

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

QUAD DIMENSION INC.	)	
	)	
PLAINTIFF,	)	
	)	
v.	)	Case No. 01-1345-CV-W-1
	)	Jury Requested
SAGE ALERTING SYSTEM, INC.	)	
and HARRIS CORPORATION,	)	
	)	
DEFENDANTS	)	
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**FIRST SUPPLEMENTAL COMPLAINT FOR PATENT INFRINGEMENT  
AND REQUEST FOR JURY TRIAL**

Plaintiff, Quad Dimension Inc., for its Supplemental Complaint against Defendants, Sage Alerting Systems, Inc. and Harris Corporation, alleges as follows:

**The Parties**

1. Plaintiff, Quad Dimension Inc. (“Quad Dimension”), is a corporation organized and existing under the laws of the state of Missouri, having a place of business at 112 W. 9th St., Suite 309, Kansas City, MO 64105.

2. Defendant, Sage Alerting Systems, Inc. (“Sage”), on information and belief, is a corporation organized under the laws of the state of Connecticut, and has its principal place of business at 700 Canal Street, Stamford, CT 06902 and is doing business within the Western District of Missouri.

3. Defendant, Harris Corporation (“Harris”), on information and belief, is a corporation organized under the laws of the state of Delaware, and has its principal place of

business at 1025 W. Nasa Blvd, Melbourne, FL 32919, and is doing business within the Western District of Missouri

### **Jurisdiction and Venue**

4. This is an action for patent infringement under the patent laws of the United States, Title 35, United States Code.

5. This Court has subject matter jurisdiction under 28 U.S.C. § 1338(a).

6. Venue is proper before this Court under 28 U.S.C. §§ 1391 and 1400.

### **Causes of Action For Patent Infringement**

7. On June 9, 1992, United States Patent No. 5,121,430 (the “‘430 Patent”) was duly and legally issued to Larry R. Ganzer, Michael A. Fessler and Daric G. Laughlin, on an invention entitled “Storm Alert For Emergencies.” The patent issued with claims 1-23 and was assigned to Quad Dimension Inc. A copy of the ‘430 patent is attached hereto as Exhibit A.

8. On July 15, 1997, a reexamination request was filed with the United States Patent and Trademark Office against the ‘430 patent. On September 1, 1998, the United States Patent and Trademark Office granted reexamination certificate B1 5,121,430 (the ‘B1 reexamination certificate) for the ‘430 patent, reestablishing the validity of original patent claims and allowing new claims 24-26. A copy of reexamination certificate B1 is attached as Exhibit B.

9. On September 3, 1999, a second reexamination request was filed with the United States Patent and Trademark Office against the ‘430 patent. On September 10, 2002, the United States Patent and Trademark Office granted reexamination certificate no. US 5,121,430 C2 (the ‘C2 reexamination certificate) for the ‘430 patent, reestablishing the validity of the patent claims. A copy of the C2 reexamination certificate for the ‘430 patent is attached as Exhibit C.

10. Upon information and belief, Defendants, Sage and Harris (collectively “Defendants”), have infringed, contributorily infringed, and/or actively induced infringement of the reexamined ‘430 patent including reexamination certificates B1 and C2 in violation of 35 U.S.C. § 271 by making, using, inducing others to use, offering for sale and/or selling various “emergency alert systems and/or devices” that infringe one or more of the claims of the reexamined ‘430 patent, both within and outside this judicial district, without authority to do so.

11. Upon information and belief, Defendants’ infringement of the reexamined ‘430 patent and the B1 and C2 reexamination certificates has been willful.

12. Quad Dimension has been irreparably damaged and will continue to be irreparably damaged by Defendants’ infringement unless this Court enjoins Defendants from continuing their infringement.

#### **Prayer For Relief**

Wherefore, Plaintiff, Quad Dimension Inc., prays for the entry of judgment from this Court that:

(a) Reexamined United States Patent No. 5,121,430, including the B1 and C2 reexamination certificates were duly and legally issued, and is valid and enforceable;

(b) Sage Alerting Systems, Inc. and Harris Corporation have directly and/or contributorily infringed reexamined United States Patent No. 5,121,430 including reexamination certificates B1 and C2 and/or actively induced infringement of reexamined United States Patent No. 5,121,430 including reexamination certificates B1 and C2 by others;

(c) Sage Alerting Systems, Inc. and Harris Corporation be preliminarily and permanently enjoined from engaging in any further acts of infringement of reexamined United States Patent No. 5,121,430 including reexamination certificates B1 and C2;

(d) Quad Dimension Inc. be awarded damages adequate to compensate for the infringement by Sage Alerting Systems, Inc. and Harris Corporation pursuant to 35 U.S.C. § 284;

(e) Sage Alerting Systems, Inc. and Harris Corporation's infringement has been willful, thereby entitling Quad Dimensions Inc. to recover treble damages, pursuant to 35 U.S.C. § 284;

(f) The infringement by Sage Alerting Systems, Inc. and Harris Corporation has been such as to render this action exceptional, and Quad Dimension Inc. be awarded reasonable attorney's fees, pursuant to 35 U.S.C. § 285; and

(g) Quad Dimensions Inc. be awarded such other and further relief as this Court may deem to be right and just.

**Request for Jury Trial**

Plaintiff, Quad Dimension Inc., hereby makes demand for a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure as to all issues of this lawsuit.

Dated: \_\_\_\_\_

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**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served electronically to those parties who have entered an appearance in the Court's Electronic Court Filing (ECF) System and conventionally, via first-class United States mail, postage prepaid to those parties who have requested notice but are not participating in the ECF System, pursuant to Instructions appearing on the Electronic Filing Receipt received from the U.S. Bankruptcy Court on this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

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Attorneys for Quad Dimension, Inc.