

**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. 6:09cv00356
	§	
Advanced Public Safety, Inc.	§	
a Florida Corporation,	§	
Casio America, Inc.,	§	Jury Trial Requested
a Delaware Corporation,	§	
Casio Computer Co., Ltd.,	§	
a Japanese Corporation,	§	
Symbol Technologies Inc.,	§	
a Delaware Corporation,	§	
Intermec,	§	
a Delaware Corporation,	§	
Research in Motion,	§	
a Delaware Corporation	§	
Tripod Data Systems,	§	
an Oregon Corporation,	§	
Zebra Technologies Corporation,	§	
a Delaware 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, Advanced Public Safety, Inc., is a Florida corporation with a principal place of business at 500 Fairway Drive, Suite 204, Deerfield Beach, Florida, 33441, and is doing

business in the State of Texas directly or indirectly. Defendant Advanced Public Safety, Inc. has a registered agent of CT Corporation, 1200 South Pine Island Road, Plantation, Florida, 22234.

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, Tokyo 151-8543, Japan, and is doing business in the State of Texas directly or indirectly.

5. Defendant, Symbol Technologies Inc. is an Delaware corporation with a principal place of business at One Motorola Plaza, Holtsville, New York, 11742-1300, and is doing business in the State of Texas directly or indirectly.

6. Defendant, Intermec is a Delaware corporation with a principal place of business at 6001 36<sup>th</sup> Avenue West, Everett, Washington, 98203 and is doing business in the State of Texas directly or indirectly.

7. Defendant, Research in Motion Corporation is a Delaware corporation with a principal place of business at 122 West John Carpenter Parkway, Suite 430, Irving, Texas 75039, and is doing business in the State of Texas directly or indirectly.

8. Defendant, Tripod Data Systems is an Oregon corporation with a principal place of business at P.O. Box 947, Corvallis, Oregon, 97339, and is doing business in the State of Texas directly or indirectly.

9. Defendant, Zebra Technologies Corporation is a Delaware corporation with a principal place of business at 333 Corporate Woods Parkway, Vernon Hills, Illinois, 60061-3109, and is doing business in the State of Texas directly or indirectly.

#### **JURISDICTION AND VENUE**

10. 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.

11. 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.

12. 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**

13. 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.

14. 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.

15. The '589 Patent system also uses the identification information from an identification card, such as a driver's license found on magnetic strip memory, bar code, or other data identified on the identification card.

16. 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.

17. The "Defendants' System" includes software modules and application programs created by Defendant Advanced Public Safety as installed, used, and sold on each of the other Defendants' handheld device units, which include one or more of the Defendants Advanced Public Safety's software programs known as PocketCitation, PocketQuery, QuickTicket, QuickCrash, PocketCrash, PocketParking, PocketForm, SmartSwipe, VirtualPartner Engine, eTicketing, QuickForms, SmartImport, SmartExport, SmartPrint, SmartRoads, SmartConnect, SkyView, QuickVoice, QuickQuery, QuickCommand, ReportBeam, and E-Commerce.

18. Police officers or other government officials use the Defendants' System in the United States, in the State of Texas, and, upon information and belief, in the Eastern District of Texas to investigate identification information and/or issue traffic citations.

19. Each of the Defendants including Defendant Advanced Public Safety, Inc. 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.

20. Advanced Public Safety has stated in its product literature that “[t]here are usually six to 10 different handheld devices that law enforcement agencies choose from when deploying a handheld unit.”

21. Advanced Public Safety has stated in its product literature that its software “works with a wide array of hardware”

22. Advanced Public Safety has stated in its product literature that an approved “Hardware List” includes the Defendants’ “Motorola MC50 Series,” “Intermec CN3 Series,” “Motorola MC70 Series,” “TDS Recon Series,” “Blackberry 8800,” and “Casio IT-3000 Series” handheld devices.

23. The displays for each of the Defendants’ “Motorola MC50 Series,” “Intermec CN3 Series,” “Motorola MC70 Series,” “TDS Recon Series,” “Blackberry 8800,” and “Casio IT-3000 Series” can be viewed at multiple angles of observation by moving or pivoting the handheld device.

24. 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 input assembly.

