

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA**  
Norfolk Division

CERTUSVIEW TECHNOLOGIES, LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No.: 2:13-cv-346 (MSD/LRL)
	)	
S & N LOCATING SERVICES,	)	
LLC, et. al.	)	
Defendants.	)	

**FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff CertusView Technologies, LLC (“CertusView”), by counsel, respectfully states as follows for its First Amended 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 S & N Locating Services and S & N Communications (collectively “S & N” or “the S & N Defendants”).

**PARTIES**

1. Plaintiff CertusView is a corporation organized under the laws of Florida with its principal place of business at 3960 RCA Boulevard, Suite 6002, Palm Beach Gardens, Florida 33410.
2. The S & N Defendants are corporations organized under the laws of North Carolina with their principal place of business at 636 Gralin Street, Kernersville, North Carolina, 27284. Defendant S & N Communications is the parent of Defendant S & N Locating Services.

**JURISDICTION AND VENUE**

**(Subject Matter Jurisdiction)**

3. 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)**

4. The S & N Defendants transact business in the Commonwealth of Virginia, including in the Eastern District of Virginia.

5. The patent infringement of which CertusView complains has occurred in interstate commerce. The S & N Defendants have committed acts of patent infringement in the Commonwealth of Virginia, including in the Eastern District of Virginia.

6. The S & N Defendants are subject to personal jurisdiction in the Commonwealth of Virginia, including in the Eastern District of Virginia.

**(Venue)**

7. The S & N 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**

8. 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.

9. 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**.

10. 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**.

11. CertusView is the owner of all right, title, and interest in and to U.S. Patent No. 8,340,359, entitled “Electronic manifest of underground facility locate marks” (the “‘359 Patent”). A true and correct copy of the ‘359 Patent is attached as **Exhibit C**.

12. CertusView is the owner of all right, title, and interest in and to U.S. Patent No. 8,265,344, entitled “Electronic manifest of underground facility locate operation” (the “‘344 Patent”). A true and correct copy of the ‘344 Patent is attached as **Exhibit D**.

13. CertusView is the owner of all right, title, and interest in and to U.S. Patent No. 8,532,341, entitled “Electronically documenting locate operations for underground utilities” (the “‘341 Patent”). A true and correct copy of the ‘341 Patent is attached as **Exhibit E**.

### **CLAIMS FOR RELIEF**

#### **COUNT I –** **PATENT INFRINGEMENT (‘204 PATENT)**

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

15. The S & N Defendants 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.

16. The S & N Defendants' infringement of the '204 Patent has caused CertusView to sustain damages for which S & N is liable.

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

**COUNT II –**  
**PATENT INFRINGEMENT ('001 PATENT)**

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

19. The S & N Defendants 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.

20. The S & N Defendants' infringement of the '001 Patent has caused CertusView to sustain damages for which S & N is liable.

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

**COUNT III –**  
**PATENT INFRINGEMENT ('359 PATENT)**

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

23. The S & N Defendants have infringed, and continue to infringe, literally and/or under the doctrine of equivalents, the '359 Patent at least by making, using, offering to sell, and/or selling devices and/or services covered by the claims of the '359 Patent and by actively and intentionally inducing others to infringe one or more claims of the '359 Patent.

24. The S & N Defendants' infringement of the '359 Patent has caused CertusView to sustain damages for which S & N is liable.

25. CertusView has no adequate remedy at law for the S & N Defendants' continued infringement of the '359 Patent such that CertusView is entitled to injunctive relief from and against further acts of infringement by S & N.

**COUNT IV –**  
**PATENT INFRINGEMENT ('344 PATENT)**

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

27. The S & N Defendants have infringed, and continue to infringe, literally and/or under the doctrine of equivalents, the '344 Patent at least by making, using, offering to sell, and/or selling devices and/or services covered by the claims of the '344 Patent and by actively and intentionally inducing others to infringe one or more claims of the '344 Patent.

28. The S & N Defendants' infringement of the '344 Patent has caused CertusView to sustain damages for which S & N is liable.

29. CertusView has no adequate remedy at law for the S & N Defendants' continued infringement of the '344 Patent such that CertusView is entitled to injunctive relief from and against further acts of infringement by S & N.

30. Patent such that CertusView is entitled to injunctive relief from and against further acts of infringement by S & N.

**COUNT V –**  
**PATENT INFRINGEMENT ('341 PATENT)**

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

32. The S & N Defendants have infringed, and continue to infringe, literally and/or under the doctrine of equivalents, the '341 Patent at least by making, using, offering to sell, and/or selling devices and/or services covered by the claims of the '341 Patent and by actively and intentionally inducing others to infringe one or more claims of the '341 Patent.

33. The S & N Defendants' infringement of the '341 Patent has caused CertusView to sustain damages for which S & N is liable.

34. CertusView has no adequate remedy at law for the S & N Defendants' continued infringement of the '341 Patent such that CertusView is entitled to injunctive relief from and against further acts of infringement by S & N.

**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 the S & N Defendants 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, the '001 Patent, the '359 Patent, the '344 Patent, and the '341 Patent, as alleged herein;

B. compensatory damages, costs, prejudgment interest, and postjudgment interest for infringement of the '204 Patent, the '001 Patent, the '359 Patent, the '344 Patent, and the '341 Patent; and

C. such other and further relief as this Court may deem just and proper.

Dated: December 5, 2013

Respectfully submitted,

/s/ Lori A. Rubin

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*Counsel for Plaintiff, CertusView Technologies, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that, on December 5, 2013, I electronically filed the foregoing FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT with the Clerk of Court using the CM/ECF system, which will then send an electronic notice of electronic filing (NEF) to all counsel of record. I will also serve via e-mail a copy of the foregoing to the following counsel of record:

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