

**IN THE UNITED STATES COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
Tyler Division**

|                                    |   |                              |
|------------------------------------|---|------------------------------|
| Raylon, LLC                        | § |                              |
| a Texas Limited Liability Company, | § |                              |
| Plaintiff                          | § |                              |
| v.                                 | § | Civil Action No. 6:09cv00355 |
|                                    | § | (Davis) (Patent Case)        |
| Complus Data Innovations,          | § | Jury Trial Requested         |
| a New York Corporation,            | § |                              |
| Casio America, Inc.,               | § |                              |
| a Delaware Corporation,            | § |                              |
| Casio Computer Co., Ltd.,          | § |                              |
| a Japanese Corporation,            | § |                              |
| Fujitsu America, Inc.,             | § |                              |
| a Delaware corporation,            | § |                              |
| Fujitsu Japan Ltd.,                | § |                              |
| a Japanese corporation,            | § |                              |
| Psion Teklogix Corporation,        | § |                              |
| a Delaware corporation,            | § |                              |
| Psion Teklogix, Inc.,              | § |                              |
| a Canadian corporation,            | § |                              |
| Defendants                         | § |                              |

**PLAINTIFF’S FIRST AMENDED COMPLAINT**

NOW COMES Plaintiff, Raylon, LLC (hereafter referred to as “Raylon”) for its claims against Defendants and alleges as follows:

**THE PARTIES**

1. Plaintiff, Raylon, LLC is a Texas limited liability company and has a principal place of business in Tyler, Texas.

2. Defendant, Complus Data Innovations, Inc., is a New York corporation with a principal place of business at 560 White Plains Road, Tarrytown, New York, 10591, and is doing business in the State of Texas directly or indirectly.

3. Defendant, Casio America, Inc. is a Delaware corporation with a principal place of business at 570 Mount Pleasant Avenue, Dover, New Jersey, 07801 and is doing business in the State of Texas directly or indirectly.

4. Defendant, Casio Computer Co., Ltd. is a Japanese corporation with a principal place of business at 6-2, Hon-Machi 1-Chome, Shibuya-ku, Toyko 151-8543, Japan, and is doing business in the State of Texas directly or indirectly.

5. Defendant, Fujitsu Japan Ltd. is a Japanese corporation with a principal place of business at Shidome City Center, 1-5-2 Higashi-Shimbashi Minato-ku, Tokyo, 105-7123 Japan, and is doing business in the State of Texas directly or indirectly.

6. Defendant, Fujitsu America, Inc. is a Delaware corporation with a principal place of business at 1250 East Arques Avenue, Sunnyvale, California 94085-3470, and is doing business in the State of Texas directly or indirectly.

7. Defendant, Psion Teklogix, Inc. is a Canadian corporation with a principal place of business at 2100 Meadowvale Blvd., Mississauga, Ontario, L5N 7J9, and is doing business in the State of Texas directly or indirectly.

8. Defendant, Psion Teklogix Corporation is a Delaware corporation with a principal place of business at 3000 Kustom Drive, Hebron, Kentucky, 41048, and is doing business in the State of Texas directly or indirectly.

### **JURISDICTION AND VENUE**

9. This is an action for patent infringement arising under the Patent Act of the United States, Title 35, United States Code. The court has subject matter jurisdiction conferred under 28 U.S.C. §§ 1331 and 1338.

10. Venue properly lies in the Eastern District of Texas, Tyler Division, pursuant to 28 U.S.C. §1391 and § 1400(b).

a. The Plaintiff's principal place of the business is Tyler, Texas.

b. The residence of the Managing Partner of the Plaintiff's business is Tyler, Texas.

c. The residence of the inventor of the patent-in-suit is Tyler, Texas.

d. Each of the Defendants may be found and/or resides in the Eastern District of Texas pursuant to the terms of 28 U.S.C. §1391(b)(c).

e. The Eastern District of Texas is a judicial district where events giving rise to the claim of patent infringement have occurred and are occurring.

