379 patent, including, but not limited to the TD1, TD2, TD3, and TDW1, each previously accused of infringement by MyKey, and known by Digital Intelligence to be accused herein. The infringing products complained of herein also include other products that are reasonably similar or operate

in substantially the same way, and the fact that the other infringing products are not mentioned in this complaint by name or other product identification does not signify that the other infringing products are not accused herein. Digital Intelligence is a nation reseller of these Guidance Software and Guidance Tableau products. For these products, Digital Intelligence, Guidance Software, and Guidance Tableau are liable jointly, severally, or in the alternative for the infringement of the '379 patent.

62. Digital Intelligence had knowledge of the '379 patent and the contents of the claims of the '379 patent at least as early as August 2009 during the High Tech Crime Investigation Association Conference, but has engaged in its infringing conduct nonetheless.

63. Digital Intelligence knowingly induced infringement of the '379 patent by actively encouraging and directing others to use, sell, and/or offer to sell in the United States accused Digital Intelligence products, all with knowledge of the '379 patent and the content of its claims, and with the intent to induce conduct Digital Intelligence knew to fall within the scope of the claims of the '379 patent. The actions by which Digital Intelligence induced infringement of the '379 patent included instructing others to use the accused Digital Intelligence products, instructing others to test the accused Digital Intelligence products, and creating and disseminating, or directing the creation or dissemination of, promotional and marketing materials, instructional materials and product manuals, and technical materials related to the accused Digital Intelligence products.

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

65. As a direct and proximate result of Digital Intelligence'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.

66. Guidance Software has infringed and continues to infringe the '379 patent, literally and/or under the doctrine of equivalents, 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 2 of the '379 patent, including, but not limited to the TD1, TD2, TD3, and TDW1 products, each previously accused of infringement by MyKey, and known by Guidance Software to be accused herein. The infringing products complained of herein also include other products that are reasonably similar or operate in substantially the same way, and the fact that the other infringing products are not mentioned in this complaint by name or other product identification does not signify that the other infringing products are not accused herein. For these products, Guidance Software, and Guidance Tableau are liable jointly, severally, or in the alternative for the infringement of the '379 patent.

67. Guidance Software became aware of the '379 patent and the content of the claims of the '379 patent at least as early as 2009. Guidance Software further received information about the existence and content of the patents-in-suit, including the '379 patent, no later than in or about August 2009 during the High Tech Crime Investigation Association Conference, but has engaged in its infringing conduct nonetheless.

68. Guidance Software knowingly induced infringement of the '379 patent by actively encouraging and directing others to make, use, sell, offer to sell, and/or import in or into the United States accused Guidance Software products, all with knowledge of the '379 patent and the content of its claims, and with the intent to induce conduct Guidance Software knew to

fall within the scope of the claims of the '379 patent. The actions by which Guidance Software induced infringement of the '379 patent included instructing others to make sales of the accused Guidance Software products, instructing others to test the accused Guidance Software products, and creating and disseminating, or directing the creation or dissemination of, promotional and marketing materials, instructional materials and product manuals, and technical materials related to the accused Guidance Software products.

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

70. As a direct and proximate result of Guidance Software'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.

71. Guidance Tableau has infringed and continues to infringe the '379 patent, literally and/or under the doctrine of equivalents, 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 2 of the '379 patent, including, but not limited to the TD1, TD2, TD3, and TDW1 products, each previously accused of infringement by MyKey, and known by Guidance Tableau to be accused herein. The infringing products complained of herein also include other products that are reasonably similar or operate in substantially the same way, and the fact that the other infringing products are not mentioned in this complaint by name or other product identification does not signify that the other infringing products are not accused herein. For these products, Guidance Software, and Guidance Tableau are liable jointly, severally, or in the alternative for the infringement of the '379 patent.

72. Guidance Tableau became aware of the '379 patent and the content of the claims of the '379 patent at least as early as 2009. Guidance Tableau further received information about the existence and content of the patents-in-suit, including the '379 patent, no later than in or about August 2009 during the High Tech Crime Investigation Association Conference, but has engaged in its infringing conduct nonetheless.

73. Guidance Tableau knowingly induced infringement of the '379 patent by actively encouraging and directing others to make, use, sell, offer to sell, and/or import in or into the United States accused Guidance Tableau products, all with knowledge of the '379 patent and the content of its claims, and with the intent to induce conduct Guidance Tableau knew to fall within the scope of the claims of the '379 patent. The actions by which Guidance Tableau induced infringement of the '379 patent included instructing others to make sales of the accused Guidance Tableau products, instructing others to test the accused Guidance Tableau products, and creating and disseminating, or directing the creation or dissemination of, promotional and marketing materials, instructional materials and product manuals, and technical materials related to the accused Guidance Tableau products.

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

75. As a direct and proximate result of Guidance Tableau'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.

76. 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 as follows:

- (a) For compensatory damages in an amount according to proof, and in no event less than a reasonable royalty for Defendants' direct infringement, contributory infringement, and inducement of infringement of the '682 patent;
- (b) For compensatory damages in an amount according to proof, and in no event less than a reasonable royalty for Defendants' direct infringement of the '086 patent and/or '379 patent;
- (c) For a permanent injunction against Defendants for infringement of the patents-in-suit;
- (c) For reasonable costs and expenses, including attorneys' fees, incurred by MyKey pursuant to 35 U.S.C. §§ 284 and 285;
- (d) For 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 of the patents-in-suit;
- (e) For prejudgment and post-judgment; and
- (f) For 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,

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

CERTIFICATE OF SERVICE

I, David E. Moore, hereby certify that on March 20, 2013, the attached document was electronically filed with the Clerk of the Court using CM/ECF which will send notification to the registered attorney(s) of record that the document has been filed and is available for viewing and downloading.

I further certify that on March 20, 2013, the attached document was Electronically Mailed to the following person(s):

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