

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION
Civil Action No. 1:07-CV-00007

STATIC CONTROL)
COMPONENTS, INC.,)
)
Plaintiff,)
)
v.)
)
FUTURE GRAPHICS, LLC)
)
Defendant.)

SECOND AMENDED COMPLAINT
(Jury Trial Demanded)

Plaintiff, STATIC CONTROL COMPONENTS, INC. ("Plaintiff" or "Static Control"), sues the Defendant, FUTURE GRAPHICS, LLC ("Future Graphics"), and says:

THE PARTIES

1. Plaintiff Static Control Components, Inc. ("Static Control") is a North Carolina corporation with its principal place of business in Sanford, Lee County, North Carolina.

2. Upon information and belief, defendant Future Graphics, LLC ("Future Graphics"), is a limited liability corporation organized under the laws of California, with

its principal place of business in California, and is authorized to do business in the State of North Carolina.

JURISDICTION AND VENUE

3. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. §§ 101 *et seq.* This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338.

4. This Court has personal jurisdiction over Future Graphics which has sufficient minimum contacts with the State of North Carolina.

5. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391.

PATENT INFRINGEMENT

6. Plaintiff realleges and incorporates by reference the allegations contained in paragraphs 1 through 5 above.

7. Static Control is engaged in the business of making and selling component parts to remanufacturers of xerographic laser toner cartridges.

8. Static Control is owner by assignment of all right, title, and interest in United States Patent No. 7,088,928 ("the '928 patent"), entitled "Systems and

Methods for Universal Imaging Components," which duly and legally issued on August 8, 2006. A copy of the '928 patent is attached to this Second Amended Complaint as Exhibit 1.

9. Static Control is owner by assignment of all right, title, and interest in United States Patent No. 7,254,346 ("the '346 patent"), entitled "Systems and Methods for Universal Imaging Components," which duly and legally issued on August 7, 2007. A copy of the '346 patent is attached to this Second Amended Complaint as Exhibit 2.

10. The Defendant, Future Graphics, makes and sells products for use in the remanufactured laser toner cartridge market. Among these products are universal chips for use on laser toner cartridges.

11. Future Graphics has been, and is, infringing Static Control's '928 and '346 patents in violation of 35 U.S.C. § 271(a) and/or (c) by making, using, offering to sell, selling, or importing, and/or contributing to the use by others, of universal chips, including universal chips having item numbers LMKUT520CHIP, HPUCHIPA, HPUCHIPA2,

HPUCHIPX, HPUCHIPX2, HPUCCHIPC5, HPUCCHIPC7, HPUCCHIPK, HPUCCHIPM5, HPUCCHIPM7, HPUCCHIPY5, and HPUCCHIPY7, and the methods of using these universal chips that are covered by one or more of the claims of the '928 and '346 patents.

12. Static Control has not authorized Future Graphics to directly or indirectly do any of the foregoing acts of infringement.

13. Future Graphics has derived and received, and Future Graphics will derive and receive, gains, profits, and advantages from the infringement of the '928 and '346 patents in an amount to be proven at trial.

14. Static Control has also been damaged in a manner that cannot be fully measured or compensated in economic terms and for which there is no adequate remedy of law.

15. The actions of Future Graphics have irreparably harmed and will continue to irreparably harm Static Control's business, market, reputation, and good will unless Future Graphic's infringing activities are enjoined.

JURY DEMAND

16. Plaintiff demands a jury trial of all matters so triable raised in this Complaint.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays the Court to enter a judgment:

1. That the '928 and '346 patents be declared valid, enforceable, and infringed;

2. That Future Graphics has infringed the '928 and '346 patents;

3. That Future Graphics has contributed to infringement of the '928 and '346 patents;

4. That Future Graphics, its officers, directors, agents, servants, employees, attorneys, confederates, and all persons acting, for, with, by or through or under them be preliminarily and permanently enjoined from infringing the '928 and '346 patents either directly or indirectly pursuant to 35 U.S.C. § 283;

5. For an award of monetary damages to compensate Static Control for Future Graphics' infringement pursuant to 35 U.S.C. § 284;

6. For an award of enhanced damages up to three times Static Control's actual damages as provided by 35 U.S.C. § 284;

7. That the Court award Plaintiff its reasonable attorneys' fees and costs as permitted by applicable law;

8. That a trial by jury be had on all issues so triable; and

9. For such other and further relief as the Court may deem just, proper, and equitable under the circumstances.

This the 12th day of November 2007.

/s/ J. Donald Cowan, Jr.

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CERTIFICATE OF SERVICE

I hereby certify that on 12 November 2007, I electronically filed the foregoing SECOND AMENDED COMPLAINT with the Clerk of Court using the CM/ECF system, which will notify the following counsel for Defendant:

Albert P. Allan
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This the 12th day of November 2007.

/s/ J. Donald Cowan, Jr.
J. Donald Cowan, Jr.

Attorney for Plaintiff