

The Honorable Ricardo S. Martinez

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MICROSCAN SYSTEMS, INC., a Delaware Corporation,	)	
	)	
	)	
Plaintiff and	)	No. 08-cv-833-RSM
Counterclaim-Defendant	)	
v.	)	AMENDED COMPLAINT FOR
	)	PATENT INFRINGEMENT AND
COGNEX CORPORATION, a Massachusetts Corporation,	)	JURY DEMAND
	)	
	)	
Defendant and	)	
Counterclaim-Plaintiff	)	
	)	
and	)	
	)	
COGNEX TECHNOLOGY AND INVESTMENT CORPORATION,	)	
	)	
	)	
Counterclaim-Plaintiff.	)	
	)	
	)	

Microscan Systems, Inc. (“Microscan”) by and through its attorneys, for its complaint against Cognex Corporation (“Cognex”) hereby alleges as follows:

AMENDED COMPLAINT FOR PATENT INFRINGEMENT  
AND JURY DEMAND  
(08-cv-833-RSM)— 1

1 **I. NATURE OF THIS ACTION**

2 1. This is a patent infringement action to stop Cognex’s infringement of  
3 Microscan’s United States Patent No. 6,105,869 (“the ’869 patent”) entitled “Symbol Reading  
4 Device Including Optics for Uniformly Illuminating Symbology.” A copy of the ’869 patent  
5 is attached hereto as Exhibit 1. Microscan seeks injunctive relief and monetary damages.

6 **II. PARTIES**

7 2. Microscan is a corporation organized and existing under the laws of Delaware.  
8 Microscan has a principal place of business in Renton, Washington. Microscan is the legal  
9 owner of the ’869 patent and possesses all rights of recovery under the ’869 patent, including  
10 the right to sue for infringement and recover past damages.

11 3. On information and belief, Defendant Cognex is a corporation organized and  
12 existing under the laws of the State of Massachusetts having its principal place of business in  
13 Natick, Massachusetts.

14 **III. JURISDICTION AND VENUE**

15 4. This action arises under the Patent Laws of the United States 35 U.S.C. § 1 *et*  
16 *seq.*, including 35 U.S.C. §§ 271, 281-285. This Court has original subject matter jurisdiction  
17 over this patent infringement action under 28 U.S.C. §§ 1331 and 1338.

18 5. The Court has personal jurisdiction over Defendant because, on information  
19 and belief, Defendant has committed acts of patent infringement in this District by selling or  
20 offering for sale products that are covered by one or more claims of the patent-in-suit.

21 6. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391 and 1400(b).

1 **IV. PLAINTIFF AND ITS RIGHTS**

2 7. On August 22, 2000, the United States Patent and Trademark Office duly  
3 issued United States Patent No. 6,105,869 (“the ’869 patent”), entitled “Symbol Reading  
4 Device Including Optics for Uniformly Illuminating Symbology.” The ’869 patent remains in  
5 full force and effect.

6 8. Plaintiff manufactures and sells advanced data acquisition products, including  
7 a product sold under the name QUADRUS® EZ, protected by one or more claims of the  
8 ’869 patent.

9 9. Plaintiff and Defendant are direct competitors.

10 **V. DEFENDANT’S WRONGFUL ACTIVITIES**

11 10. On information and belief, Defendant has been and is infringing the ’869  
12 patent by manufacturing, using, selling and/or offering for sale in the United States products,  
13 which include without limitation the DataMan™ 100 series products, the DataMan™ 200  
14 series products, the DataMan™ 710 series products, and the DataMan™ 750 series products  
15 (the “Infringing Products”).

16 11. Defendant has infringed and continues to infringe at least claims 1, 7, 12 and  
17 16 of the ’869 patent by making, using, offering to sell, and selling (directly or through  
18 intermediaries), the Infringing Products in this District and elsewhere in the United States.

19 12. Upon information and belief, Cognex has also contributed to the infringement  
20 of one or more claims of the ’869 patent, and/or actively induced others to infringe one or  
21 more claims of the ’869 patent in this District and elsewhere in the United States.

