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9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA—SAN FRANCISCO DIVISION

11  
12 RADIOLOGICAL IMAGING  
TECHNOLOGY, INC., a Colorado  
13 Corporation,

14 Plaintiff,

15 v.

16 AGILE RADIOLOGICAL  
TECHNOLOGIES, a Texas Company,  
17 STANDARD IMAGING, Inc., a Wisconsin  
Corporation, and TECHNOSOFT, INC., an  
18 Ohio Corporation,

19 Defendants.  
20  
21

C 05 05967  
CASE NO.  
COMPLAINT FOR PATENT  
INFRINGEMENT  
DEMAND FOR JURY TRIAL  
JCS

22 Plaintiff, Radiological Imaging Technology, Inc. ("RIT"), brings this suit for  
23 patent infringement against Agile Radiological Technologies, Standard Imaging,  
24 Inc., and Technosoft, Inc. (together "Defendants"). RIT complains of Defendants  
25 and alleges, on personal knowledge as to its own activities, and on information and  
26 belief as to the activities of others, as follows:  
27  
28

**THE PARTIES**

1  
2 1. RIT is a corporation organized and existing under the laws of the State  
3 of Colorado, with a principal place of business at 637 Elkton Drive; Colorado  
4 Springs, Colorado, 80907.

5 2. RIT is a leader in the field of radiotherapy dosimetry, and is the owner  
6 by assignment of U.S. Pat. No. 6,675,116 B1, entitled "Automatic Calibration For  
7 Radiation Dosimetry Using Fixed Or Moving Beams And Detectors," (the "'116  
8 patent"), a true and correct copy of which is attached hereto as Exhibit A.

9 3. On information and belief, defendant Agile Radiological Technologies  
10 ("ART") is a company organized and existing under the laws of the State of Texas,  
11 with a principal place of business at 11700 Lebanon Road #423; Frisco, TX, 75035.

12 4. On information and belief, defendant Standard Imaging, Inc.  
13 ("Standard Imaging") is a corporation organized and existing under the laws of the  
14 State of Wisconsin, with a principal place of business at 7601 Murphy Drive;  
15 Middleton, WI 53562.

16 5. On information and belief, defendant Technosoft, Inc. ("Technosoft"),  
17 is a corporation organized and existing under the laws of the State of Ohio, with a  
18 principal place of business at 11180 Reed Hartman Highway; Cincinnati, OH,  
19 45242.

20 6. On information and belief, Defendants are engaged in the business of  
21 selling and/or offering for sale throughout the United States certain radiotherapy  
22 dosimetry products that infringe the '116 patent, including the Radiation Analyzer  
23 ("RAY") software product.

24 7. On information and belief, ART, Technosoft, and Standard Imaging  
25 have formed a partnership or other joint venture, pursuant to which they  
26 manufacture, sell, and offer for sale the RAY software product throughout the  
27 United States.

1           8.       On information and belief, Defendants have sold and/or offered for  
2 sale the accused RAY software product in California and in this judicial district.

3                               **JURISDICTION**

4           9.       This Court has subject matter jurisdiction over this action pursuant to  
5 28 U.S.C. §§ 1331 and 1338(a) because it arises under the patent laws of the United  
6 States. This Court has personal jurisdiction over Defendants under the appropriate  
7 provisions of California law.

8                               **INTRADISTRICT ASSIGNMENT**

9           10.      RIT is not aware of any basis for assignment to a particular location or  
10 division of the Court pursuant to Civil L.R. 3-2(c), as this is an intellectual property  
11 action assigned on a district wide basis.

12                              **VENUE**

13           11.      Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 and  
14 1400(b) because Defendants have committed acts of infringement in this district.

15                              **COUNT I**

16                              **(Infringement of The ‘116 Patent)**

17           12.      RIT realleges the allegations of paragraphs 1-11 as though fully set  
18 forth herein.

19           13.      RIT is the assignee of the ‘116 patent, which the United States Patent  
20 and Trademark Office (the “PTO”) duly and lawfully issued on January 6, 2004.

21           14.      RIT has marked its products that embody the apparatus claim of the  
22 ‘116 patent with the patent number pursuant to 35 U.S.C. § 287.

23           15.      Defendants have manufactured, sold, and offered for sale in the United  
24 States and this judicial district products—including the RAY software product—that  
25 infringe one or more claims of the ‘116 patent pursuant to one or more subsections  
26 of 35 U.S.C. § 271, either directly, under § 271(a) or indirectly, by inducement  
27 under § 271(b) or contributory infringement under § 271(c).

1           16. On information and belief, Defendants will continue to manufacture,  
2 sell, and offer for sale in the United States and this judicial district products—  
3 including the RAY software product—that infringe one or more claims of the ‘116  
4 patent unless preliminarily and permanently enjoined.

5           17. RIT has been irreparably and monetarily damaged in an amount yet to  
6 be ascertained by Defendants’ infringement of the ‘116 patent in this small niche  
7 market. If Defendants’ infringement is not preliminarily and permanently enjoined,  
8 RIT will continue to be irreparably and monetarily damaged.

9           18. On information and belief, Defendants have known of the ‘116 patent  
10 but have continued to sell and offer for sale infringing products. Defendants’  
11 infringement of the ‘116 patent is willful.

12           19. This an exceptional case, warranting the award of treble damages and  
13 attorneys’ fees.


14           WHEREFORE, RIT prays for the following relief:

- 15           a. Judgment that ART, Standard Imaging, and Technosoft have infringed  
16 the ‘116 patent;
- 17           b. Judgment that ART, Standard Imaging, and Technosoft’s infringement  
18 is willful;
- 19           c. A preliminary injunction prohibiting ART, Standard Imaging, and  
20 Technosoft from making, using, selling, and offering for sale products  
21 that infringe the ‘116 patent;
- 22           d. A permanent injunction prohibiting ART, Standard Imaging, and  
23 Technosoft from making, using, selling, and offering for sale products  
24 that infringe the ‘116 patent;
- 25           e. Damages in an amount that is yet to be ascertained for the  
26 infringement of the ‘116 patent;
- 27           f. Treble damages for willful infringement of the ‘116 patent;

- g. Judgment that this is an exceptional case, entitling RIT to an award of attorneys' fees under 35 U.S.C. § 285 and costs of suit; and
- h. Such other relief as the Court deems just and proper.

DATED: February 8, 2005

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Attorneys for Plaintiff  
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DEMAND FOR JURY TRIAL

RIT hereby demands a jury trial on all issues so triable.

DATED: February 8, 2005

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CERTIFICATION OF INTERESTED PARTIES PURSUANT TO

CIVIL L.R. 3-16

Plaintiff Radiological Imaging Technology, Inc. ("RIT") submits this Certification of Interested Parties pursuant to Civil L.R. 3-16, which requires disclosure of any persons, associations of persons, firms, partnerships, corporations (including parent corporations), or other entities other than the parties themselves known by the party to have either: (i) a financial interest (of any kind) in the subject matter in controversy or in a party to the proceeding; or (ii) any other kind of interest that could be substantially affected by the outcome of the proceeding.

Pursuant to Civil L.R. 3-16, the undersigned certifies that as of this date, other than the named parties, there is no such interest to report.

DATED: February 8, 2005

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