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UNITED STATES DISTRICT COURT
DISTRICT OF IDAHO

PAKSENSE, INC.,)	
)	Case No.
Plaintiff,)	
vs.)	COMPLAINT FOR PATENT
)	INFRINGEMENT AND DEMAND FOR
QA SUPPLIES, LLC; and TEMPSSEN,)	JURY TRIAL
ELECTRONIC COMPANY,)	
)	
Defendants.)	
)	

Plaintiff PakSense, Inc. (“PakSense”) brings this action for infringement of U.S. Patent Numbers 7,248,147; 7,532,106 and 7,675,424 (“the patents”) in violation of 35 U.S.C. § 271. Plaintiff alleges the following facts upon actual knowledge with respect to themselves and upon information and belief as to all other matters.

THE PARTIES

1. Plaintiff PakSense is a corporation organized and existing under the laws of the State of Idaho.

2. Upon information and belief, Defendant QA Supplies LLC (“QA Supplies”) is a Virginia limited liability corporation, with its principal place of business at 1185 Pineridge Road, Norfolk, VA 23502.

3. Upon information and belief, Defendant TempSen Electronics Company (“TempSen”) is a foreign corporation organized and existing under the laws of the People’s Republic of China, with its principal place of business located in China.

4. Defendants are providers and/or manufacturers of, among other things, aftermarket temperature sensing devices for the food industry.

5. Defendants do business in this District and elsewhere by making, using, selling, and/or offering for sale temperature sensing devices that are the subject of this action in this District.

JURISDICTION AND VENUE

6. This is an action for patent infringement arising under the Patent Laws of the United States, particularly 35 U.S.C. §§ 271 and 281 and 285. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338.

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

8. On July 24, 2007, the United States Patent and Trademark Office issued U.S. Patent No. 7,248,147 (“the ‘147 patent”). A true copy of the ‘147 patent is attached as **Exhibit 1**.

9. The United States Patent and Trademark Office issued U.S. Patent No. 7,248,147 with 8 claims.

10. On May 12, 2009, the United States Patent and Trademark Office issued U.S. Patent No. 7,532,106 (“the ‘106 patent”). A true copy of the ‘106 patent is attached as **Exhibit 2**. The ‘106 patent issued with 22 claims.

11. On March 9, 2010, the United States Patent and Trademark Office issued U.S. Patent No. 7,675,424 (“the ‘424 patent”). A true copy of the ‘424 patent is attached as **Exhibit 3**. The ‘424 patent issued with 20 claims.

COUNT ONE – INFRINGEMENT OF THE ‘147 PATENT

12. Plaintiff PakSense re-alleges and incorporates by reference 1-11 above

13. Plaintiff PakSense is the owner of all right, title, and interest in the ‘147 patent.

14. Defendants QA Supplies, LLC and TempSen infringed and continue to infringe the ‘147 patent under 35 U.S.C. § 271 by making, using, offering to sell, or selling in the United States, and/or by importing into the United States, without authorization, certain devices such as the TempSen ITAG product. Further, Defendants QA and TempSen have infringed and continue to infringe the ‘147 patent under 35 U.S.C. § 271 by contributing to infringement of that patent by others, and/or inducing others to infringe that patent

15. As a result of Defendants’ infringement of the ‘147 patent, Plaintiff PakSense has been damaged and will continue to be damaged unless such infringement is enjoined by this Court.

16. Pursuant to 35 U.S.C. § 284, Plaintiff PakSense is entitled to damages adequate to compensate for infringement, including, *inter alia*, a reasonable royalty.

17. Defendants QA Supplies and TempSen had knowledge of and were on notice of the '147 patent before the date that Defendants sold or offered for sale or manufactured an infringing article.

