



Sean D. Garrison (#014436)
Shahpar Shahpar (#019591)
LEWIS AND ROCA LLP
40 North Central Avenue
Phoenix, Arizona 85004-4429
Facsimile (602) 734-3939
Telephone (602) 262-5311
Email: SGarrison@LRLaw.com
SShahpar@LRLaw.com
Attorneys for Plaintiff PatchLink Corporation

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

PatchLink Corporation, a Delaware
corporation

Plaintiff,

v.

Shavlik Technologies, LLC, a Minnesota
corporation,

Defendant.

No.

**COMPLAINT AND DEMAND
FOR JURY TRIAL**

NATURE OF THE ACTION

1. This is a civil action for infringement of a patent arising under the laws of the United States relating to patents, including 35 U.S.C. § 281.

SUBJECT MATTER JURISDICTION

2. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this civil action arises under the laws of the United States and because this civil action arises under an Act of Congress relating to patents.

PARTIES

3. Plaintiff PatchLink Corporation ("PatchLink") is a corporation organized and existing under the laws of Delaware, with a place of business at 8515 East Anderson

1 Drive, Scottsdale, Arizona 85255.

2 4. Upon information and belief, defendant Shavlik Technologies, LLC
3 (“Shavlik”) is a limited liability company organized and existing under the laws of the
4 State of Minnesota, with a place of business at Rosedale Corporate Plaza, 2665 Long Lake
5 Road, Suite 400, Roseville, MN 55113.

6 5. Upon information and belief, Shavlik manufactures and sells patch
7 management products.

8 6. Upon information and belief, Shavlik’s patch management products have
9 been used, sold, offered for sale in, and/or imported into the United States, including in
10 Arizona.

11 7. This Court has personal jurisdiction over Shavlik as a result of Shavlik’s
12 activities conducted within and directed at the State of Arizona.

13 8. Upon information and belief, venue for this civil action in this judicial
14 district is proper under 28 U.S.C. §§ 1391 and 1400.

15 **First Count**
16 **(Patent Infringement)**

17 9. United States Letters Patent No. 6,990,660 (“the ‘660 patent”) issued on
18 January 24, 2006, to Sean Moshir, Christopher A. H. Andrew, Jack Lee Hudler, Leon Li,
19 Jonathan M. Gordon, Michael Bacon, Noah Williams, Jonathan Lane, James J. Horton,
20 and Dan Ferguson. A copy of the ‘660 patent, entitled “Non-invasive automatic offsite
21 patch fingerprinting and updating system and method”, is attached hereto as Exhibit A.

22 10. PatchLink is the owner by assignment of the ‘660 patent.

23 11. Upon information and belief, Shavlik has directly infringed, induced
24 infringement of, and/or contributed to infringement of one or more claims of the ‘660
25 patent, both literally and under the doctrine of equivalents, by making, using, offering for
26 sale, selling, and/or importing unlicensed patch management products into the United
States, including but not limited to products entitled Shavlik Security Agents™, Shavlik

1 HFNetChkPro™, and Shavlik HFNetChkProPlus™.

2 12. Shavlik had knowledge of the '660 patent before the filing of this suit and at
3 least as early as September 11, 2006.

4 13. Upon information and belief, the infringement by Shavlik has been
5 deliberate and willful.

6 **PRAYER FOR RELIEF**

7 **WHEREFORE**, Plaintiff PatchLink respectfully prays that judgment be entered:

8 A. declaring that Shavlik has infringed the '660 patent;

9 B. declaring that Shavlik's infringement of the '660 patent has been deliberate
10 and willful;

11 C. preliminarily and permanently enjoining Shavlik, its officers, agents,
12 servants, employees, and attorneys, and those persons in active concert or participation
13 with it from infringement of the '660 patent;

14 D. compensating Plaintiff for all damages caused by Shavlik's infringement of
15 the '660 patent;

16 E. enhancing Plaintiff's damages up to three times their amount pursuant to
17 35 U.S.C. § 284;

18 F. granting Plaintiff pre- and post-judgment interest on its damages, together
19 with all costs and expenses;

20 G. granting Plaintiff reasonable attorney fees pursuant to 35 U.S.C. § 285; and

21 H. awarding such other relief as this Court may deem just and proper.

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DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury on all claims.

DATED this 4th day of January 2007.

LEWIS AND ROCA LLP

By: /s/ Sean D. Garrison

Sean D. Garrison

Shahpar Shahpar

Attorneys for Plaintiff