

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

JOHN B. ADRAIN,

Plaintiff,

vs.

TANNERY CREEK SYSTEMS INC.;
and CITYSYNC, LTD.,

Defendants.

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Case No. 2:09-cv-326

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff John B. Adrain (“Adrain”) brings this action against defendants Tannery Creek Systems Inc. (“Tannery Creek”), and CitySync, Ltd. (“CitySync”), and alleges:

THE PARTIES

1. Adrain is an individual residing in Spokane County, Washington. Adrain is the inventor of and owns the entire right, title, and interest in the patent at issue in this case.

2. On information and belief, Tannery Creek is a registered corporation organized and existing under the laws of Canada, having a principal place of business and having a registered office for purposes of service of process at 160 Applewood Crescent, Unit 5B, Vaughan, Ontario, Canada L4K 4H2. Tannery Creek is doing business in Texas and elsewhere in the United States.

3. On information and belief, CitySync is a registered corporation organized and existing under the laws of the United Kingdom, having a principal place of business at Turpin Court, 124A Great North Road, Harfield-Herts, AL9 5JN, United Kingdom. CitySync has designated its registered agent for purposes of service of process as W. Carl Glaw, 1900 West Loop South, Suite

1150, Houston, Texas 77027-3222. CitySync is doing business in Texas and elsewhere in the United States.

JURISDICTION AND VENUE

4. This is an action for patent infringement arising under the provisions of the Patent Laws of the United States of America, Title 35, United States Code.

5. Subject-matter jurisdiction over Adrain's claims are conferred upon this Court by 28 U.S.C. §§ 1331 and 1338(a).

6. On information and belief, defendants have solicited business in the state of Texas, transacted business within the state of Texas, and attempted to derive financial benefit from residents of the state of Texas, including benefits directly related to the instant patent infringement cause of action set forth herein.

7. On information and belief, defendants have each made, used, sold, offered for sale and/or imported infringing image monitoring systems and/or devices, including license plate recognition systems and/or devices and/or mobile digital chalking enforcement systems and/or devices, and/or have each placed such infringing systems and/or devices into the stream of commerce throughout the United States, which systems and/or devices have been made, offered for sale, sold, and/or used in the State of Texas and/or in the Eastern District of Texas. This Court therefore has personal jurisdiction over each Defendant.

8. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(d) and/or 1400(b).

PATENT INFRINGEMENT

9. On November 3, 1998, U.S. Patent No. 5,831,669 ("the '669 patent"), entitled "Facility Monitoring System with Image Memory and Correlation," a copy of which is attached

hereto as Exhibit A, was duly and legally issued to the inventor, John B. Adrain. Adrain owns all right, title and interest in the '669 patent, including the right to sue for and recover all past, present and future damages for infringement of the '669 patent.

10. The '669 patent is presumed valid.

11. Upon information and belief, defendants, either alone or in conjunction with others, have in the past and continue to infringe, contribute to infringement, and/or induce infringement of the '669 patent by making, using, selling, offering to sell, and/or importing, and/or causing others to make, use, sell, or offer to sell, and/or import, in this judicial district and/or elsewhere in the United States, image recognition systems and/or devices, including license plate recognition systems and/or devices and/or mobile digital chalking enforcement systems and/or devices, that are covered by one or more of the claims of the '669 patent.

12. Defendants are each liable for infringement of the '669 patent pursuant to 35 U.S.C. § 271.

13. Adrain previously notified defendant CitySync of the '669 patent. Despite such notification, CitySync has continued its infringement of the '669 patent. On information and belief, defendant CitySync's infringement of the '669 patent has therefore been with notice and knowledge of the patent and has been willful and deliberate.

14. Defendants Tannery Creek's and CitySync's acts of infringement have caused damage to Adrain, and Adrain is entitled to recover from defendants Tannery Creek and CitySync the damages sustained by Adrain as a result of defendants Tannery Creek's and CitySync's wrongful acts in an amount subject to proof at trial.

15. As a consequence of the infringement complained of herein, Adrain has been irreparably damaged to an extent not yet determined and will continue to be irreparably damaged by such acts in the future unless defendants are enjoined by this Court from committing further acts of infringement.

PRAYER FOR RELIEF

WHEREFORE, Adrain prays for entry of judgment that:

A. Defendants have infringed, contributed to infringement of, and/or induced infringement of the '669 patent;

B. Defendant CitySync's infringement, contributory infringement and/or induced infringement of the '669 patents has been willful and deliberate;

C. Defendants Tannery Creek and CitySync account for and pay to Adrain all damages caused by their respective infringement of the '669 patent;

D. The Court increase the amount of damages with respect to defendant CitySync's infringement to three times the amount found or assessed by the Court because of the willful and deliberate nature of the infringement, in accordance with 35 U.S.C. § 284;

E. Adrain be granted permanent injunctive relief pursuant to 35 U.S.C. § 283 enjoining defendants Tannery Creek and CitySync, and their officers, agents, servants, employees and those persons in active concert or participation with them from further acts of patent infringement;

F. Adrain be granted pre-judgment and post-judgment interest on the damages caused to it by reason of the defendants' patent infringement;

G. The Court declare this an exceptional case and that Adrain be granted his reasonable attorneys' fees in accordance with 35 U.S.C. § 285;

H. Costs be awarded to Adrain; and,

I. Adrain be granted such other and further relief as the Court may deem just and proper under the circumstances.

DEMAND FOR JURY TRIAL

Adrain demands trial by jury on all claims and issues so triable.

Respectfully submitted,

Dated: October 20, 2009

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