

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

RUTHERFORD CONTROLS INT'L CORP.  
(a Canadian Corporation) and

RUTHERFORD CONTROLS INT'L CORP.  
(a Virginia Corporation)

Plaintiffs,

vs.

ALARM CONTROLS CORPORATION,  
FAST ACCESS SECURITY  
CORPORATION, HARCO ENTERPRISE  
CO. LTD, and VANGUARD SECURITY  
ENGINEERING CORP., LTD

Defendants.

CASE NO. 3:08CV369-HEH

Judge Henry E. Hudson

Jury Trial Demanded

**AMENDED COMPLAINT FOR PATENT INFRINGEMENT**  
**AND INJUNCTIVE RELIEF**

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 file this amended complaint and demand a jury trial and complain of Defendants Alarm Controls Corporation, Fast Access Security Corp., Harco Enterprise Co. Ltd., and Vanguard Security Engineering Corp, Ltd., as follows:

**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

Defendants' unauthorized manufacture, use, sale, offer for sale, and/or importation into the 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 Defendants from continuing to infringe Plaintiffs' patents directly and/or indirectly. In addition, Plaintiffs seek the recovery of monetary damages resulting from Defendants' past infringement of these patents.

3. This action for patent infringement involves Defendants' 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.

#### **B. The Parties**

4. 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.

5. Upon information and belief, Defendant Alarm Controls Corporation is a corporation organized and existing under the laws of New York, with its principal place of business at 19 Brandywine Drive, Deer Park, NY 11729. Alarm Controls Corporation makes, uses, sells, offers for sale, and/or imports certain electric door strikes in the United States, including within this judicial district, that infringe one or more of the claims of the '830 and '053 patents.

6. Upon information and belief, Defendant Fast Access Security Corporation is a corporation organized and existing under the laws of Florida, with its principal place of business at 6929 NW 52<sup>nd</sup> Street, Miami, FL 33166. Fast Access Security Corporation uses, sells, offers for sale, and/or imports certain electric door strikes in the United States, including within this judicial district, that infringe one or more of the claims of the '830 and '053 patents.

7. Upon information and belief, Defendant Harco Enterprise Co. Ltd. is a corporation organized and existing under the laws of Taiwan R.O.C. with its principal place of business at 51 Lane 39, Jing Wu Road, 401 Taichung, Taiwan R.O.C., and is a majority owner of Defendant Vanguard Security Engineering Corp, Ltd. Harco Enterprise Co. Ltd. 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.

8. Upon information and belief, Defendant Vanguard Security Engineering Corp., Ltd. is a corporation organized and existing under the laws of Taiwan R.O.C., with its principal place of business at 3, Lane 32 Kao Ching Rd., Yang Mei Tao Yuan Hsien, Taiwan R.O.C. 326. Vanguard Security Engineering Corp., Ltd. 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 of the claims of the '830 and '053 patents.

**C. Jurisdiction and Venue**

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

10. Defendants are subject to personal jurisdiction in the Commonwealth of Virginia because they regularly transact 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, Defendants have committed acts of direct infringement and/or indirect infringement of one or more claims of the '830 and '053 patents in this judicial district.

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 all of the defendants are subject to personal jurisdiction in this district and have committed acts of 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. Defendant Alarm Controls Corporation 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, part number DS-100.

15. Defendant Alarm Controls Corporation received notice of the '830 patent by Plaintiffs at least as early as March 2008.

16. Defendant Alarm Controls Corporation has been and is infringing the '830 patent with knowledge of the patent, and thus its infringement is willful.

17. Defendant Fast Access Security Corporation 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, part number FAS-H-AS900 and/or FAS-AS900 and/or MAG-HAS900.

18. Upon information and belief, Defendant Harco Enterprise Co. Ltd. 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 part number ST 301, distributed by Vanguard Security Engineering Corp., Ltd.

19. Upon information and belief, Defendant Harco Enterprise Co. Ltd. received notice of the '830 patent at least as early as approximately April 7, 2008, when Vanguard Security Engineering Corp., Ltd received such notice.

20. Upon information and belief, Defendant Harco Enterprise Co. Ltd. has been and is infringing the '830 patent with knowledge of, and thus its infringement is willful.

21. Upon information and belief, Defendant Vanguard Security Engineering Corp, Ltd. 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, part number ST 301.

22. Defendant Vanguard Security Engineering Corp, Ltd. received notice of the '830 patent by Plaintiffs at least as early as April 2008.

23. Upon information and belief, Defendant Vanguard Security Engineering Corp, Ltd. has been and is infringing the '830 patent with knowledge of the patent, and thus its infringement is willful.

24. Defendants have caused and will continue to cause Plaintiffs irreparable injury and damage by infringing the '830 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 '830 patent.

#### **COUNT II – INFRINGEMENT OF THE '053 PATENT**

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

26. 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.

27. Defendant Alarm Controls Corporation 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, part number DS-100.

28. Defendant Alarm Controls Corporation received notice of the '053 patent by Plaintiffs at least as early as March 2008.

29. Defendant Alarm Controls Corporation has been and is infringing the '053 patent with knowledge of the patent, and thus its infringement is willful.

30. Defendant Fast Access Security Corporation 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, part number FAS-H-AS900 and/or FAS-AS900 and/or MAG-HAS900.

31. Upon information and belief, Defendant Harco Enterprise Co. Ltd. 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 part number ST 301, distributed by Vanguard Security Engineering Corp. Ltd.

32. Upon information and belief, Defendant Harco Enterprise Co. Ltd. received notice of the '053 patent at least as early as approximately April 7, 2008, when Vanguard Security Engineering Corp., Ltd received such notice.

33. Upon information and belief, Defendant Harco Enterprise Co. Ltd. has been and is infringing the '053 patent with knowledge of, and thus its infringement is willful.

34. Upon information and belief, Defendant Vanguard Security Engineering Corp, Ltd. 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, part number ST 301.

35. Defendant Vanguard Security Engineering Corp, Ltd. received notice of the '053 patent by Plaintiffs at least as early as April 2008.

36. Upon information and belief, Defendant Vanguard Security Engineering Corp, Ltd. has been and is infringing the '053 patent with knowledge of the patent, and thus its infringement is willful.

37. 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.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs respectfully request this Court:

- (1) Enter judgment that Defendants have infringed the '830 and '053 patents;
- (2) Enter an order permanently enjoining Defendants and their 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 Defendants' 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 Defendants' willful infringement of the '830 and '053 patents as appropriate;
- (5) 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
- (6) 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,

/s/

Peder A. Garske (VSB 28945)

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*Attorneys for Plaintiff, Rutherford Controls  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 3<sup>rd</sup> day of July, 2008, I will mail the document by U.S. or international certified mail to the following non-filing users:

Alarm Controls Corporation  
19 Brandywine Drive  
Deer Park, NY 11729

Fast Access Security Corp.  
6929 NW 52<sup>nd</sup> Street  
Miami, FL 33166

Harco Enterprise Co. Ltd.  
51 Lane 39  
Jing Wu Road  
401 Taichung  
Taiwan R.O.C.

Vanguard Security Engineering Corp, Ltd.  
3, Lane 32 Kao Ching Rd.  
Yang Mei Tao Yuan Hsien  
Taiwan R.O.C. 326

/s/  
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