

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

CHRIMAR SYSTEMS, INC.)
d/b/a CMS TECHNOLOGIES, INC.,)
a Michigan corporation,)
)
Plaintiff,)
)
v.)
)
DANPEX CORP.,)
a California corporation,)
)
Defendant.)

Civil Action No. 2:09-cv-44 (TJW-CE)

JURY DEMAND

PLAINTIFF’S FIRST AMENDED COMPLAINT

Plaintiff ChriMar Systems, Inc. d/b/a CMS Technologies, Inc. files its First Amended Complaint against Defendant Danpex Corp. as follows:

PARTIES

1. Plaintiff ChriMar Systems, Inc. d/b/a CMS Technologies, Inc. (hereafter “Plaintiff” or “ChriMar”) is a corporation organized and existing under the laws of the State of Michigan having a place of business located at 36528 Grand River Avenue, Suite A-1, Farmington Hills, Michigan 48335.

2. Upon information and belief, Defendant Danpex Corporation (hereafter “Defendant” or “Danpex”) is a corporation organized and existing under the laws of the State of California having a place of business located at 2114 Ringwood Avenue, San Jose, California 95131.

JURISDICTION AND VENUE

3. This action for patent infringement arises under the Patent Laws of the United States Code, 35 U.S.C. §1 et seq. This Court has jurisdiction pursuant to 28 U.S.C. §1338(a).

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

CAUSE OF ACTION

Count I - Infringement of United States Patent No. 7,457,250

5. Plaintiff realleges and incorporates by reference every allegation contained in paragraphs 1-4 of this Complaint.

6. Plaintiff is the owner of United States Patent No. 7,457,250 entitled “System For Communication with Electronic Equipment” (hereafter “the ‘250 patent”) which patent was duly and legally issued on 25 November 2008. (Exhibit A)

7. Defendant has infringed, is infringing, and is threatening to infringe, the ‘250 patent by making, using, offering to sell, and selling, or importing into the United States devices embodying the patented system and by practicing the patented method in violation of 35 U.S.C. §271(a).

8. Defendant has induced, is inducing, and is threatening to induce others to infringe the ‘250 patent in violation of 35 U.S.C. §271(b).

9. Upon information and belief, Defendant offers to sell or sells within the United States or imports into the United States a component of a patented machine, manufacture, combination or composition, or a material or apparatus for use in practicing a patented process, constituting a material part of the invention, knowing the same to be especially made or especially

adapted for use in an infringement of the '250 patent and not a staple article or commodity of commerce suitable for substantial non-infringing use in violation of 35 U.S.C. §271(c).

10. As a result of Defendant's conduct, Plaintiff has been seriously and irreparably damaged.

11. Unless enjoined by this Court, Defendant will continue its infringement of the '250 patent and Plaintiff will continue to be seriously and irreparably injured.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that this Court:

- A. Enter Judgment that Defendant has infringed United States Patent No. 7,457,250;
- B. Enter a preliminary and permanent injunction restraining Defendant, its officers, agents, servants, and employees, and each of them and anyone acting in concert with them, from infringing, contributorily infringing and inducing infringement of United States Patent No. 7,457,250;
- C. Order Defendant to pay all damages sustained by Plaintiff resulting from Defendant's infringement, contributory infringement and inducement of infringement of United States Patent No. 7,457,250 and to compensate Plaintiff for such infringement, together with prejudgment interest thereon;
- D. Increase the damage amount up to three times the amount found or assessed against Defendant;
- E. Order Defendant to pay Plaintiff's costs, expenses and attorneys' fees for the patent infringement; and

JURY DEMAND

Plaintiff ChriMar Systems, Inc. d/b/a CMS Technologies, Inc. hereby demands a trial by jury.

Date: March 23, 2009

by /s/Melissa Smith
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