

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO

QUANTUM ELECTRONICS LTD and)
SANFORD A. BURRIS)

Plaintiffs,)

v.)

C B HOME DETENTION EQUIPMENT)
& SERVICES, INC.,)

WALTER H. FREDERICK,)

CHRISTINA M. MILLER,)

QUALTECH TECHNOLOGIES, INC. and)

OHIO HOUSE MONITORING)

SERVICES, INC.)

Defendants.)

CASE NO.:

JUDGE:

COMPLAINT

Plaintiffs, Quantum Electronics Ltd (“Quantum”) and Sanford A. Burris (“Burris”), for their Complaint alleges as follows:

THE PARTIES

1. Plaintiff Quantum is an Ohio limited liability company having its principal place of business located at 36600 Lakeland Blvd., Unit B, Eastlake, Ohio 44095.

2. Plaintiff Burris is an individual who resides in Lake County, Ohio.

3. Defendant C B Home Detention Equipment & Services, Inc. (“C B Home Detention”) is an Ohio corporation with a principal place of business and/or mailing address located at PO Box 29307, Cleveland, Ohio 44129. C.B. Home Detention transacts business in this judicial district.

4. Defendant Walter Frederick (“Frederick”) is a resident of the state of Ohio and transacts business in this judicial district.

5. Defendant Christina M. Miller (“Miller”) is a resident of the state of Ohio and transacts business in this judicial district.

6. Defendant Qualtech Technologies, Inc. (“Qualtech”) is an Ohio corporation having a principal place of business 1685 Joseph Lloyd Parkway, Willoughby, OH 44094. Qualtech transacts business in this judicial district.

7. Defendant Ohio House Monitoring Services, Inc. (“Ohio House”) is an Ohio corporation having a principal place of business at 11 Lincoln Way, Massillon, Ohio 44647 and is doing business in this judicial district.

JURISDICTION AND VENUE

8. This action arises under the patent laws of the United States, 35 U.S.C. §271, et seq. and copyright laws of the United States 17 U.S.C. §501, et seq. This Court has jurisdiction over this matter as provided for under 28 U.S.C. §§1331 and 1338(a).

9. Venue is proper before this Court pursuant to 28 U.S.C. §1391(b), (c) and §1400(b).

COUNT I

PATENT INFRINGEMENT

10. Quantum is the owner of and has exclusive title to, U.S. Patent No. 7,750,815 (the “815 Patent”).

11. C B Home Detention, Frederick, Miller and Ohio House are engaged in the use, offer for sale and sale of the Tattle TaleTM alcohol sensing house arrest bracelet (“Tattle TaleTM bracelet”).

12. Qualtech is engaged in the manufacture, use, offer for sale and sale of the Tattle Tale™ bracelet.

13. Defendants, through their manufacture, use, offer for sale and sale of the Tattle Tale™ bracelet and other products, infringe one or more claims of the '815 Patent.

14. Defendants, through their manufacture, use, offer for sale and sale of the Tattle Tale™ bracelet and other products, actively induce the infringement by others of one or more claims of the '815 Patent.

15. Defendants, through their manufacture, use, offer for sale, and sale of the Tattle Tale™ bracelet and other products are liable as contributory infringers of one or more claims of the '815 Patent.

16. Defendants have notice and/or were provided with notice of the '815 Patent by Plaintiffs; however, but Defendants have continued to infringe, induce infringement of, and contribute to the infringement of, one or more claims of the '815 Patent after the provision of notice.

17. The acts of infringement of Defendants are willful.

18. Quantum has been damaged in the past and continues to suffer damage as a result of the acts of infringement of Defendants.

19. The acts of infringement of Defendants have caused irreparable harm to Quantum, and will continue to cause irreparable harm to Quantum unless enjoined.

COUNT II

COPYRIGHT INFRINGEMENT

20. Incorporating all prior allegations, Quantum is the owner of and has exclusive title to, U.S. Copyright Nos. TXu001600414 and TXu001600417; and V3590D448 (“Copyrights”).

21. Defendants, through their manufacture, use, offer for sale and sale of the Tattle Tale™ bracelet and other products, infringe the Copyrights.

22. Defendants, through their manufacture, use, offer for sale and sale of the Tattle Tale™ bracelet and other products, actively induce the infringement by others of the Copyrights.

23. Defendants, through their manufacture, use, offer for sale, and sale of the Tattle Tale™ bracelet and other products are liable as contributory infringers of the Copyrights.

24. Defendants have notice and/or were provided with notice of the Copyrights by Plaintiffs; however, but Defendants have continued to infringe, induce infringement of, and contribute to the infringement of the Copyrights after the provision of notice.

25. The acts of infringement of Defendants are willful.

26. Quantum has been damaged in the past and continues to suffer damage as a result of the acts of infringement of Defendants.

27. The acts of infringement of Defendants have caused irreparable harm to Quantum, and will continue to cause irreparable harm to Quantum unless enjoined.

COUNT III

PATENT INVALIDATION

28. Incorporating all prior allegations, Frederick and Miller claim to be the owners of and have exclusive title to, U.S. Patent No. D571,249 (the “249 Patent”).

29. Frederick and Miller were the applicants for the ‘249 Patent and were listed as the only inventors thereon.

30. Burris is the sole and/or joint inventor for the '249 Patent and was never listed in the application or stated on the issued patent.

31. The '249 Patent was wrongfully obtained by Frederick and Miller other than the person entitled, who was Burris.

32. Frederick and Miller have notice and/or were provided with notice of the rights of Burris as inventor of the '249 Patent, but said Defendants have refused to recognize those rights.

33. The acts of Frederick and Miller denying Burris' rights as an inventor to the '249 Patent are willful.

34. Burris has been damaged in the past and continues to suffer damages as a result of the acts of denial of his rights by Frederick and Miller.

35. The acts of Frederick and Miller have caused irreparable harm to Burris, and will continue to cause irreparable harm to Burris unless the '249 Patent is invalidated.

WHEREFORE, Plaintiffs request that this Court:

- A. Preliminarily and permanently enjoin Defendants from manufacturing, using, offering for sale, and selling any products, including the Tattle TaleTM bracelet, which infringe, induce or contribute to the infringement of, any of the claims of the '815 Patent;
- B. Preliminarily and permanently enjoin Defendants from manufacturing, using, offering for sale, and selling any products, including the Tattle TaleTM bracelet, which infringe, induce or contribute to the infringement of the Copyrights;
- C. Invalidate the '249 Patent;
- D. Award Plaintiffs all damages caused by the acts of infringement of Defendants;

- E. Award Plaintiffs increased damages pursuant to 35 U.S.C. §284 and 17 U.S.C. §504;
- F. Award Plaintiffs their attorneys' fees incurred in this action pursuant to 35 U.S.C. §285 and 17 U.S.C. §505;
- G. Award Plaintiffs their costs of suit; and
- H. Grant Plaintiffs such other relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Fed. R. Civ. P. 38(b) and N.D. Ohio Civ. R. 38.1, Plaintiff hereby demands a jury trial on all issues so triable.

/Robert D. Wilson/

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