

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

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IN CLERKS OFFICE

2002 MAR 11 A 12:12

FRANKLIN C. LUYSER

Plaintiff,

V.

RSA SECURITY, INC.

Defendant.

)
) Civil Action No.: 01-12178-WGY
) U.S. DISTRICT COURT
) DISTRICT OF MASS.

FIRST AMENDED COMPLAINT

For its Complaint, the Plaintiff, Franklin C. Luyster hereby alleges:

THE PARTIES

1. The Plaintiff, Franklin C. Luyster, is an individual residing at 100 Riverside Lane, Riverside, Connecticut 06878 ("the Plaintiff").

2. The Defendant, RSA Security, Inc., is a Delaware corporation having a usual place of business at 20 Crosby Drive, Bedford, Massachusetts 01730 ("the Defendant").

JURISDICTION AND VENUE

3. Jurisdiction of this Court with respect to the claims set forth herein arises under the patent laws of the United States, Title 35, U.S.C. Jurisdiction is founded upon 28 U.S.C. §§ 1338(a) and 1338(b). Venue is founded upon 28 U.S.C. §§ 1400(b) and 1391(c) in that the Defendant resides in and is doing business in this District.

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COUNT I - PATENT INFRINGEMENT

4. The Plaintiff is the owner of United States Letter Patent No. 6,182,216, entitled BLOCK CIPHER METHOD, which was duly and legally issued by the United States Patent and Trademark Office on January 30, 2001 on an application filed by Franklin C. Luyster on September 16, 1998 ("the '216 patent"). A copy of the '216 patent is attached hereto as Exhibit 1.

5. The Defendant has infringed the '216 patent by making, using, selling and/or offering to sell products covered by the claims of the '216 patent in this District and elsewhere, and will continue to do so unless enjoined therefrom by this Court.

6. Upon information and belief, the Defendant's continued infringement of the '216 patent is knowing and willful.

COUNT II - PATENT INFRINGEMENT

7. The Plaintiff is the owner of United States Letter Patent No. 6,199,162, entitled BLOCK CIPHER METHOD, which was duly and legally issued by the United States Patent and Trademark Office on March 6, 2001 on an application filed by Franklin C. Luyster on February 17, 2000 ("the '162 patent"). A copy of the '162 patent is attached hereto as Exhibit 2.

8. The Defendant has infringed the '162 patent by making, using, selling and/or offering to sell products covered by the claims of the '162 patent in this District and elsewhere, and will continue to do so unless enjoined therefrom by this Court.

9. Upon information and belief the Defendant's continued infringement of the '162 patent is knowing and willful.

COUNT III - ACTIVE INDUCEMENT OF PATENT INFRINGEMENT

10. The Plaintiff repeats and realleges Paragraphs 1 through 9 and incorporates them into COUNT III as if fully set forth therein by reference.

11. The Defendant is actively inducing infringement of the '216 patent by selling certain software and/or hardware products in this District and elsewhere which are used by purchasers of said software and/or hardware products in a manner covered by the claims of the '216 patent. Said software and/or hardware products are accompanied by instructional materials demonstrating infringing uses.

12. Upon information and belief the Defendant's active inducement of infringement of the '216 patent has been and continues to be knowing and willful.

COUNT IV - CONTRIBUTORY INFRINGEMENT

13. The Plaintiff repeats and realleges Paragraphs 1 through 12 and incorporates them into COUNT IV as if fully set forth therein by reference.

14. The Defendant has engaged and continues to engage in contributory infringement of the '216 patent by selling certain software and/or hardware products in this District and elsewhere which are a material component of apparatus and/or methods covered by the claims of the '216 patent. Said software and/or hardware products are especially made for use with said apparatus and/or methods covered by the claims of the '216 patent. Said software and/or hardware products are not suitable for substantial non-infringing use and, accordingly, are not staple articles of commerce as that term is used and understood in 35 U.S.C. §271(c).

15. Upon information and belief the Defendant's contributory infringement of the '216 patent has been and continues to be knowing and willful.

COUNT V - ACTIVE INDUCEMENT OF PATENT INFRINGEMENT

16. The Plaintiff repeats and realleges Paragraphs 1 through 15 and incorporates them

into COUNT V as if fully set forth therein by reference.

17. The Defendant is actively inducing infringement of the '162 patent by selling certain software and/or hardware products in this District and elsewhere which are used by purchasers of said software and/or hardware products in a manner covered by the claims of the '162 patent. Said software and/or hardware products are accompanied by instructional materials demonstrating infringing uses.

18. Upon information and belief the Defendant's active inducement of infringement has been and continues to be knowing and willful.

COUNT VI - CONTRIBUTORY INFRINGEMENT

19. The Plaintiff repeats and realleges Paragraphs 1 through 18 and incorporates them into COUNT VI as if fully set forth therein by reference.

20. The Defendant has engaged and continues to engage in contributory infringement of the '162 patent by selling certain software and/or hardware products in this District and elsewhere which are a material component of apparatus and/or methods covered by the claims of the '162 patent. Said software and/or hardware products are especially made for use with said apparatus and/or methods covered by the claims of the '162 patent. Said software and/or hardware products are not suitable for substantial non-infringing use and, accordingly, are not staple articles of commerce as that term is used and understood in 35 U.S.C. §271(c).

21. Upon information and belief the Defendant's contributory infringement of the '162 patent has been and continues to be knowing and willful.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff demands judgement as follows:

1. That this Court preliminarily and permanently enjoin the Defendant from infringing the '216 patent and the '162 patent under 35 U.S.C. §271(a), (b), and/or (c) as provided in 35 U.S.C. § 283;
2. That this Court award the Plaintiff an accounting of its damages resulting from said infringement as provided in 35 U.S.C. § 284;
3. That this Court award the Plaintiff treble damages as provided in 35 U.S.C. § 284;
4. That this Court award the Plaintiff its costs in this action together with reasonable attorney fees as provided in 35 U.S.C. § 285; and
5. That the Plaintiff be granted such other and further relief as is just.

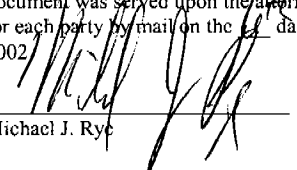
Respectfully submitted,

FRANKLIN C. LUYSTER
Plaintiff

By: 

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I hereby certify that a true copy of the above document was served upon the attorney of record for each party by mail on the 14 day of March, 2002


Michael J. Rye