25. Advanced Public Safety has stated in its product literature that “almost all of the available handheld ticketing solutions rely on an officer scanning a barcode or swiping the magstripe on the violator’s driver’s license in order to populate some of the fields on the citation form.”

26. Advanced Public Safety has stated in its product literature that “[b]oth the scanning and swiping capabilities are conducted with a drivers license reader that is connected to the handheld device.”

27. Advanced Public Safety has stated in its product literature that “[a]most every state has a magnetic stripe or a barcode on the back of the driver’s license.”

28. Advanced Public Safety has stated in its product literature that “[a]gencies will typically purchase the reader that matches whatever is contained on the back of their state’s version.”

29. Advanced Public Safety has stated in its product literature that “advancements in both the functionalities of the handheld software applications and features of new handheld devices have significantly increased the use and deployment of the handheld solutions for traffic citations.”

30. 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.*

31. Advanced Public Safety has stated in its product literature that an approved “Hardware List” includes the “Zebra RW 420 Thermal Printer.”

32. Advanced Public Safety has stated in its product literature that “[a]gencies must select a printer that can create the printout that is approved by their state.”

33. Advanced Public Safety has stated in its product literature that “[t]here are two basic types of printer: thermal printer – prints a one-page ticket on thermal paper, and high-impact printer – prints directly onto the current multi-part form.”

34. Advanced Public Safety has stated in its product literature that:

Mobile Printer: All of the handheld systems utilize a small thermal printer to print the citations. A majority of thermal printers are stand-alone units that connect to the handheld device utilizing a wireless connection (Bluetooth or 802.11). There are also one to two printers available that are connected-to or encased into the hand-held device – however, these are proprietary/customized printers that are only supported by one repair operation. Thermal printers are capable of creating printouts that range anywhere from two to four inches wide, to a full 8.5 x 11-inch standard sheet of paper.

35. 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.

36. Advanced Public Safety has stated in its product literature that "[w]ith an electronic ticketing system, all of the data from the citation form can be electronically transferred to the necessary back-end system(s).

37. Advanced Public Safety has quoted Russell Brown of the Bellair Police Department in its product literature as stating "[j]ust being able to read the writing on the ticket, and the fact that it is transmitted automatically to the court system, reduces time for court personnel to spend time transcribing all that information."

38. Advanced Public Safety has stated in its product literature that "[t]he final element of an electronic ticketing system is the ability to electronically transfer the citation data to all of the requisite back-end database systems."

39. Advanced Public Safety has stated in its product literature that:

While many vendors have attempted to develop the ability to transfer data to multiple back-end systems, only APS has successfully proven the ability to complete data transfer protocols to numerous back-end databases, for both large and small agencies. In addition, APS has spent the past several years working with the major Records Management System (RMS) providers to coordinate the requisite data upload scripts required to import the citation data into their systems.

40. Advanced Public Safety has stated in its product literature that "APS can also electronically transfer the report/form data to any back-end RMS or Court system or store in the APS ReportBeam Field Based Reporting System."



41. Advanced Public Safety has stated in its product literature that:

Utilizing one of the APS electronic forms applications (QuickTicket, QuickCrash, PocketCitation, etc.), an officer completes the agency form on a mobile computer or handheld device. Once the form is printed and saved, a data file is created (in any format requested, including XML, JXML, CSV, fixed length, etc.) with the information that needs to be entered into the back-end database system (or multiple files are created if the data needs to be transferred to multiple databases). This file is electronically transmitted to the appropriate RMS and/or Court system utilizing the established network connection. The designated back-end vendor provides an upload script to import the data into their system. In addition, SmartExport can transfer data after it has been processed through the APS ReportBeam Field-Based Reporting solution.

42. Advanced Public Safety has stated in its product literature that the Defendants' system "[s]tores data electronically for entry into the APS ReportBeam database or for transfer to any records management or court system."

43. Advanced Public Safety has stated in its product literature that:

Advanced Public Safety (APS) is the market leader in providing comprehensive electronic ticketing solutions to law enforcement agencies throughout North America. The company's ubiquitous platform operates with almost any hardware components and interfaces to any back-end database system.

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

44. Raylon repeats the allegations of paragraphs 1-16 as if fully set forth herein.

45. 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.

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

47. Each of 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.

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

49. 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. 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.

50. 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: October 23, 2009

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