

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

Lochner Technologies, LLC,

Plaintiff,

v.

Boundless Technologies, Inc.;
CLI, Inc.;
Devon IT Inc.;
DT Research, Inc.;
IGEL Technology America, LLC;
I-O Corporation;
NCS Technologies, Inc.;
Ringdale, Inc.;
Symbio Technologies LLC;
TeleVideo, Inc.;
Z-Axis, Inc.; and
10ZiG Technology Inc.,

Defendants.

Civil Action No. 2:11-cv-242-TJW

JURY TRIAL DEMANDED

AMENDED COMPLAINT

Plaintiff Lochner Technologies, LLC (“Lochner”) makes the following allegations against defendants:

PARTIES

1. Lochner is a California limited liability company with its principal place of business at 719 West Front Street, Suite 173, Tyler, Texas 75702.

2. Defendant Boundless Technologies, Inc. (“Boundless”) is a Delaware corporation with a principal place of business at 1916 State Route 96, Phelps, New York 14532-9705.

Boundless has appointed as its registered agent The Corporation Trust Company, 1209 Orange Street, Wilmington, Delaware 19801-1196.

3. Defendant CLI, Inc. (“CLI”) is a California corporation with a principal place of business at 580 South Melrose Street, Placentia, California 92870-6327. CLI has appointed as its registered agent Thomas Fei, 3741 East Colorado Boulevard, Pasadena, California 91107.

4. Defendant Devon IT Inc. (“Devon IT”) is a Pennsylvania corporation with a principal place of business at 1100 1st Avenue, Suite 100, King of Prussia, Pennsylvania 19406-1327. Devon IT has appointed as its registered agent Corporation Service Company, 2704 Commerce Drive, Harrisburg, Pennsylvania 17110-9380.

5. Defendant DT Research, Inc. (“DT Research”) is a California corporation with a principal place of business at 2044 Concourse Drive, San Jose, California 95131-1701. DT Research has appointed as its registered agent Yuan-Daw Tsai, 21400 Tollgate Road, Saratoga, California 95070-5714.

6. Defendant IGEL Technology America, LLC (“IGEL”) is an Ohio limited liability company with a principal place of business at 2106 Florence Avenue, Cincinnati, Ohio 45206-2427. IGEL has appointed as its registered agent K&P Statutory Services, Inc., 201 East Fifth Street, Suite 800, Cincinnati, Ohio 45202-4190.

7. Defendant I-O Corporation (“I-O”) is a Utah corporation with a principal place of business at 1490 North 2200 West, Suite 100, Salt Lake City, Utah 84116-4158. I-O has appointed as its registered agent Matthew K. Brady, 1048 East 13590 South, Draper, Utah 84020-9790.

8. NCS Technologies, Inc. (“NCS”) is a Virginia corporation with a principal place of business at 7669 Limestone Drive, Suite 130, Gainesville, Virginia 20155-4038. NCS has

appointed as its registered agent An V. Nguyen, Director, NCS Technologies, Inc., 7669 Limestone Drive, Suite 130, Gainesville, Virginia 20155-4038.

9. Defendant Ringdale, Inc. (“Ringdale”) is a Texas corporation with a principal place of business at 101 Halmar Cove, Georgetown, Texas 78628-2331. Ringdale has appointed as its registered agent Klaus Bollmann, Ringdale, Inc., 101 Halmar Cove, Georgetown, Texas 78628-2331.

10. Defendant Symbio Technologies LLC (“Symbio”) is a New Jersey limited liability company with a principal place of business at 134 North Avenue, Suites E and F, New Rochelle, New York 10801-7412. Symbio has appointed as its registered agent Roger DelRusso, 634 Green Pond Road, Rockaway, New Jersey 07866-4501.

11. Defendant TeleVideo, Inc. (“TeleVideo”) is a Delaware corporation with a principal place of business at 2562 Seaboard Avenue, San Jose, California 95131-1026. TeleVideo has appointed as its registered agent The Corporation Trust Company, 1209 Orange Street, Wilmington, Delaware 19801-1196.

12. Defendant Z-Axis, Inc. (“Z-Axis”) is a Georgia corporation with a principal place of business at 15 Eagle Street, Phelps, New York 14532-1089. Z-Axis has appointed as its registered agent David S. Cooper, Esq., of Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, 3414 Peachtree Road Northeast, Suite 1600, Atlanta, Georgia 30326-1164.

13. Defendant 10ZiG Technology Inc. (“10ZiG”) is a Nevada corporation with a principal place of business at 23309 North 17th Drive, Suite 100, Phoenix, Arizona 85027-6306. 10ZiG has appointed as its registered agent for service of process State Agent and Transfer Syndicate, Inc., 112 North Curry Street, Carson City, Nevada 89703-4934.

