

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

9/25/02
123

FILED _____ ENTERED _____
LODGED _____ RECEIVED _____
OCT 04 2002 MR
AT SEATTLE
CLERK U.S. DISTRICT COURT
BY WESTERN DISTRICT OF WASHINGTON DEPT

CV 02-2085 #1

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DIGITAL CONTROL INCORPORATED,
a Washington corporation,

Plaintiff,

v

MCLAUGHLIN MANUFACTURING CO. INC
a Delaware corporation,

Defendant

CV 02-2085
CIVIL ACTION NO
**COMPLAINT FOR
DECLARATORY JUDGMENT**

This is an action for declaratory judgment by plaintiff Digital Control Incorporated ("DCI"). DCI requests judgment that the manufacturing, marketing and sale of its products, including its Mark III DataLog product, do not infringe any claim in United States Patent No 5,711,381 ("381) or United States Patent No 6,102,136 ("136") that may be valid and enforceable, or any other right of defendant McLaughlin Manufacturing Co., Inc ("McLaughlin") Plaintiff alleges the following

I. STATEMENT OF JURISDICTION AND VENUE

1 This Court has original subject matter jurisdiction over these claims pursuant to
2 28 U S C §§ 1331, 1338, and 2201. This Court has personal jurisdiction over the parties, and venue
3 in this Judicial District is proper under 28 U S.C. §§ 1391 and/or 1400.
4

5 2 An actual and imminent controversy exists between the parties regarding whether the
6 manufacturing, marketing and/or sale of DCI's Mark III DataLog infringes any valid claim of
7 defendant's patents

8 3. On May 28, 2002, McLaughlin filed suit against DCI in the United States District
9 Court for the District of South Carolina. Subsequently, McLaughlin served the complaint in that
10 action on DCI DCI believes that jurisdiction over DCI does not exist in South Carolina and has filed
11 a motion to dismiss for lack of jurisdiction

12 4 DCI requires a prompt resolution of this controversy so that its efforts to manufacture,
13 market and sell the Mark III DataLog are not unduly hindered

II. PARTIES

14 5 DCI is a Washington corporation with its principal place of business at 425 S W. 41st
15 Street, Renton, Washington 98055 DCI is in the business of making, marketing, and selling
16 transmitting, locating, and tracking systems and components for horizontal directional drilling
17 ("HDD") purposes One such component is DCI's Mark III DataLog product McLaughlin contends
18 that DCI's Mark III DataLog product infringes the claims of defendant's '381 and '136 patents

19 6 McLaughlin is a Delaware corporation with its principal place of business at 2006
20 Perimeter Road, Greenville, South Carolina 29650 Upon information and belief, McLaughlin is in
21 the business of marketing, and selling HDD transmitters, locators, and related products, and regularly
22 conducts business in this Judicial District.

23 7. McLaughlin alleges that DCI's Mark III DataLog product infringes the claims of
24 McLaughlin's '381 and '136 patents DCI denies this allegation and seeks a declaration from this
25 Court that no DCI product infringes any claim of the '381 and '136 patents, that the claims of those
26 patents are invalid, and that the patents are unenforceable

1 **III. CAUSES OF ACTION**

2 **Count I: Declaration of Non-Infringement**

3 8 DCI realleges and incorporates by reference paragraph nos 1 through 7 above as if
4 fully set forth herein.

5 9. No DCI product, including its Mark III DataLog product, infringes any claim of
6 McLaughlin's '381 patent or its '136 patent

7 **Count II: Declaration of Invalidity**

8 10. DCI realleges and incorporates by reference paragraph nos 1 through 9 above as if
9 fully set forth herein

10 11. McLaughlin's '381 and '136 patents are invalid for failure to comply with 35 U.S.C.
11 §§ 102, 103, and/or 112.

12 **Count III: Declaration of Unenforceability**

13 12. DCI realleges and incorporates by reference paragraph nos 1 through 11 above as if
14 fully set forth herein.

15 13. McLaughlin's '381 and '136 patents are unenforceable by reason of laches and
16 estoppel, *inter alia*

17 **IV. PRAYER**

18 WHEREFORE, plaintiff prays that the Court enter an order:

- 19 A. Declaring that no DCI product, including its Mark III DataLog product, infringes any
- 20 claim of McLaughlin's '381 patent or its '136 patent,
- 21 B Declaring that the '381 and '136 patents are invalid;
- 22 C Declaring that the '381 and '136 patents are unenforceable,
- 23 D Declaring this to be an exceptional case and awarding DCI its attorneys' fees and costs
- 24 pursuant to 35 U.S.C. § 285, and
- 25 E Awarding DCI all such other relief as the Court shall deem just and proper.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

DATED this 4th day of October, 2002

Respectfully submitted,
DORSEY & WHITNEY LLP



PAUL T. MEIKLEJOHN, WSBA No 17477
BRIAN C. PARK, WSBA No 25584
CHRISTOPHER J. CLUGSTON, WSBA No. 32045
U.S. Bank City Centre Building
1420 Fifth Avenue, Suite 3400
Seattle, Washington 98101
Telephone: (206) 903-8800
Facsimile (206) 903-8840

DIGITAL CONTROL INCORPORATED
Aaron Keyt, WSBA No #19441
425 S W 41st Street
Renton, Washington 98055
Telephone: (425) 291-0050
Facsimile (425) 251-0702

Attorneys for Plaintiff
Digital Control Incorporated