11. The court has personal jurisdiction over each Defendant because each Defendant has conducted business and continues to conduct business in the state of Texas directly or indirectly relating to the controversy at issue and each Defendant is believed to have purposefully availed itself of the benefits of the forum state.

a. The Defendants, directly or through intermediaries, ship, distribute, offer for sale, sell, and advertise (on an interactive website) its products in the United States, the State of Texas, and the Eastern District of Texas.

b. Each of these Defendants has purposefully and voluntarily cooperated with each other to place one or more infringing hand-held devices into the stream of commerce with the

expectation that they will be purchased and used by consumers in the Eastern District of Texas.

c. These infringing products have been and continue to be sold, purchased, and used by consumers and other individuals in the Eastern District of Texas.

d. Each of these Defendants are believed to have jointly cooperated in acts that constitute patent infringement within the State of Texas, and more particularly, within the Eastern District of Texas.

### **FACTUAL BACKGROUND**

12. Raylon is the assignee of all right, title and interest to United States Patent No. 6,655,589 (hereinafter “the ‘589 Patent”) by virtue of an assignment executed by the assignor, De Wayne Humber on July 21, 2009. The Assignment is on file with the U. S. Patent & Trademark Office at Reel/Frame No. 022980/0940.

13. The ‘589 Patent covers a system for identification investigation and traffic citation issuance. The ‘589 Patent system includes a programmed hand-held device having housing, input assembly, transceiver, and display, which is used with a printer for printing out traffic citations or other information.

14. The ‘589 Patent system also uses the information from an identification card or other input of data relating to a driver or vehicle, such as a driver’s license information found on magnetic strip memory, bar code, or other data.

15. The claimed ‘589 Patent system is a programmed hand-held computer processor system that is connectable to another computer system so that data and traffic citation information can be transmitted between the hand-held system and the other computer system.

16. The “Defendants’ System” includes software modules and application programs created by Defendant Complus Data Innovations that are installed, used, and sold on each of the other Defendants’ handheld device units.

17. Defendant Complus Data Innovations has identified four hand-held devices that are used with its software (“Defendants’ System) as made by several other Defendants, which include Casio America, Inc., Casio Computer Co., Ltd., Fujitsu America, Inc., Fujitsu Japan Ltd., Psion Teklogix Corporation, Psion Teklogix, Inc.

18. Police officers or other government officials use the Defendants’ system in the United States (and it is believed in the State of Texas and the Eastern District of Texas) to investigate identification information and/or issue traffic citations using a printer assembly.

19. Defendants Complus Data Innovations, Casio America, Inc., Casio Computer Co., Ltd., Fujitsu America, Inc., Fujitsu Japan Ltd., Psion Teklogix Corporation, Psion Teklogix, Inc., by their individual and collective acts make, use and/or sell a system in the United States (and it is believed in the State of Texas) that possesses all the claimed elements in one or more of the claims in the ‘589 Patent.

20. Each of the Defendants including Defendant Complus Data Innovations and the other Defendants, individually and/or in cooperation with one or more of the other Defendants, make, use and/or sell a system in the United States (and it is believed in the State of Texas) that possesses all the claimed elements in one or more of the claims in the ‘589 Patent.

21. The Defendants’ system includes a programmed hand-held device that includes a housing, input assembly, transceiver, and display, which is used with a printer for printing out traffic citations or other information. *See e.g., Exhibit 2, Casio IT-3000 Product Sheet.*

22. The displays for each of the hand-held devices manufactured, used, offered for sale and sold by the Defendants in the Defendants' System can be viewed at multiple angles of observation by moving or pivoting the handheld device.

23. The Defendants' System receives information from the magnetic strip on a driver's license or identification card, from a bar code reader, and/or from the handheld device data input assembly.

24. The Defendants' System is a programmed hand-held computer processor system that is connectable to another computer system so that data and traffic citation information can be transmitted between the hand-held system and the other computer.

**COUNT I – INFRINGEMENT OF U.S. PATENT 6,655,589**

25. Raylon repeats the allegations of paragraphs 1-24 as if fully set forth herein.

26. After a full and fair examination, U.S. Patent 6,655,589, entitled "Identification Investigating and Ticket Issuing System" was duly and legally issued on December 2, 2003 ("the '589 Patent"). A copy of the '589 Patent is attached as Exhibit 1 to this Complaint.

