

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

CHRIMAR SYSTEMS, INC.)	
d/b/a CMS TECHNOLOGIES, INC.,)	
)	Civil Action No.
Plaintiff,)	
v.)	
)	
KTI NETWORK, INC., and)	
CYBERPATH, INC.)	
)	JURY DEMAND
Defendants.)	
)	
)	

PLAINTIFF’S ORIGINAL COMPLAINT

Plaintiff ChriMar Systems, Inc. d/b/a CMS Technologies, Inc. files its Complaint against Defendants KTI Network, Inc. and Cyberpath, Inc. as follows:

PARTIES

1. Plaintiff ChriMar Systems, Inc. d/b/a CMS Technologies, Inc. (hereafter “Plaintiff” or “ChriMar”) is a corporation organized and existing under the laws of the State of Michigan having a place of business located at 36528 Grand River Avenue, Suite A-1, Farmington Hills, Michigan 48335.

2. Upon information and belief, Defendant KTI Network Inc. (hereafter “Defendant” or “KTI”) is a corporation organized and existing under the laws of the State of Texas having a place of business located at 10415-A Westpark Dr. Houston, TX 77042.

3. Upon information and belief, CyberPath, Inc. (hereafter “Defendant” or “CyberPath”) is a corporation organized and existing under the laws of the State of New Jersey having a place of business located at 371 Hoes Lane, Piscataway, NJ 08854.

JURISDICTION AND VENUE

4. This action for patent infringement arises under the Patent Laws of the United States Code, 35 U.S.C. §1 et seq. This Court has jurisdiction pursuant to 28 U.S.C. §1338(a).

5. Venue is proper in this Court pursuant to 28 U.S.C. §§1391 and 1400(b).

CAUSE OF ACTION

Count I - Infringement of United States Patent No. 7,457,250

6. Plaintiff realleges and incorporates by reference every allegation contained in paragraphs 1-5 of this Complaint.

7. Plaintiff is the owner of United States Patent No. 7,457,250 entitled “System for Communicating with Electronic Equipment” (hereafter “the ‘250 patent”) which patent was duly and legally issued on 25 November 2008. (Exhibit A)

8. Defendants have infringed, are infringing, and are threatening to infringe, the ‘250 patent by making, using, offering to sell, and selling, or importing into the United States devices embodying the patented system and by practicing the patented method in violation of 35 U.S.C. §271(a).

9. Defendants have induced, are inducing, and are threatening to induce others to infringe the ‘250 patent in violation of 35 U.S.C. §271(b).

10. Upon information and belief, Defendants offer to sell or sells within the United States or import into the United States a component of a patented machine, manufacture, combination or composition, or a material or apparatus for use in practicing a patented process, constituting a material part of the invention, knowing the same to be especially made or

especially adapted for use in an infringement of the '250 patent and not a staple article or commodity of commerce suitable for substantial non-infringing use in violation of 35 U.S.C. §271(c).

11. As a result of Defendants' conduct, Plaintiff has been seriously and irreparably damaged.

12. Unless enjoined by this Court, Defendants will continue their infringement of the '250 patent and Plaintiff will continue to be seriously and irreparably injured.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that this Court:

A. Enter Judgment that each Defendant has infringed United States Patent No. 7,457,250;

B. Enter a preliminary and permanent injunction restraining each Defendant, their respective officers, agents, servants, and employees, and each of them and anyone acting in concert with them, from infringing, contributorily infringing and inducing infringement of United States Patent No. 7,457,250;

C. Order each Defendant to pay all damages sustained by Plaintiff resulting from each Defendant's infringement, contributory infringement and inducement of infringement of United States Patent No. 7,457,250 and to compensate Plaintiff for such infringement, together with prejudgment interest thereon;

D. Increase the damage amount up to three times the amount found or assessed against each Defendant;

E. Order each Defendant to pay Plaintiff's costs, expenses and attorneys' fees for the patent infringement; and

JURY DEMAND

Plaintiff ChriMar Systems, Inc. d/b/a CMS Technologies, Inc. hereby demands a trial by jury.

Date: July 30, 2009

/s/

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*Of Counsel for Plaintiff ChriMar Systems, Inc.
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