

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

CIRREX SYSTEMS LLC,

Plaintiff,

V.

OCEAN OPTICS, INC.,

Defendant.

[illegible]

CIVIL ACTION NO.

JURY TRIAL DEMANDED

PLAINTIFF'S ORIGINAL COMPLAINT

Plaintiff Cirrex Systems LLC (hereinafter, “Cirrex” or “Plaintiff”) by and through its undersigned counsel, files this Original Complaint Defendant Ocean Optics, Inc. (“Ocean” or “Defendant”), as follows:

NATURE OF THE ACTION

1. This is a patent infringement action to stop Defendant's infringement of Plaintiff's United States Patent No. 5,878,178 (hereinafter, the "178 patent"), entitled "Optical Fiber with Enhanced Light Collection and Illumination and Having Highly Controlled Emission and Acceptance Patterns", United States Patent No. 5,764,840, also entitled "Optical Fiber with Enhanced Light Collection

and Illumination and Having Highly Controlled Emission and Acceptance Patterns” (hereinafter, the “‘840 patent”), and United States Patent No. 5,901,261, also entitled “Fiber Optic Interface for Optical Probes with Enhanced Photonic Efficiency, Light Manipulation, and Stray Light Rejection” (hereinafter, the “‘261 Patent”) (collectively, referred to as the “Patents-in-Suit”). A copy of the ‘178 patent, the ‘840 patent, and the ‘261 patent are attached hereto as Exhibit A, Exhibit B, and Exhibit C respectively. Plaintiff is the exclusive assignee of all the Patents-in-Suit. Plaintiff seeks injunctive relief and monetary damages.

PARTIES

2. Cirrex Systems LLC is a limited liability company organized and existing under the laws of Georgia with its principal place of business at 4425 Mariners Ridge, Alpharetta, Georgia 30005.

3. Plaintiff is the exclusive assignee under the Patents-in-Suit, including the exclusive right to sue the Defendant for infringement and recover past damages.

4. Upon information and belief, Defendant Ocean Optics, Inc., is a corporation organized and existing under the laws of the State of Florida, with its principal place of business located at 830 Douglas Avenue, Dunedin, FL 34698.

JURISDICTION AND VENUE

5. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*, including 35 U.S.C. §§ 271, 281, 283, 284, and 285. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

6. The Court has personal jurisdiction over Defendant because Defendant has minimum contacts within the State of Georgia, and the Northern District of Georgia; Defendant has purposefully availed itself of the privileges of conducting business in the State of Georgia and in the Northern District of Georgia; Defendant has sought protection and benefit from the laws of the State of Georgia; Defendant regularly conducts business within the State of Georgia and within the Northern District of Georgia through its interactive, commercial website; and, Plaintiff's cause of action arises directly from Defendant's business contacts and other activities in the State of Georgia and in the Northern District of Georgia.

7. More specifically, Defendant, directly and/or through intermediaries, ships, distributes, offers for sale, sells, and/or advertises its products and services in the United States, the State of Georgia, and the Northern District of Georgia. Upon information and belief, Defendant has committed patent infringement in the

State of Georgia and in the Northern District of Georgia, has contributed to patent infringement in the State of Georgia and in the Northern District of Georgia and/or has induced others to commit patent infringement in the State of Georgia and in the Northern District of Georgia. Defendant has many paying customers who are residents of the State of Georgia and the Northern District of Georgia and who each use respectively Defendant's products and services in the State of Georgia and in the Northern District of Georgia.

8. Venue is proper in the Northern District of Georgia pursuant to 28 U.S.C. §§ 1391 and 1400(b).

COUNT I:
INFRINGEMENT OF U.S. PATENT NO. 5,878,178
BY OCEAN

9. United States Patent No. 5,878,178, entitled "Optical Fiber with Enhanced Light Collection and Illumination and Having Highly Controlled Emission and Acceptance Patterns," was duly and legally issued by the United States Patent and Trademark Office on March 2, 1999 after full and fair examination. Plaintiff is the assignee of all rights, title, and interest in and to the '178 patent and possesses all rights of recovery under the '178 patent, including the right to sue for infringement and recover past damages.

10. Upon information and belief, Ocean has infringed and continues to infringe one or more claims of the '178 patent by making, using, providing,

offering to sell, and selling (directly or through intermediaries), in this district and elsewhere in the United State optical fibers with sculpted tips.

11. Upon information and belief, Ocean has also contributed to and actively induced its customers of optical fibers with sculpted tips to infringe one or more claims of the '178 patent, in this district and elsewhere in the United States.

