

FILED
STRICT COURT
OF MARYLAND

2004 MAY 2 P : 44

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
BALTIMORE DIVISION

CLERK
AT

TURK
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GTCO CALCOMP, INC.,
a Maryland Corporation,
7125 Riverwood Drive
Columbia, MD 21046
(Howard County),

Plaintiff,

v.

HYPER-INTERACTIVE TEACHING
TECHNOLOGY LLC,
an Arkansas Limited Liability Company,
1626 Ridgeway Drive
Fayetteville, AR 72701,

Defendant.

Civil Action No. _____

MJG 04 CV 1603

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff GTCO CalComp, Inc. ("GTCO"), for its Complaint against Defendant Hyper-Interactive Teaching Technology LLC ("H-ITT"), hereby alleges as follows:

NATURE OF THE ACTION

1 This is a civil action for infringement, contributory infringement, and inducing infringement of United States Patent No. 6,289,222 (the "222 patent"). This action for patent infringement arises under the patent laws of the United States, including 35 U.S.C. §§ 271, 281, 283, 284 and 285.

THE PARTIES

2. GTCO is a Maryland corporation, having a principal place of business at 7125 Riverwood Drive, Columbia, Maryland 21046.

3. On information and belief, defendant H-ITT is an Arkansas limited liability company, having a place of business at 1626 Ridgeway Drive, Fayetteville, Arkansas 72701.

JURISDICTION AND VENUE

4. This court has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, Title 35, United States Code.

5. This court has personal jurisdiction over defendant H-ITT under Maryland Code Ann. § 6-103 because H-ITT has committed acts of infringement in Maryland, has been transacting business in Maryland, has caused tortious injury in the State or outside of the State and regularly does or solicits business, engages in a persistent course of conduct in the State, and/or derives substantial revenue from services or products used in the State.

6. Venue properly lies in this District under 28 U.S.C. § 1391(b)-(c) and 28 U.S.C. § 1400(b), because defendant H-ITT is subject to personal jurisdiction in this District.

THE '222 PATENT

7. GTCO is the owner and assignee of all rights, title and interest in and to the '222 patent, entitled "Free-Forming One-Way Network", issued September 11, 2001. A copy of the '222 patent is attached hereto as Exhibit A.

8. EduCue LLC (“EduCue”) is the former owner and assignee of the ‘222 patent. EduCue manufactured, marketed, sold, serviced and supported inexpensive one-way wireless audience response systems covered by the ‘222 patent in the United States and elsewhere.

9. GTCO, as assignee, has the right to sue and to recover for infringement of the ‘222 patent.

10. GTCO manufactures, markets, sells, services and supports inexpensive one-way wireless audience response systems covered by the ‘222 patent in the United States and elsewhere.

GTCO has marked its Personal Response System™ brand audience response systems with U.S. Patent No. 6,289,222 in accordance with 35 U.S.C. § 287(a). In addition, H-ITT was provided actual notice of infringement at least as early as June, 2002.

**COUNT FOR DIRECT AND CONTRIBUTORY
INFRINGEMENT AND INDUCEMENT OF
INFRINGEMENT**

12. GTCO and/or EduCue, and defendant H-ITT, are or have been competitors.

On information and belief, H-ITT makes, uses, offers to sell, and/or sells inexpensive one-way wireless audience response systems and provides information regarding the use of inexpensive one-way wireless audience response systems in the United States.

14. On information and belief, the H-ITT inexpensive one-way wireless audience response systems meet each and every limitation of at least one claim of the ‘222 patent, either literally or with only insubstantial differences, and thereby infringe the ‘222 patent literally and/or under the doctrine of equivalents.

15. On information and belief, H-ITT has contributed, is contributing, and will continue to contribute to the infringement of the '222 patent by making, using and selling its inexpensive one-way wireless audience response system for use in a process that embodies or is covered by one or more of the claims of the '222 patent literally and/or under the doctrine of equivalents.

16. On information and belief, H-ITT has actively induced, is actively inducing, and will continue to actively induce infringement of the '222 patent by distributing equipment, software, instructions, and information enabling, inducing, and encouraging infringement of the '222 patent literally and/or under the doctrine of equivalents.

EduCue expressly notified H-ITT of the '222 patent and of H-ITT's alleged infringement at least as early as June 2002

H-ITT entered into license negotiations with EduCue to obtain a license covering prior and ongoing use of the '222 patent.

H-ITT agreed to take a license under reasonable terms for prior use of the '222 patent, but did not pay the licensing fee.

Defendant H-ITT has caused and will continue to cause GTCO substantial damages and injury, including lost profits due to lost sales of GTCO's and/or EduCue's Personal Response System™, by virtue of its past and/or continuing infringement of the '222 patent.

21 GTCO will suffer further damage and injury unless and until H-ITT is enjoined by this Court from continuing such infringement. The damage caused by H-ITT is irreparable and cannot be adequately compensated for in money damages.

22. On information and belief, H-ITT's infringement has been, and continues to be, deliberate, willful, wanton, intentional, and with full knowledge of the existence and validity of the '222 patent so as to warrant enhancement of the damages awarded as a result of the infringement and a determination that this case is an exceptional case pursuant to 35 U.S.C. §

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that Judgment be entered that H-ITT has willfully infringed, contributed to the infringement of, and induced the infringement of valid claims of the '222 patent, and that Plaintiff be granted the following relief:

(i) Entry of a preliminary injunction pending resolution of this action and a permanent injunction thereafter restraining H-ITT, its officers, agents, servants, attorneys and all persons acting in concert with H-ITT from further acts of infringement, contributory infringement, and inducing infringement of the '222 patent;

(ii) An award of damages sufficient to compensate GTCO for H-ITT's infringement, contributory infringement, and inducement of infringement of the '222 patent;

(iii) An award of prejudgment interest pursuant to 35 U.S.C. § 284, from the date of each act of infringement, contributory infringement, or inducement of infringement of the '222 patent by H-ITT until the day a damages judgment is entered herein, and a further award of post-judgment interest, pursuant to 28 U.S.C. § 1961, continuing thereafter until such judgment is paid;

(iv) An award of increased damages in an amount not less than three times the amount of damages found by the jury or assessed by this Court, for H-ITT's willful and wanton acts of

infringement, contributory infringement, and inducement of infringement, pursuant to 35 U.S.C. § 284;

(v) An award of reasonable attorneys' fees, pursuant to 35 U.S.C. § 285, and Plaintiff's costs of suit, pursuant to 35 U.S.C. § 284; and

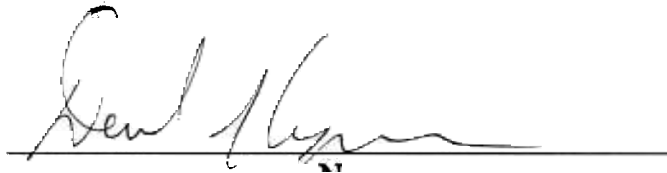
(vi) Such other and further relief as this Court shall deem appropriate.

JURY DEMAND

Plaintiff hereby demands a trial by jury.

Dated: May 21, 2004

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Lawrence J. Gotts", is written over a horizontal line.

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