

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MINNESOTA

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| DANE TECHNOLOGIES, INC. | |) | |
| | |) | |
| | |) | |
| | Plaintiff, |) | Civil Action No. 12-cv-2730 |
| v. | |) | ADM/AJB |
| | |) | |
| GATEKEEPER SYSTEMS, INC. | |) | JURY TRIAL REQUESTED |
| | |) | |
| | Defendant. |) | |
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AMENDED COMPLAINT

Plaintiff Dane Technologies, Inc. (“Dane”), for its Amended Complaint for patent infringement against Gatekeeper Systems, Inc. (“Gatekeeper”), alleges as follows.

THE PARTIES

1. Dane is a corporation organized under the laws of the state of Minnesota, with its principal place of business at 7105 Northland Terrace N., Brooklyn Park, Minnesota, 55428.

2. On information and belief, Gatekeeper is a corporation organized under the laws of the state of Delaware, with its principal place of business at 8 Studebaker, Irvine, California, 92618.

JURISDICTION AND VENUE

3. This action for patent infringement arises under the patent laws of the United States, Title 35 of the United States Code.

4. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Gatekeeper because Gatekeeper conducts business in the state of Minnesota and has sold in Minnesota products that Dane alleges infringe Dane's patents.

6. Venue is proper in this District under 28 U.S.C. §§ 1391(b) and (c) because a substantial part of the events giving rise to the claims stated herein have occurred in this District, and because Gatekeeper conducts business in this District and has committed acts of infringement in this District.

DANE'S PATENTS

7. On April 24, 2001, the United States Patent and Trademark Office issued U.S. Patent No. 6,220,379 ("the '379 Patent"), entitled "Cart Retriever Vehicle," to William Schugt and Stephan Dominguez. A copy of the Schugt Patent is attached hereto as Exhibit A.

8. On June 24, 2008, the United States Patent and Trademark Office issued U.S. Patent No. 7,389,836 ("the '836 Patent"), entitled "Power-assisted cart retriever with attenuated power output," to Dan Johnson, Paul Holtan, and Jim Wiff. A copy of the '836 Patent is attached hereto as Exhibit B.

9. On February 24, 2009, the United States Patent and Trademark Office issued U.S. Patent No. 7,493,979 (“the ‘979 Patent”), entitled “Power-assisted cart retriever with attenuated power output,” to Dan Johnson, Paul Holtan, and Jim Wiff. A copy of the ‘979 Patent is attached hereto as Exhibit C.

10. Dane is the owner by assignment of all rights, title, and interest to and in the ‘379, ‘836 and ‘979 Patents.

11. The ‘379, ‘836 and ‘979 Patents are directed to motorized shopping cart retrievers with motor controllers that have features designed to protect the motor.

COUNT I
(Infringement of the ‘379 Patent)

12. Dane realleges and incorporates herein the allegations set forth in paragraphs 1-11.

13. Gatekeeper has infringed one or more claims of the ‘379 Patent pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by making, using, selling, and/or offering for sale in the United States and without authority products that infringe such claims, including the CartManager XD and CartManager XD+ products.

14. Gatekeeper’s infringement of the ‘379 Patent was and continues to be intentional, knowing, willful, deliberate, without license or justification, and with full knowledge of Dane’s rights.

15. Dane has suffered damages as a result of Gatekeeper’s infringement of the ‘379 Patent. In addition, Dane will continue to suffer irreparable harm unless this Court enjoins Gatekeeper from infringing the ‘379 Patent.

16. Because of Gatekeeper's willful conduct, Dane is entitled to recover three times its damages.

COUNT II
(Infringement of the '836 Patent)

17. Dane realleges and incorporates herein the allegations set forth in paragraphs 1-16.

18. Gatekeeper has infringed one or more claims of the '836 Patent pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by making, using, selling, and/or offering for sale in the United States and without authority products that infringe such claims, including the CartManager XD and CartManager XD+ products.

19. Gatekeeper's infringement of the '836 Patent was and continues to be intentional, knowing, willful, deliberate, without license or justification, and with full knowledge of Dane's rights.

20. Dane has suffered damages as a result of Gatekeeper's infringement of the '836 Patent. In addition, Dane will continue to suffer irreparable harm unless this Court enjoins Gatekeeper from infringing the '836 Patent.

21. Because of Gatekeeper's willful conduct, Dane is entitled to recover three times its damages.

COUNT III
(Infringement of the '979 Patent)

22. Dane realleges and incorporates herein the allegations set forth in paragraphs 1-21.

23. Gatekeeper has infringed one or more claims of the ‘979 Patent pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by making, using, selling, and/or offering for sale in the United States and without authority products that infringe such claims, including the CartManager XD and CartManager XD+ products.

24. Gatekeeper’s infringement of the ‘979 Patent was and continues to be intentional, knowing, willful, deliberate, without license or justification, and with full knowledge of Dane’s rights.

25. Dane has suffered damages as a result of Gatekeeper’s infringement of the ‘979 Patent. In addition, Dane will continue to suffer irreparable harm unless this Court enjoins Gatekeeper from infringing the ‘379 Patent.

26. Because of Gatekeeper’s willful conduct, Dane is entitled to recover three times its damages.

PRAYER FOR RELIEF

For the above reasons, Dane respectfully requests that this Court grant the following relief in its favor and against Gatekeeper:

- (a) A judgment in favor of Dane that Gatekeeper has infringed (either literally or under the doctrine of equivalents) one or more claims of the Patents-in-Suit;
- (b) A permanent injunction enjoining Gatekeeper and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert or participation with it, from infringing the Patents-in-Suit;

- (c) A judgment and order requiring Gatekeeper to pay to Dane its damages, costs, expenses, and pre-judgment and post-judgment interest for Gatekeeper's infringement of the Patents-in-Suit;
- (d) A judgment and order trebling Dane's damages due to Gatekeeper's willful infringement; and
- (e) Any and all such further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff Dane Technologies, Inc. demands a trial by jury of this action.

Dated: December 5, 2013

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