

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

TIDEL ENGINEERING, L.P.,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil Action No. 2:07-CV-435
	§	
FIRE KING SECURITY PRODUCTS, LLC,	§	
	§	
Defendant.	§	Jury Trial Demanded

COMPLAINT

Plaintiff Tidel Engineering, L.P. (“Plaintiff”) files this Complaint for patent infringement against Defendant Fire King Security Products, LLC (“Defendant”) and requests a jury trial.

PARTIES

1. Plaintiff Tidel Engineering, L.P. is a Texas limited partnership with its principal place of business at 2025 W. Beltline Road, Suite 114, Carrollton, Texas 75006.
2. Defendant Fire King Security Products, LLC is an Indiana limited liability company with its principal place of business at 101 Security Parkway, New Albany, Indiana 47150.

JURISDICTION AND VENUE

3. This cause of action arises under the United States patent laws, Title 35 of the United States Code. Plaintiff requests that this Court adjudge Plaintiff’s U.S. Patent No. 5,813,510 (“the ‘510 patent”) to be infringed by Defendant, and Plaintiff requests that this Court adjudge Plaintiff’s U.S. Patent No. 5,742,034 (“the ‘034 patent”) to be infringed by Defendant. This Court has original subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338.

4. This Court has personal jurisdiction over Defendant because the Defendant does business within the State of Texas and in the Eastern District of Texas.

5. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b)-(c) and 1400 because a substantial part of the events or omissions giving rise to the claims occurred in this District, the Defendant is subject to personal jurisdiction in the Eastern District of Texas and/or the Defendant resides in this District.

FACTUAL BACKGROUND

COUNT I

Infringement of U.S. Patent No. 5,813,510

6. Plaintiff hereby repeats and realleges the allegations in the above paragraphs as if fully set forth herein.

7. Plaintiff is the owner of, and has the right to sue in its own name on, United States Patent 5,813,510 (“the ‘510 patent”), which issued on September 29, 1998 and is attached as Exhibit A. The maintenance fees for the ‘510 patent have been timely paid, and the ‘510 patent has not been invalidated or found to be unenforceable in any prior proceeding or process.

8. Defendant has directly, indirectly, and/or contributorily infringed the ‘510 patent by manufacturing, using, selling, offering for sale and/or importing into the United States products covered by the ‘510 patent, and have induced and/or contributed to the infringement of the ‘510 patent by others in the United States and within this District, and will continue to do so unless enjoined by this Court. For example, and without limitation, Defendant has made, used, sold, offered for sale and/or imported the D8V2 Autobank Cash Handling Safe which is covered by one or more claims of the ‘510 patent, including but not limited to Claim 1 of the ‘510 patent.

9. Upon information and belief, Defendant's acts of infringement of the '510 patent have been willful and in deliberate disregard of the '510 patent, which among other factors, makes this an exceptional case under 35 U.S.C. § 285.

10. Plaintiff has been damaged by Defendant's infringement and will be irreparably injured unless the infringement is enjoined, both preliminarily and permanently, by this Court as provided by 35 U.S.C. § 283.

COUNT II
Infringement of U.S. Patent No. 5,742,034

11. Plaintiff hereby repeats and realleges the allegations in the above paragraphs as if fully set forth herein.

12. Plaintiff is the owner of, and has the right to sue in its own name on, United States Patent 5,742,034 ("the '034 patent"), which issued on April 21, 1998 and is attached as Exhibit B. The maintenance fees for the '034 patent have been timely paid, and the '034 patent has not been invalidated or found to be unenforceable in any prior proceeding or process.

13. Defendant has directly, indirectly, and/or contributorily infringed the '034 patent by manufacturing, using, selling, offering for sale and/or importing into the United States products covered by the '034 patent, and have induced and/or contributed to the infringement of the '034 patent by others in the United States and within this District, and will continue to do so unless enjoined by this Court. For example, and without limitation, Defendant has made, used, sold, offered for sale and/or imported the V1 and V2 Series Bill Validating Safes which are covered by one or more claims of the '034 patent, including but not limited to Claims 1, 5 and 9 of the '034 patent and the D8/V2 Combination safe in connection with other V1 and/or V2 units which are covered by one or more claims of the '034 patent, including but not limited to Claims 5 and 9 of the '034 patent.

14. Upon information and belief, Defendant's acts of infringement of the '034 patent have been willful and in deliberate disregard of the '034 patent, which among other factors, makes this an exceptional case under 35 U.S.C. § 285.

15. Plaintiff has been damaged by Defendant's infringement and will be irreparably injured unless the infringement is enjoined, both preliminarily and permanently, by this Court as provided by 35 U.S.C. § 283.

COUNT III
Declaration of Exceptional Case

16. Plaintiff hereby repeats and realleges the allegations in the above paragraphs as if fully set forth herein.

17. This case is exceptional under 35 U.S.C. § 285, and Plaintiff is entitled to an award of its attorneys' fees, costs, and expenses related to the adjudication of this case.

Jury Demand

Plaintiff demands a trial by jury on all issues so triable, including pursuant to Federal Rule of Civil Procedure 38.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that:

- (i) The Court find and enter a judgment declaring that Defendant infringed the '510 patent;
- (ii) The Court find and enter a judgment that Defendant has willfully infringed the '510 patent;
- (iii) The Court to enter preliminary and permanent injunctions preventing Defendant from making, using, offering to sell or selling within the United States or importing into the United States any product covered by the '510 patent;

- (iv) The Court find and enter a judgment declaring that Defendant infringed the '034 patent;
- (v) The Court find and enter a judgment that Defendant has willfully infringed the '034 patent;
- (vi) The Court to enter preliminary and permanent injunctions preventing Defendant from making, using, offering to sell or selling within the United States or importing into the United States any product covered by the '034 patent;
- (vii) The Court declare this case exceptional under 35 U.S.C. § 285 against Defendants;
- (viii) The Court award Plaintiff its damages resulting from Defendant's infringement and willful infringement of the '510 patent;
- (ix) The Court award Plaintiff its damages resulting from Defendant's infringement and willful infringement of the '034 patent;
- (x) The Court award Plaintiff its attorneys' fees, expenses, and costs against Defendant;
- (xi) The Court award Plaintiff pre-judgment and post-judgment interest on all damages, attorneys' fees, expenses, and costs awarded to Plaintiff; and
- (xii) The Court award Plaintiff such other and further relief as it deems just and proper.

Dated: September 28, 2007

Respectfully submitted,

/s/ Charles E. Phipps

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**ATTORNEYS FOR PLAINTIFF
TIDEL ENGINEERING, L.P.**