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FILED '06 MAY 10 14:39 USDC-ORE

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Attorneys for Plaintiff PSC Scanning, Inc.

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

PSC SCANNING, INC., a Delaware
corporation;

Case No. *06-6102-TC*

Plaintiff,

**COMPLAINT FOR PATENT
INFRINGEMENT**

v.

Demand For Jury Trial

METROLOGIC INSTRUMENTS, INC., a
New Jersey corporation;

Defendant.

Plaintiff PSC Scanning, Inc. ("PSC"), for its Complaint against Metrologic Instruments,
Inc. ("Metrologic"), alleges as follows:

600061408

NATURE OF ACTION

1. This is an action for patent infringement arising under the patent laws of the United States, Title 35, United States Code, §§ 100 et seq.

PARTIES

2. Plaintiff PSC is a Delaware corporation, having its principal place of business at 959 Terry Street, Eugene, Oregon, 97402.

3. Upon information and belief, defendant Metrologic is a New Jersey corporation, having its principal place of business at 90 Coles Road, Blackwood, New Jersey, 08012.

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1332, and 1338(a).

5. This Court has personal jurisdiction over Metrologic because, on information and belief, Metrologic has transacted and solicited business in the State of Oregon, has offered for sale and/or sold infringing articles in Oregon, and/or has induced the offer for sale, sale or use of infringing articles in Oregon.

6. Venue in this district is proper under 28 U.S.C. §§ 1391(c) and 1400(b).

BACKGROUND

7. Metrologic and PSC are competitors in the bar code scanning equipment business.

8. PSC makes and sells a wide range of high quality bar code scanning products, which are described at www.psc.com.

9. Metrologic makes and sells bar code scanning products, including the Stratos® bioptic line of scanners. The Stratos line (“the Accused Products”) includes versions that are capable of scanning six sides of a target object (e.g., the MS2122 and the MS232x series) and

one or more versions that are capable of scanning five sides of a target object (e.g., the MS2200 series).

COUNT 1

10. PSC incorporates the allegations set forth in Paragraphs 1-9 above as if fully set forth herein.

11. U.S. Patent No. 6,974,084 (“the ‘084 Patent”) was duly and legally issued on Dec. 13, 2005. PSC Scanning, Inc. is the owner of all rights, title, and interest in the ‘084 Patent, including the right to collect past damages. A true and accurate copy of the ‘084 Patent is attached as Exhibit A.

12. Metrologic has infringed and continues to infringe the ‘084 Patent, in violation of 35 U.S.C. § 271(a), by making, using, selling, offering for sale, and/or importing infringing products, including the Accused Products, without authority or license.

13. Metrologic has infringed and continues to infringe the ‘084 Patent, in violation of 35 U.S.C. § 271(b), by inducing others to use infringing products, including the Accused Products, without authority or license.

14. On information and belief, Metrologic’s infringement of the ‘084 Patent is willful.

15. Metrologic’s infringement of the ‘084 Patent has caused damage and irreparable harm to PSC and PSC will continue to suffer both damages and irreparable harm unless Metrologic is enjoined by this Court from further acts of infringement.

COUNT 2

16. PSC incorporates the allegations set forth in Paragraphs 1-9 above as if fully set forth herein.

17. U.S. Patent No. 6,991,169 (“the ‘169 Patent”) was duly and legally issued on January 31, 2006. PSC Scanning, Inc. is the owner of all rights, title, and interest in the ‘169

Patent, including the right to collect past damages. A true and accurate copy of the '169 Patent is attached as Exhibit B.

18. Metrologic has infringed and continues to infringe the '169 Patent, in violation of 35 U.S.C. § 271(a), by making, using, selling, offering for sale, and/or importing infringing products, including the Accused Products, without authority or license.

19. Metrologic has infringed and continues to infringe the '169 Patent, in violation of 35 U.S.C. § 271(b), by inducing others to use infringing products, including the Accused Products, without authority or license.

20. On information and belief, Metrologic's infringement of the '169 Patent is willful.

21. Metrologic's infringement of the '169 Patent has caused damage and irreparable harm to PSC and PSC will continue to suffer both damages and irreparable harm unless Metrologic is enjoined by this Court from further acts of infringement.

WHEREFORE, PSC prays as follows:


1. Enter judgment that Metrologic has infringed the '084 and '169 Patents;
2. Enter judgment that Metrologic's acts of patent infringement are willful;
3. Preliminarily and permanently enjoin Metrologic, its officers, subsidiaries, agents, servants, employees, and all persons in active concert with any of them, from any further infringement of the '084 and '169 Patents;
4. Award actual and enhanced damages, costs, and prejudgment interest to PSC under 35 U.S.C. § 284;
5. Declare this case exceptional and award PSC its reasonable attorneys' fees pursuant to 35 U.S.C. § 285; and
6. Award PSC such other relief as this Court deems just and proper.

DEMAND FOR JURY TRIAL

PSC hereby demands a trial by jury on all counts of this complaint.

DATED: May 10, 2006.

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By 

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