

3. Upon information and belief, Sick Auto Ident, Inc. ("Sick Auto"), is a corporation organized and existing under the laws of the State of Delaware, having its principal place of business at 5 Shawmut Road, Canton, Massachusetts 02021.

4. Upon information and belief, Sick AG ("Sick AG"), is a German corporation located at Sebastian-Kneipp-Strasse 1, D-79183 Waldkirch, Germany.

JURISDICTION

5. This action arises out of the patent laws of the United States, Title 35, United States Code, and this Court has jurisdiction under Title 28, United States Code Section 1338(a).

6. Venue is properly laid in this judicial district pursuant to Title 28, United States Code, Sections 1391(b), 1391(c) and 1400(b).

COUNT I

7. On July 2, 1991, United States Letters Patent No. 5,028,772 ('772 patent'), entitled "Scanner to Combine Partial Fragments of a Complete Code", was duly and legally issued to Plaintiff as the assignee thereof. A true and correct copy of the '772 patent is attached hereto as Exhibit "A" and is incorporated herein by reference.

8. On June 23, 1992, United States Letters Patent No. 5,124,538 ('538 patent'), entitled "Scanner", was duly and legally issued to Plaintiff as the assignee thereof, and a Certificate of Reexamination B1 5,124,538 was issued on January 31, 1995. A true and correct copy of the reexamined '538 patent is attached hereto as Exhibit "B" and is incorporated herein by reference.

9. On November 14, 1995, United States Letters Patent No. 5,466,921 ('921 patent"), entitled "Scanner to Combine Partial Fragments to a Complete Code", was duly and legally issued to Plaintiff as the assignee thereof. A true and correct copy of the '921 patent is attached hereto as Exhibit "C" and is incorporated herein by reference.

10. On August 20, 1996, United States Letters Patent No. 5,548,107 ("107 patent"), entitled "Scanner for Reconstructing Optical Codes from a Plurality of Code Fragments", was duly and legally issued to Plaintiff as the assignee thereof. A true and correct copy of the '107 patent is attached hereto as Exhibit "D" and is incorporated herein by reference.

11. On March 27, 2001, United States Letters Patent No. 6,206,289 ("289 patent"), entitled "Scanner", was duly and legally issued to Plaintiff as the assignee thereof. A true and correct copy of the '289 patent is attached hereto as Exhibit "E" and is incorporated herein by reference.

12. Plaintiff and Defendants have discussed and corresponded regarding Defendants' infringement of the '772, '538, '921, '107, and '289 patents.

13. Upon information and belief, Defendants Sick and Sick Auto have in the past willfully infringed, contributed to or induced the infringement of the '772, '538, '921, '107, or '289 patent by making, using, selling, offering for sale, or selling a claimed invention all in violation of 35 U.S.C. § 271.

14. As a result of Defendants Sick and Sick Auto's willful, wanton and deliberate acts, Plaintiff has suffered and will continue to suffer irrevocable damages in

its trade and business.

15. As a result of Defendants Sick and Sick Auto's willful, wanton and deliberate acts, Plaintiff has suffered monetary damages by reason of their infringement of the '772, '538, '921, '107, or '289 patent up to, until and including July 12, 2001, the amount of which is presently unknown.

COUNT II

16. Accu-Sort incorporates herein paragraphs 1 through 13 as if set forth in full.

17. Upon information and belief, Defendant Sick AG has in the past infringed, contributed to or induced the infringement of the '772, '538, '921, '107, or '289 patent in violation of 35 U.S.C. § 271.

18. As a result of Defendant Sick AG's willful, wanton and deliberate acts, Plaintiff has suffered and will continue to suffer irrevocable damages in its trade and business.

19. As a result of Defendant Sick AG's willful, wanton and deliberate acts, Plaintiff has suffered monetary damages by reason of Sick AG's contributing to or inducing the infringement of the '772, '538, '921, '107, or '289 patent up to, until and including July 12, 2001, the amount of which is presently unknown.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for the following relief:

A. An award of damages, to be determined at trial, against Defendants for

their infringement that is sufficient to compensate Plaintiff for its damages pursuant to the provisions of 35 U.S.C. § 284.

B. An order trebling the amount of such damages determined under paragraph B above pursuant to the provisions of 35 U.S.C. § 284.

C. An award of Plaintiff's costs, expenses, attorneys' fees and post-judgment and pre-judgment interest pursuant to the provisions of 35 U.S.C. §§ 284 and 285.


D. Such other relief as this Court deems just and equitable.

JURY TRIAL DEMAND

Plaintiff hereby demands trial by jury of all issues properly tried to a jury.

Respectfully submitted,

Date: February 2, 2004

By 
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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Accu-Sort Systems, Inc.,	:	
	:	Civil Action No. 01 CV 5668
Plaintiff,	:	
v.	:	
	:	
Sick, Inc., et al.	:	
Defendants.	:	


CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Second Amended Complaint is being served upon the Defendants in the manner indicated below:

J. Georg Seka, Esquire
Townsend and Townsend and Crew LLP
Two Embarcadero Center
8th Floor
San Francisco, CA 94111-3834
Via First Class, Regular Mail

Thomas J. McGarrigle, Esquire
2500 One Liberty Place
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Via Hand Delivery

on this 2nd day of February 2004.

By 

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