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IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA CLERK US DISTRICT COURT ALEXANDRIA, VIRGINIA

RUTHERFORD CONTROLS INT'L CORP. (a Canadian Corporation) and RUTHERFORD CONTROLS INT'L CORP. (a Virginia Corporation) Plaintiffs, vs. SECURITY DOOR CONTROLS, INC Defendant.

CASE NO. 2:08CV312 RAJ/JEB Jury Trial Demanded

COMPLAINT FOR PATENT INFRINGEMENT, INJUNCTIVE RELIEF, and DECLARATORY JUDGMENT

Plaintiffs Rutherford Controls Int'l Corp., a Canadian company ("Rutherford-Canada") and Rutherford Controls Int'l Corp., a Virginia company ("Rutherford-Virginia"), by and through its attorneys, hereby demand a jury trial and complain of Defendant Security Door Controls, Inc. ("SDC") as follows¹:

A. Nature of Action

1. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 1 et seq., to enjoin infringement and obtain damages resulting from Defendant's unauthorized manufacture, use, sale, offer for sale, and/or importation into the

¹ This complaint includes allegations of patent infringement also addressed in Case No. 3:08CV369-HEH, pending in this District, but directed to different defendants.

United States for subsequent use or sale of products, methods, processes, services, and/or systems that infringe one or more claims of United States Patent No. 6,874,830 (“the ‘830 patent”) (attached as Exhibit A) entitled “Electric Strike Assembly,” and United States Patent No. 7,144,053 (“the ‘053 patent”) (attached as Exhibit B) entitled “Electric Strike Assembly.”

2. Plaintiffs seek injunctive relief to prevent SDC from continuing to infringe Plaintiffs’ patents directly and/or indirectly. In addition, Plaintiffs seek the recovery of monetary damages resulting from SDC’s past infringement of these patents.

3. This action for patent infringement involves SDC’s manufacture, use, sale, offer for sale, and/or importation in the United States of infringing products, methods, processes, services, and systems that are primarily used or primarily adapted for use in door locking mechanisms, more particularly, to electric door locking mechanisms known as electric strikes.

4. Plaintiffs also seek declaratory judgment of non-infringement with respect to U.S. Patent No. 5,429,399 (“the ‘399 patent”) (attached as Exhibit C) entitled “Electronic Delayed Egress Locking System”). SDC sent Rutherford-Virginia a cease and desist letter (attached as Exhibit D) in which it alleged that Rutherford’s products “infringe at least one of SDC’s important patents” and that at least one Rutherford product “is being offered for sale in the U.S. and that it has the very same features as those in the claims of the ‘399 patent.”

B. The Parties

5. Plaintiff Rutherford-Canada, the assignee of all right, title, and interest in and to the ‘830 and ‘053 patents, makes all of its sales in the United States through Rutherford-Virginia located at 2697 International Parkway, Pkwy 5, Virginia Beach, VA 23452. Rutherford-Virginia is the exclusive licensee of the ‘830 and ‘053 patents.

6. Upon information and belief, Defendant SDC is a corporation organized and existing under the laws of California, with its principal place of business at 3580 Willow Lake, Westlake Village, CA 91359. SDC makes, uses, sells, offers for sale, and/or imports directly or through agents and/or intermediaries certain electric door strikes in the United States, including within this judicial district, that infringe one or more claims of the '830 and '053 patents.

7. Upon information and belief, Defendant SDC is the owner of the '399 patent and has accused Plaintiffs of infringing that patent.

C. Jurisdiction and Venue

8. This Court has jurisdiction over the subject matter of this patent infringement action pursuant to 28 U.S.C. §§ 1331, 1338(a), 2201, and 2202.

9. SDC is subject to personal jurisdiction in the Commonwealth of Virginia because it regularly transacts business in this judicial district by, among other things, selling and/or offering for sale their products to customers located in this judicial district. In addition, SDC has committed acts of direct infringement and/or indirect infringement of one or more claims of the '830 and '053 patents in this judicial district.

10. Furthermore, SDC has consented to jurisdiction in the Commonwealth of Virginia as a result of its sending Plaintiff Rutherford-Virginia a cease and desist letter in which it accused Plaintiffs of patent infringement with respect to the '399 patent.

