

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

MINUTE KEY INC.,

Plaintiff,

Civil File No.:

v.

KEYME, INC.,

Defendant.

**COMPLAINT
AND DEMAND FOR JURY TRIAL**

Plaintiff, Minute Key Inc. (“Minute Key”), for its claims against KEYME, Inc. (“KEYME”), hereby states and alleges the following:

THE PARTIES AND JURISDICTION

1. Minute Key is a corporation organized and existing under the laws of the State of Colorado that maintains its principal place of business at 4760 Walnut St., Suite 105, Boulder, Colorado 80301.

2. On information and belief, KEYME is a corporation organized and existing under the laws of the State of Delaware that maintains its principal place of business at 247 W. 36th St., Floor 2, New York, NY 10018.

3. This Court has personal jurisdiction over KEYME under the Minnesota long-arm statute (Minn.Stat. § 543.19 (2014)) because KEYME (1) transacts business within this State; and (2) commits acts in this State causing injury, because, on information and belief, KEYME contracts to design and manufacture products accused of infringement in this State.

4. This action arises under the patent laws of the United States, Title 35, United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1338(a) and 1331.

5. Venue is proper in this Court under 28 U.S.C. §§ 1391(b)(2).

THE PATENTS

6. On January 21, 2014, United States Letters Patent No. 8,634,951 (“the ‘951 patent”) entitled “Fully Automatic Self-Service Key Duplicating Kiosk,” was duly and legally issued to Minute Key as the assignee of the named inventor. Since that date, Minute Key has been the owner of the ‘951 patent. A true and correct copy of the ‘951 patent is attached to this Complaint as Exhibit A.

7. On March 17, 2015, United States Letters Patent No. 8,979,446 (“the ‘446 patent”) entitled “Fully Automatic Self-Service Key Duplicating Kiosk,” was duly and legally issued to Minute Key as the assignee of the named inventor. Since that time, Minute Key has been the owner of the ‘446 patent. A true and correct copy of the ‘446 patent is attached to this Complaint as Exhibit B.

THE INFRINGING PRODUCTS

8. On information and belief, KEYME manufactures self-service key duplicating kiosks including, but not limited to, a self-service key duplicating kiosk under the trade name “Locksmith in a Box” (“the Infringing Products”). Attached to this Complaint as Exhibit C is a printout of KEYME’s website page showing one of the Infringing Products.

9. On information and belief, KEYME has marketed, sold, offered for sale and/or provided the Infringing Products to, among others, 7-Eleven, Rite Aid, Lowe’s Home Improvement, Staples, and Bed Bath & Beyond for use in key duplication, and is continuing to do so. Attached to this Complaint as Exhibit D is a printout of KEYME’s website page identifying its kiosk locations.

COUNT I—INFRINGEMENT OF THE ‘951 PATENT

10. Minute Key incorporates by reference the allegations set forth in paragraphs 1

through 9 as if fully rewritten herein.

11. Minute Key has given appropriate notice of the '951 patent pursuant to 35 U.S.C. § 287.

12. On information and belief, KEYME has viewed a Minute Key key duplicating kiosk marked pursuant to 35 U.S.C. § 287.

13. KEYME is infringing the '951 patent by manufacturing, using, offering to sell, selling and/or providing products that infringe the '951 patent, including the "Locksmith in a Box," without authority or license from Minute Key.

14. As such, KEYME has infringed, and continues to infringe, at least one of the claims of the '951 patent in violation of 35 U.S.C. § 271.

15. Minute Key has been damaged, in an amount yet to be determined, by KEYME's acts of infringement and will continue to be damaged by such acts in the future.

COUNT II — INFRINGEMENT OF THE '446 PATENT

16. Minute Key incorporates by reference the allegations set forth in paragraphs 1 through 15 as if fully rewritten herein.

17. KEYME is infringing the '446 patent by manufacturing, using, offering to sell, selling and/or providing products that infringe the '446 patent, including the "Locksmith in a Box," without authority or license from Minute Key.

18. As such, KEYME has infringed, and continues to infringe, at least one or more of the claims of the '446 patent in violation of 35 U.S.C. § 271.

19. Minute Key has been damaged, in an amount yet to be determined, by KEYME's acts of infringement and will continue to be damaged by such acts in the future.

PRAYER FOR RELIEF

Minute Key respectfully prays for the following relief:

A. That the Court adjudge and decree that KEYME has infringed and is infringing the '951 and '446 patents;

B. That the Court enter preliminary and permanent injunctions enjoining KEYME, its officers, employees, agents, and all others acting in concert with it or participating with it from further acts that infringe the '951 and '446 patents;

C. That KEYME be ordered by this Court to account for and pay to Minute Key damages adequate to compensate Minute Key for KEYME's past, continuing, and future infringement of the '951 and '446 patents;

D. That the Court award pre-judgment interest on the damages;

E. That the Court declare this an exceptional case under 35 U.S.C. § 285;

F. That the Court award Minute Key its costs and attorneys' fees incurred in this action; and

G. That the Court award such other relief as it deems just and proper.

JURY TRIAL DEMAND

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Minute Key demands a trial by jury of all issues triable of right by jury.

Dated: March 26, 2015

Respectfully submitted,

s/ Kenneth A. Liebman

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