12. Defendant's aforesaid activities have been without authority and/or license from Plaintiff.

13. Plaintiff is entitled to recover from the Defendant the damages sustained by Plaintiff as a result of Defendant's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

14. Defendant's infringement of Plaintiff's exclusive rights under the '178 patent will continue to damage Plaintiff, causing irreparable harm for which there is no adequate remedy at law, unless enjoined by this Court.

COUNT II:
INFRINGEMENT OF U.S. PATENT NO. 5,764,840
BY OCEAN

15. United States Patent No. 5,764,840, entitled "Optical Fiber with Enhanced Light Collection and Illumination and Having Highly Controlled Emission and Acceptance Patterns," was duly and legally issued by the United States Patent and Trademark Office on June 9, 1998 after full and fair examination.

Plaintiff is the assignee of all rights, title, and interest in and to the '840 patent and possesses all rights of recovery under the '840 patent, including the right to sue for infringement and recover past damages.

16. Upon information and belief, Ocean has infringed and continues to infringe one or more claims of the '840 patent by making, using, providing, offering to sell, and selling (directly or through intermediaries), in this district and elsewhere in the United State optical fibers with sculpted tips.

17. Upon information and belief, Ocean has also contributed to and actively induced its customers of optical fibers with sculpted tips to infringe one or more claims of the '840 patent, in this district and elsewhere in the United States.

18. Defendant's aforesaid activities have been without authority and/or license from Plaintiff.

19. Plaintiff is entitled to recover from the Defendant the damages sustained by Plaintiff as a result of Defendant's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

20. Defendant's infringement of Plaintiff's exclusive rights under the '840 patent will continue to damage Plaintiff, causing irreparable harm for which there is no adequate remedy at law, unless enjoined by this Court.

COUNT III:
INFRINGEMENT OF U.S. PATENT NO. 5,901,261
BY OCEAN

21. United States Patent No. 5,901,261, entitled “Fiber Optic Interface for Optical Probes with Enhanced Photonic Efficiency, Light Manipulation, and Stray Light Rejection” was duly and legally issued by the United States Patent and Trademark Office on May 4, 1999 after full and fair examination. Plaintiff is the assignee of all rights, title, and interest in and to the ‘261 patent and possesses all rights of recovery under the ‘261 patent, including the right to sue for infringement and recover past damages.

22. Upon information and belief, Ocean has infringed and continues to infringe one or more claims of the ‘261 patent by making, using, providing, offering to sell, and selling (directly or through intermediaries), in this district and elsewhere in the United States, the QF600-8-VIS/NIR Fiber Fluorescence Probes and other products with similar configurations.

23. Upon information and belief, Ocean has also contributed to and actively induced its customers of QF600-8-VIS-NIR Fiber Fluorescence Probes to infringe one or more claims of the ‘261 patent, in this district and elsewhere in the United States.

24. Defendant’s aforesaid activities have been without authority and/or license from Plaintiff.

25. Plaintiff is entitled to recover from the Defendant the damages sustained by Plaintiff as a result of Defendant's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

26. Defendant's infringement of Plaintiff's exclusive rights under the '261 patent will continue to damage Plaintiff, causing irreparable harm for which there is no adequate remedy at law, unless enjoined by this Court.

JURY DEMAND

27. Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

28. Plaintiff respectfully requests that the Court find in its favor and against Defendant, and that the Court grant Plaintiff the following relief:

- A. An adjudication that one or more claims of the Patents-in-Suit have been infringed, either literally and/or under the doctrine of equivalents, by Defendant and/or by

others whose infringement has been induced by Defendant;

- B. An award to Plaintiff of damages adequate to compensate Plaintiff for the Defendant's acts of infringement together with pre-judgment and post-judgment interest;
- C. A grant of permanent injunction pursuant to 35 U.S.C. § 283, enjoining the Defendant from further acts of (1) infringement, (2) contributory infringement, and (3) actively inducing infringement with respect to the claims of the '178 patent;
- D. A grant of permanent injunction pursuant to 35 U.S.C. § 283, enjoining the Defendant from further acts of (1) infringement, (2) contributory infringement, and (3) actively inducing infringement with respect to the claims of the '840 patent;
- E. A grant of permanent injunction pursuant to 35 U.S.C. § 283, enjoining the Defendant from further acts of (1) infringement, (2) contributory infringement, and (3) actively inducing infringement with respect to the claims of the '261 patent;

- F. That this Court declare this to be an exceptional case and award Plaintiff reasonable attorneys' fees and costs in accordance with 35 U.S.C. § 285; and
- G. Any further relief that this Court deem just and proper.

Dated: May 21, 2012

Respectfully submitted,

/s/Douglas L. Bridges
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