

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**ENCODITECH LLC,**

Plaintiff,

v.

**THALES E-SECURITY, INC.,**

Defendant.

Case No. 2:15-cv-1094

**PATENT CASE**

**JURY TRIAL DEMANDED**

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**COMPLAINT**

Plaintiff Encoditech LLC, files this Complaint against Thales E-Security, Inc., for infringement of United States Patent No. 6,321,095 (the “‘095 Patent”).

**PARTIES AND JURISDICTION**

1. This is an action for patent infringement under Title 35 of the United States Code. Plaintiff is seeking injunctive relief as well as damages.

2. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patents) because this is a civil action for patent infringement arising under the United States patent statutes.

3. Plaintiff Encoditech LLC (“Plaintiff” or “Encoditech”), is a Texas limited liability company with its principal office located in the Eastern District of Texas, at 3415 Custer Road, Suite 120, Plano, Texas 75023.

4. Upon information and belief, Defendant Thales E-Security, Inc. (“Defendant”), is a Pennsylvania corporation with a principal office located at 900 S. Pine Island Road, Suite 710, Plantation, Florida 33324. This Court has personal jurisdiction over Defendant because Defendant has committed, and continues to commit, acts of infringement in the state of Texas, has conducted

business in the state of Texas, and/or has engaged in continuous and systematic activities in the state of Texas.

5. On information and belief, Defendant's instrumentalities that are alleged herein to infringe were and/or continue to be sold, offered for sale, and/or used in the Eastern District of Texas.

**VENUE**

6. Venue is proper in the Eastern District of Texas pursuant to 28 U.S.C. §§ 1391(c) and 1400(b) because Defendant is deemed to reside in this district. In addition, and in the alternative, Defendant has committed acts of infringement in this district.

**COUNT I**  
**(INFRINGEMENT OF UNITED STATES PATENT NO. 6,321,095)**

7. Plaintiff incorporates paragraphs 1 through 6 herein by reference.

8. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. §§ 271, *et seq.*

9. Plaintiff is the owner by assignment of the '095 Patent with sole rights to enforce the '095 Patent and sue infringers.

10. A copy of the '095 Patent, titled "Wireless Communications Approach," is attached hereto as Exhibit A.

11. The '095 Patent is valid and enforceable, and it was duly issued in full compliance with Title 35 of the United States Code.

**(Direct Infringement)**

12. Upon information and belief, Defendant has infringed and continues to directly infringe one or more claims of the '095 Patent, including at least claim 8, by making, having made, selling, offering for sale, and/or importing communications devices configured to communicate

securely with a second communications device as described in claim 8 of the '095 Patent, including without limitation Defendant's electronic payment terminals including the NCR 5945, and Defendant's payShield 9000 payment hardware security module (the "Accused Instrumentalities").

13. Defendant's actions complained of herein are causing irreparable harm and monetary damage to Plaintiff and will continue to do so unless and until Defendant is enjoined and restrained by this Court.

14. Plaintiff is in compliance with 35 U.S.C. § 287.

**DEMAND FOR JURY TRIAL**

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of all issues so triable by right.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests the Court to:

- a) Enter judgment for Plaintiff on this Complaint on all causes of action asserted herein;
- b) Enjoin Defendant, its agents, officers, servants, employees, attorneys and all persons in active concert or participation with Defendant who receive notice of the order from further infringement of United States Patent No. 6,321,095 (or, in the alternative, awarding Plaintiff a running royalty from the time of judgment going forward);
- c) Award Plaintiff damages resulting from Defendant's infringement in accordance with 35 U.S.C. § 284;
- d) Declare this an "exceptional case" pursuant to 35 U.S.C. § 285 and award Plaintiff its attorney's fees and any other appropriate relief;
- e) Award Plaintiff pre-judgment and post-judgment interest and costs; and

- f) Award Plaintiff such further relief to which the Court finds Plaintiff entitled under law or equity.

Dated: June 19, 2015

Respectfully submitted,

/s/ Craig Tadlock  
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