11. Venue is properly laid in this district pursuant to 28 U.S.C. §§ 1391 and 1400(b) because Plaintiff Rutherford-Virginia has its headquarters and principal place of business within this judicial district and no real property is involved in this action, and because SDC is subject to personal jurisdiction in this district, has committed acts of infringement in this district, and has accused Plaintiffs of patent infringement in this district.

COUNT I – PATENT INFRINGEMENT OF THE '830 PATENT

12. Plaintiffs restate and reallege the preceding paragraphs of this Complaint.

13. On April 5, 2005, the '830 patent was duly and legally issued by the United States Patent and Trademark Office. Rutherford-Canada owns the '830 patent by assignment. The '830 patent is valid and enforceable. A true and correct copy of the '830 patent is attached as Exhibit A. Plaintiffs are presently and have been marking their electric strike products covered by the '830 patent.

14. Upon information and belief, Defendant SDC has been and is infringing, actively inducing others to infringe and/or contributing to the infringement of the '830 patent by making, using, selling, offering to sell, and/or importing electric door strikes embodying the patented inventions including, but not limited to, the 45 Series Electric Strike.

15. Upon information and belief, Defendant SDC received notice of the '830 patent at least as early as June 5, 2008.

16. Upon information and belief, Defendant SDC has been and is infringing the '830 patent with knowledge of the patent, and thus its infringement is willful.

COUNT II – INFRINGEMENT OF THE '053 PATENT

17. Plaintiffs restate and reallege the preceding paragraphs of this Complaint.

18. On December 5, 2006, the '053 patent was duly and legally issued by the United States Patent and Trademark Office. Rutherford-Canada owns the '053 patent by assignment. The '053 patent is valid and enforceable. A true and correct copy of the '053 patent is attached as Exhibit B. Plaintiffs are and have been marking their electric strike products covered by the '053 patent.

19. Upon information and belief, Defendant SDC has been and is infringing, actively inducing others to infringe and/or contributing to the infringement of the '053 patent by making, using, selling, offering to sell, and/or importing electric door strikes embodying the patented inventions including, but not limited to, the 45 Series Electric Strike.

20. Upon information and belief, Defendant SDC received notice of the '053 patent at least as early as June 5, 2008.

21. Upon information and belief, Defendant SDC has been and is infringing the '053 patent with knowledge of the patent, and thus its infringement is willful.

22. Defendants have caused and will continue to cause Plaintiffs irreparable injury and damage by infringing the '053 patent. Plaintiffs will suffer further irreparable injury, for which it has no adequate remedy at law, unless and until Defendants are enjoined from infringing the '053 patent.

COUNT III – DECLARATORY JUDGMENT OF NON-INFRINGEMENT

23. Plaintiffs restate and reallege the preceding paragraphs of this Complaint.

24. Plaintiffs have not infringed any claim of the '399 patent, either directly or indirectly, by its product DE 8310—as accused by SDC in its cease and desist letter—or by any other product.

25. Accordingly, a dispute and controversy presently exists between the parties with respect to at least infringement of the '399 patent.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request this Court:

- (1) Enter judgment that Defendant has infringed the '830 and '053 patents;

(2) Enter an order permanently enjoining Defendant and its officers, agents, employees, attorneys, and all persons in active concert or participation with any of them, from infringing the '830 and '053 patents;

(3) Award Plaintiffs damages in an amount sufficient to compensate them for Defendant's infringement of the '830 and '053 patents, together with pre-judgment and post-judgment interest and costs under 35 U.S.C. § 284;

(4) Treble damages awarded to Plaintiffs under 35 U.S.C. § 284 by reason of Defendant's willful infringement of the '830 and '053 patents as appropriate;

(5) Enter a judgment that Plaintiff is not infringing the '399 patent;

(6) Declare this case to be "exceptional" under 35 U.S.C. § 285 and award Plaintiffs their attorney fees, expenses, and costs incurred in this action; and

(7) Award Plaintiffs such other and further relief as this Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiffs demand a jury trial on all issues so triable.

Date: July 3, 2008

Respectfully submitted,


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