

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

U.S. DISTRICT COURT
DISTRICT OF N.H.
FILED

2004 FEB 26 A 11: 27

INSIGHT TECHNOLOGY INCORPORATED)

Plaintiff,)

v.)

SUREFIRE, LLC)

Defendant.)

Civil Action No. C-04-74-JD

**COMPLAINT FOR PATENT INFRINGEMENT
AND DEMAND FOR JURY TRIAL**

NOW COMES the Plaintiff, Insight Technology Incorporated, by and through its attorneys, Devine, Millimet & Branch, Professional Association, and complains against the defendant Surefire, LLC, as follows:

PARTIES

1. Plaintiff Insight Technology Incorporated ("Insight") is a corporation organized and existing under the laws of the State of New Hampshire and having a place of business in Londonderry, New Hampshire, within this judicial District.
2. On information and belief, defendant Surefire, LLC ("Surefire") is a limited liability corporation with a principal place of business at 18300 Mount Baldy Circle, Fountain Valley, California 92708.

JURISDICTION

3. This court has subject matter jurisdiction under 28 U.S.C. §§ 1331 (federal question), 28 U.S.C. § 1332 (diversity of parties), and 28 U.S.C. § 1338(a) (action arising under and Act of Congress relating to patents).

VENUE

4. Venue is proper in this judicial district under 28 U.S.C. § 1391 (b) & (c) and 28 U.S.C. § 1400.

GENERAL ALLEGATIONS

5. Insight is the owner of United States Patent Nos. 6,574,901 (the “’901 Patent”), entitled “Auxiliary Device for a Weapon and Attachment Thereof,” which was duly issued by the United States Patent and Trademark Office on June 10, 2003.

COUNT I: INFRINGEMENT OF THE ‘901 PATENT

6. Paragraphs 1-6 of this complaint are incorporated herein by reference.

7. On information and belief, Surefire is infringing the ‘901 patent by, *inter alia*, making, using, selling, importing or offering to sell weapon attachments that are covered by the ‘901 patent.

8. On information and belief, Surefire does not intend to cease their infringing acts after receiving notice of the ‘901 patent, and will therefore willfully infringe the ‘901 patent.

9. On information and belief, Surefire will continue to infringe the ‘901 patent unless permanently enjoined by this Court.

10. Insight will be substantially and irreparably damaged by the infringement of the ‘901 patent by Surefire.

RELIEF REQUESTED

WHEREFORE, by reason of the foregoing, Insight respectfully requests that this Court:

(a) issue a permanent injunction enjoining Surefire, as well as its parents, subsidiaries, affiliates, officers, agents, servants, employees and attorneys, and all persons acting

for, with, by through, or under any of them from infringing the '901 patent pursuant to 35 U.S.C. § 283;

(b) award Insight judgment against Surefire for patent infringement and award damages adequate to compensate for the infringement, together with interest and costs, pursuant to 35 U.S.C. § 284;

(c) award Insight judgment against Surefire for willful patent infringement and treble the damages found or assessed, pursuant to 35 U.S.C. § 284;

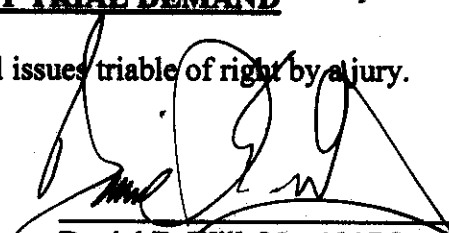
(d) award Insight its attorney fees, costs and expenses, pursuant to 35 U.S.C. § 285;
and

(e) grant Insight such other and further relief as this Court may deem just and proper.

JURY TRIAL DEMAND

Insight demands a trial by jury on all issues triable of right by a jury.

Dated: February 26, 2004



Daniel E. Will (No. 12176)
Devine, Millimet & Branch, P.A.
111 Amherst Street
Manchester, NH 03101
Tel: 603-669-6000
Fax: 603-669-8547
Attorney for Plaintiff
Insight Technology, Inc.

Of Counsel:

Gregory R. Madera
Lawrence K. Kolodney
Fish & Richardson, P.C.
225 Franklin Street
Boston, MA 02110
Tel: 617-542-5070
Fax: 617-542-8906