22 13. Defendant does not have a license to make, use, sell, or offer to sell products  
23 covered by the ’869 patent.

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**COUNT I  
PATENT INFRINGEMENT**

14. Plaintiff repeats and realleges each of the allegations contained in paragraphs 1 through 13 as if fully set forth herein.

15. Defendant's acts alleged herein constitute infringement of the '869 patent in violation of the patent law of the United States, 35 U.S.C. §§ 271 and 281-285.

16. Because of Defendant's acts alleged herein, Plaintiff continues to suffer irreparable damage, justifying entry of a permanent injunction.

17. Plaintiff is entitled to an award of damages in an amount to be determined at trial and other such relief as requested below.

**VI. JURY TRIAL DEMAND**

Plaintiff hereby demands a trial by jury of all issues so triable.

**VII. PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests the following relief:

A.. A judgment that Defendant Cognex has infringed and continues to infringe at least one claim of the '869 patent;

B. A permanent injunction enjoining Defendant Cognex and its agents, attorneys, servants, successors, assigns, employees, and all those in privity or in active concert and participation with them from infringing, inducing the infringement of, and contributing to the infringement of any claim of the '869 patent by making, using, selling, offering to sell, or importing any Infringing Product, including without limitation the the DataMan™ 100 series products, the DataMan™ 200 series products, the DataMan™ 710 series products, and the

1 DataMan™ 750 series products reader previously manufactured, used, sold, offered for sale,  
2 or imported by or for Cognex;

3 C. An award of damages to Plaintiff adequate to compensate Plaintiff for  
4 Defendant's infringement of the '869 patent in an amount to be determined at trial, but in no  
5 event less than a reasonable royalty, together with prejudgment interest; and

6 D. Such other and further relief as this Court may deem just and proper.

7 DATED this 1<sup>st</sup> day of September, 2009.

8 Davis Wright Tremaine LLP  
9 Attorneys for Microscan Systems, Inc.

10 By s/Benjamin J. Byer  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 1<sup>st</sup> day of September, 2009, I caused to be filed electronically with the court using the CM/ECF systems, which will send notification of such filing, and I served a true and correct copy of the following document by the method indicated below and addressed as follows:

Amended Complaint for Patent Infringement and Jury Demand

Karl J. Quackenbush	_____ U.S. Mail
Gavin W. Skok	_____ Hand Delivery
Riddell Williams P.S.	_____ Overnight Mail
1001 Fourth Avenue Plaza	_____ Facsimile
Suite 4500	<input checked="" type="checkbox"/> CM/ECF Notification
Seattle, WA 98154-1192	<input checked="" type="checkbox"/> Email
Tel: (206) 624-3600	
Fax: (206) 289-1708	
Email: <a href="mailto:kquackenbush@riddellwilliams.com">kquackenbush@riddellwilliams.com</a>	
Email: <a href="mailto:gskok@riddellwilliams.com">gskok@riddellwilliams.com</a>	

Thomas C. O'Konski (Admitted <i>Pro Hac Vice</i> )	_____ U.S. Mail
Kevin Gannon (Admitted <i>Pro Hac Vice</i> )	_____ Hand Delivery
CESARI and MCKENNA, LLP	_____ Overnight Mail
88 Black Falcon Avenue	_____ Facsimile
Boston, MA 02210	<input checked="" type="checkbox"/> CM/ECF Notification
Tel: (617) 951-2500	<input checked="" type="checkbox"/> Email
Fax: (617) 951-3927	
Email: <a href="mailto:TOK@c-m.com">TOK@c-m.com</a>	
Email: <a href="mailto:KTG@c-m.com">KTG@c-m.com</a>	

DATED this 1<sup>st</sup> day of September, 2009.

s/Benjamin J. Byer  
Benjamin J. Byer

AMENDED COMPLAINT FOR PATENT INFRINGEMENT  
AND JURY DEMAND  
(08-cv-833-RSM)— 6

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