18. Defendants' infringement of the '147 patent has been and is willful, and renders this case exceptional.

COUNT TWO – INFRINGEMENT OF THE '106 PATENT

19. Plaintiff PakSense re-alleges and incorporates by reference 1-18 above.

20. Plaintiff PakSense is the owner of all right, title, and interest in the '106 patent.

21. Defendants have infringed and continue to infringe the '106 patent under 35 U.S.C. § 271 by making, using, offering to sell, or selling in the United States, and/or by importing into the United States, without authorization, certain devices such as the TempSen ITAG product. Further, Defendants have infringed and continue to infringe the '106 patent under 35 U.S.C. § 271 by contributing to infringement of that patent by others, and/or inducing others to infringe that patent.

22. As a result of Defendants' infringement of the '106 patent, Plaintiff PakSense has been damaged and will continue to be damaged unless such infringement is enjoined by this Court.

23. Pursuant to 35 U.S.C. § 284, Plaintiff PakSense is entitled to damages adequate to compensate for infringement, including, *inter alia*, a reasonable royalty.

24. Defendants had knowledge of and were on notice of the '106 patent before the date that Defendants sold or offered for sale or manufactured an infringing article.

25. Defendants' infringement of the '106 patent has been and is willful, and renders this case exceptional.

COUNT THREE INFRINGEMENT OF THE '424 PATENT

26. Plaintiff PakSense re-alleges and incorporates by reference 1-25 above.

27. Plaintiff PakSense is the owner of all right, title, and interest in the '424 patent.

28. Defendants have infringed and continue to infringe the '424 patent under 35 U.S.C. § 271 by making, using, offering to sell, or selling in the United States, and/or by importing into the United States, without authorization, certain devices such as the TempSen ITAG product. Further, Defendants have infringed and continue to infringe the '424 patent under 35 U.S.C. § 271 by contributing to infringement of that patent by others, and/or inducing others to infringe that patent.

29. As a result of Defendants' infringement of the '424 patent, Plaintiff PakSense has been damaged and will continue to be damaged unless such infringement is enjoined by this Court.

30. Pursuant to 35 U.S.C. § 284, Plaintiff PakSense is entitled to damages adequate to compensate for infringement, including, *inter alia*, a reasonable royalty.

31. Defendants had knowledge of and were on notice of the '424 patent before the date that Defendants sold or offered for sale or manufactured an infringing article.

32. Defendants' infringement of the '424 patent has been and is willful, and renders this case exceptional.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff PakSense prays that the Court enter a judgment against Defendants QA Supplies LLC and TempSen as follows:

- A. A decree that Defendants have infringed the '147, '106 and '424 patents;
- B. A permanent injunction restraining Defendants QA Supplies and TempSen, their officers, directors, agents, employees, representatives, distributors, servants, attorneys and all persons in active concert or participation with them from further acts of infringement of the '147, '106 and '424 patents, pursuant to 35 U.S.C. § 283;
- C. An award of damages against Defendants QA Supplies and TempSen sufficient to compensate Plaintiff PakSense for Defendants' infringement of the '147, '106 and '424 patents in an amount not less than a reasonable royalty, pursuant to 35 U.S.C § 284;
- D. An award of treble the damages, pursuant to 35 U.S.C § 284;
- E. An award of prejudgment interest, pursuant to 35 U.S.C § 284, from the date of each act of infringement of the '147, '106 and '424 patents by Defendants QA Supplies and TempSen to the day a damages judgment is entered, and a further award of post-judgment interest, pursuant to 28 U.S.C. § 1961, continuing until such judgment is paid;
- F. An award of reasonable attorneys' fees against Defendants QA Supplies and TempSen, pursuant to 35 U.S.C. § 285, and Plaintiff PakSense's costs of suit against Defendants, pursuant to 35 U.S.C. § 284, based upon Defendants' willful infringement of the '147, '106 and '424 patents; and

G. Such other and further relief as this Court deems just and appropriate.

DATED THIS 28th day of June, 2010.

HAWLEY TROXELL ENNIS & HAWLEY LLP

By /s/
Stephen C. Smith, ISB No. 7336
Attorneys for Plaintiff PakSense, Inc.