

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

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BSES Limited  
50 Meiers Road  
Indooroopilly, Queensland

Plaintiff,

vs.

Light Technology Industries, Inc.  
d/b/a LT Industries  
811 Russell Ave.  
Gaithersburg, MD 20879

Defendant.  
\_\_\_\_\_

CIVIL ACTION NO. AW-10-1019

Judge Alexander Williams, Jr.

**JURY TRIAL DEMANDED**

**FIRST AMENDED COMPLAINT**

Plaintiff, BSES Limited (“BSES”), brings this Complaint for patent infringement against Defendant Light Technology Industries, Inc. d/b/a LT Industries (“LT Industries”), and alleges as follows.

**THE PARTIES**

1. Plaintiff BSES Limited is an Australian Corporation having a principal place of business located at 50 Meiers Road, Indooroopilly, Queensland.
2. Based upon the representations made by Defendant in its Answer and Counterclaims (ECF Doc. No. 20), Defendant Light Technology Industries, Inc. does business as LT Industries and is a Maryland Corporation having a principal place of business located at 811 Russell Ave., Gaithersburg, MD 20879.

### **JURISDICTION AND VENUE**

3. This action arises under the patent laws of the United States of America. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 and 1338(a).

4. Upon information and belief, Defendant LT Industries is subject to personal jurisdiction in the State of Maryland because LT Industries has a principal place of business in Maryland located at 811 Russell Ave., Gaithersburg, MD 20879. Further, LT Industries has committed acts of direct infringement, contributory infringement, and/or induced infringement, of one or more of the claims of U.S. Patent No. 6,630,672 in this judicial district.

5. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b) and (c) and § 1400(b) in that, upon information and belief, LT Industries resides in the State of Maryland and infringing activities occurred in this district.

### **FACTS**

6. Plaintiff BSES is the owner by assignment of U.S. Patent No. 6,630,672, issued by the United States Patent and Trademark Office on October 7, 2003, entitled, "ON-LINE MEASURING SYSTEM AND METHOD" (hereinafter "the '672 patent"). A true and correct copy of the '672 patent is attached to this Complaint as Exhibit A.

7. The claims of the '672 patent are presumed valid pursuant to 35 U.S.C. § 282.

8. Upon information and belief, Defendant LT Industries has made, used, manufactured, sold, and/or offered for sale within the United States, products that infringe the '672 patent, including at least the "On Line Cane Analyzer."

9. Plaintiff BSES has obtained a copy LT Industries' product literature directed to the "On Line Cane Analyzer," which is attached to this Complaint as Exhibit B. Such product literature was in existence at least since 2007.

10. Defendant LT Industries has not sought, nor obtained, a license under the '672 patent and is not authorized or permitted to market, manufacture, use, offer for sale, or sell the inventions claimed in the '672 patent.

### **INFRINGEMENT OF THE '672 PATENT**

11. Plaintiff BSES repeats and realleges paragraphs 1 through 10 above as though fully set forth herein.

12. Upon information and belief, Defendant LT Industries, in violation of 35 U.S.C. § 271, has been and is currently infringing, contributorily infringing and/or inducing others to infringe one or more claims of the '672 patent, either literally or under the doctrine of equivalents, by making, causing to be made, using, offering for sale, selling and/or importing, without license or authority, products, including at least the "On Line Cane Analyzer," which are claimed in the '672 patent.

13. Upon information and belief, Defendant LT Industries, has willfully infringed the '672 patent by its deliberate and intentional use, manufacture, offer for sale, and/or sale of products claimed in the '672 patent, including at least the On Line Cane Analyzer, in reckless disregard of BSES' rights in the '672 patent.

14. Upon information and belief, Defendant LT Industries, will continue to willfully infringe the claims of the '672 patent unless and until this Court enjoins LT Industries' further infringing activities.

15. Defendant LT Industries' infringing activities have caused, and will continue to cause, BSES irreparable injury and damages.

16. Plaintiff BSES is entitled to injunctive relief that enjoins LT Industries' from further infringing the '672 patent to thus stop further irreparable injury to BSES, for which it has no adequate remedy at law.

17. Plaintiff BSES is also entitled to monetary damages adequate to compensate BSES for the infringement by the LT Industries, increased damages under 35 U.S.C. § 284, together with interest, costs, and attorneys fees.

**PRAYER FOR JUDGMENT AND RELIEF**

WHEREFORE, Plaintiff BSES respectfully requests legal and equitable relief as follows:

(a) a judgment that LT Industries has infringed one or more claims of the '672 patent by making, causing to be made, using, offering for sale, selling and/or importing, infringing products and/or any of the other acts prohibited by 35 U.S.C. § 271 (a), (b) and (c);

(b) a permanent injunction enjoining LT Industries, its officers, agents, attorneys, and employees, and all others acting in privity or in active concert and/or participation with it, from infringing the '672 patent through making, causing to be made, using, offering for sale, selling and/or importing, infringing products and/or any of the other acts prohibited by 35 U.S.C. § 271 (a), (b) and (c);

(c) an accounting for damages arising from the infringement of the '672 patent by LT Industries and those in privity with it;

(d) an award of damages to BSES adequate to compensate for the infringement by LT Industries of the '672 patent, together with prejudgment and post-judgment interest thereon, and costs fixed by the Court, as provided by 35 U.S.C. § 284;

(e) a judgment that LT Industries infringement of the '672 patent was and is willful, and an award to BSES of increased damages in accordance with 35 U.S.C. § 284, up to three times the amount found or assessed by the jury for LT Industries infringement of the '672 patent;

(f) a declaration that this is an exceptional case within the meaning of 28 U.S.C. § 285, and an award of reasonable attorney fees, expenses, and disbursements of this action; and

(g) a grant to BSES of any such other and further relief as the Court may deem just, equitable, or proper.

**DEMAND FOR JURY TRIAL**

Pursuant to Fed. R. Civ. P. 38, Plaintiff BSES hereby demands a trial by jury on all issues so triable.

OBER, KALER, GRIMES & SHRIVER,  
A Professional Corporation

\_\_\_\_\_/s/\_\_\_\_\_  
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*Attorneys for Plaintiff*  
BSES Limited

**CERTIFICATE OF SERVICE**

I hereby certify that on July 5, 2011, a true and correct copy of *Plaintiff's First Amended Complaint* was filed through the ECF system, and will be delivered by electronic email to:

Robert N. Levin  
Law Offices of Robert N. Levin, P.C.  
1901 Research Boulevard, Suite 400  
Rockville, MD 20850  
(301) 517-8727  
[r.levin@erols.com](mailto:r.levin@erols.com)

Additionally, Mr. Levin has agreed to accept service on behalf of Light Technology Industries, Inc. and, as such, the summons and supporting documents shall be forwarded to Mr. Levin.

/s/  
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Ian I. Friedman