JURISDICTION AND VENUE

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

15. Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b). On information and belief, each defendant has a regular and established place of business in this district, has transacted business in this district, and/or has committed, contributed to, and/or induced acts of patent infringement in this district.

16. On information and belief, each defendant is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

COUNT I

INFRINGEMENT OF U.S. PATENT NO. 7,035,598

17. Lochner incorporates paragraphs 1-17 above as if fully repeated and restated herein.

18. Lochner is the owner by assignment of United States Patent No. 7,035,598 (the "'598 patent") entitled "Modular Computer System." The '598 patent issued on April 25, 2006 to inventors Scott Lochner and Meir Bartur. A true and correct copy of the '598 patent is attached as Exhibit A.

19. Each defendant has been and now is jointly and indirectly infringing by way of inducing infringement by others and/or contributing to the infringement by others of the '598 patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, making, using, importing, offering for sale, and/or selling, without license or authority, products for use in systems that fall within the scope of one or more claims of the '598 patent. Such products include, without limitation, wireless thin clients or wireless zero clients. Such products are for use in systems that infringe at least claims 1 and 12, and likely other claims, of the '598 patent. By making, using, importing, offering for sale, and/or selling such products, each defendant has injured Lochner and is thus liable to Lochner for infringement of the '598 patent under 35 U.S.C. § 271. Those whom each defendant induces to infringe and/or whose infringement to which each defendant contributes are the end users of the above-referenced products. Each defendant had knowledge of the '598 patent at least as early as the filing of the original complaint and is thus liable for infringement of one or more claims of the '598 patent by actively inducing infringement and/or is liable as a contributory infringer of one or more claims of the '598 patent under 35 U.S.C. § 271.

20. As a result of each defendant's infringement of the '598 patent, Lochner has suffered monetary damages to its goodwill, as well as lost profits, and the '598 patent has suffered monetary damages to its value, in an amount not yet determined, and will continue to suffer damages in the future unless each defendant's infringing activities are enjoined by this Court.

21. Unless a permanent injunction is issued enjoining each defendant and its agents, servants, employees, attorneys, representatives, affiliates, and all others acting on its behalf from

infringing the '598 patent, both Lochner and the '598 patent will be greatly and irreparably harmed.

PRAYER FOR RELIEF

WHEREFORE, Lochner respectfully requests that this Court enter:

A. A judgment in favor of Lochner that each defendant has infringed, directly and/or indirectly, by way of inducing and/or contributing to the infringement of the '598 patent, and that such infringement was willful;

B. A permanent injunction enjoining each defendant and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in concert or privity with it from infringing, inducing the infringement of, or contributing to the infringement of the '598 patent;

C. A judgment and order requiring each defendant to pay Lochner its damages, costs, expenses, and prejudgment and post-judgment interest for the defendant's infringement of the '598 patent as provided under 35 U.S.C. § 284;

D. An award to Lochner for enhanced damages resulting from the knowing, deliberate, and willful nature of each defendant's prohibited conduct, with notice being made at least as early as the date of the filing of this Complaint, as provided under 35 U.S.C. § 284;

E. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Lochner its reasonable attorneys' fees; and

F. Any and all other relief to which Lochner may show itself to be entitled.

DEMAND FOR JURY TRIAL

Lochner demands a trial by jury on all issues so triable.

Respectfully submitted,

Dated: July 18, 2011

/s/ Bruce D. Kuyper

Marc A. Fenster
California State Bar No. 181067
E-mail: mfenster@raklaw.com
Bruce D. Kuyper
California State Bar No. 144969
Email: bkuyper@raklaw.com
Adam Hoffman
California State Bar No. 218740
Email: ahoffman@raklaw.com
RUSS AUGUST & KABAT
12424 Wilshire Boulevard, 12th Floor
Los Angeles, California 90025
Telephone: 310-826-7474
Facsimile: 310-826-6991

William Ellsworth Davis, III
Texas State Bar No. 24047416
Email: bdavis@bdavisfirm.com
THE DAVIS FIRM, PC - LONGVIEW
111 West Tyler Street
Longview, TX 75601
Telephone: 903-230-9090
Facsimile: 903-230-9661

Attorneys for Plaintiff,
Lochner Technologies, LLC

CERTIFICATE OF SERVICE

I hereby certify that the counsel of record who are deemed to have consented to electronic service are being served on July 18, 2011 with a copy of this document via the Court's CM/ECF system in accordance with Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

Dated: July 18, 2011

/s/ Bruce D. Kuyper _____
Bruce D. Kuyper