27. Raylon is the owner of the entire right, title, and interest in and to the '589 Patent.

28. The Defendants have infringed, continue to infringe, induce others to infringe, and/or contribute to the infringement of the '589 Patent by, individually and/or collectively, making, using, and/or selling (or inducing or contributing to those acts by another) a system in the United States (and it is believed in the State of Texas) that possesses all the claimed elements in one or more of the claims in the '589 Patent.

29. Defendants' acts of infringement for the '589 Patent have caused and will continue to cause damage and injury to Plaintiff for which Plaintiff is entitled to relief under 35 U.S.C. § 284.

30. The Plaintiff is entitled to recover from the Defendants all recoverable damages sustained by the Plaintiff as a result of the Defendants' wrongful acts in an amount subject to proof at trial.

31. The Defendants' acts of infringement of the '589 Patent have caused and will continue to cause immediate and irreparable injury to Plaintiff for which Plaintiff is entitled to injunctive relief under 35 U.S.C. § 283.

32. The Defendants' acts of infringement of the '589 Patent will continue to damage the Plaintiff's business and rights, causing irreparable injury and harm, for which there is no adequate remedy of law, unless enjoined by this Court.

33. Defendants' infringement of the '589 Patent has been and continues to be willful and deliberate, and in flagrant disregard of Plaintiff's rights under the '589 Patent.

**WHEREFORE**, Raylon prays for judgment as follows:

1. Adjudge U.S. Patent 6,655,589 to be valid and infringed;
2. Adjudge each of the Defendants to have directly infringed, and/or indirectly infringed the '589 Patent by way of inducement and/or contributory infringement;
3. Preliminarily and permanently enjoin each Defendant, and any other person or entity acting in concert or participation with the each Defendant, from any infringing, inducing the infringement, or contributing to the infringement of activity that is covered by the '589 Patent rights and federal patent law protection;
4. Award Plaintiff damages resulting from the patent infringement,

5. Adjudge the Defendants' infringement to be willful and deliberate acts of infringement, and award enhanced damages for such willful infringement;
6. Adjudge this case to be exceptional, and award the Plaintiff attorney fees and costs incurred in prosecuting this matter;
7. Adjudge the Plaintiff to be entitled to an accounting of Defendants' revenues resulting directly or indirectly from the Defendants' infringement of the '589 Patent, including supplemental damages for any continuing post-verdict infringement up until entry of the Final Judgment;
8. In the event a permanent injunction preventing future acts of infringement is not granted, award the Plaintiff supplemental damages, royalty fee, and/or license fee on all estimated future revenue resulting directly or indirectly from the Defendants' infringement of the '589 Patent up until the expiration of the '589 Patent;
9. Award the Plaintiff costs, pre-judgment and post-judgment interest, expenses, and reasonable attorney fee incurred in bringing and prosecuting this action; and,
10. Award such other and further relief that the Court deems just and proper;



**Jury Demand**

Plaintiff hereby demands trial by jury on all issues.

Respectfully submitted,

Dated: January 8, 2009

/s/ D. Scott Hemingway  
D. Scott Hemingway  
TX Bar No. 09407880  
Eugenia S. Hansen  
Hemingway & Hansen, LLP  
1717 Main Street, Ste. 2500  
Dallas, Texas 75225  
(214) 292-8301  
(214) 739-5209 (fax)  
[d.hemingway@gte.net](mailto:d.hemingway@gte.net)  
[shemingway@hemlaw.org](mailto:shemingway@hemlaw.org)

Corby D. Bell  
Texas Bar No. 24036208  
Garlitz Bell LLP  
3010 LBJ Freeway, Ste. 990  
Dallas, TX 75234  
(214) 736-7168  
(214) 389-4014 (fax)  
[corby@garlitzbell.com](mailto:corby@garlitzbell.com)

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing document has been served on all the counsel of record via the email ECF-Pacer electronic filing and service system this 8<sup>th</sup> day of January, 2010. Summons for the additional defendants are being acquired, and service of process will be made on these additional defendants forthwith.

/s/ D. Scott Hemingway