

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

ROCKWELL AUTOMATION
TECHNOLOGIES, INC.,

Plaintiff,

v.

SECURE CROSSING RESEARCH
AND DEVELOPMENT INC.,

Defendant.

Civil Action No. _____

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Rockwell Automation Technologies, Inc. (“Rockwell”), by its attorneys and for its complaint, alleges and states as follows:

THE PARTIES

1. Plaintiff Rockwell is a corporation organized and existing under the laws of the State of Ohio having its principal place of business at 1 Allen Bradley Drive, Mayfield Heights, Ohio 44124.
2. On information and belief, defendant Secure Crossing Research and Development Inc. (“Secure Crossing”) is a corporation organized and existing under the laws of the State of Michigan having its principal place of business at 6 Parklane Boulevard, Suite 545, Dearborn, Michigan 48126.

NATURE OF THE ACTION, JURISDICTION, AND VENUE

3. This action arises under the patent statutes, 35 U.S.C. § 101 *et seq.*, in particular 35 U.S.C. § 271.
4. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1338(a).

5. This Court has personal jurisdiction over Secure Crossing because, on information and belief, Secure Crossing is a Michigan corporation, Secure Crossing is a resident of the State of Michigan, and Secure Crossing engages in continuous and systematic business within this district.

6. Venue is proper in this district under 28 U.S.C. §§ 1391(b), 1391(c), 1400(b).

THE PATENT-IN-SUIT

7. U.S. Patent No. 7,990,967 (“the ‘967 patent”), entitled “Firewall Method and Apparatus for Industrial Systems,” was duly and legally issued on August 2, 2011. A true and correct copy of the ‘967 patent is attached as Exhibit A.

8. Rockwell is the owner by assignment of the ‘967 patent.

INFRINGEMENT OF U.S. PATENT NO. 7,990,967

9. Rockwell repeats the allegations contained in paragraphs 1-8.

10. On information and belief, Secure Crossing has been and now is directly infringing the ‘967 patent pursuant to 35 U.S.C. § 271(a) in the State of Michigan, this judicial district, and elsewhere in the United States by making, using, offering for sale, and/or selling within the United States, and/or importing into the United States, products identified as “Zenwall-5,” “Zenwall-10,” “Zenwall-2500,” “Zenwall-3500,” “Zenwall-4500.”

11. Secure Crossing is liable for infringement of the ‘967 patent pursuant to 35 U.S.C. § 271(a).

12. On information and belief, Secure Crossing has been and now is indirectly infringing the ‘967 patent pursuant to 35 U.S.C. § 271(b) and/or (c) by intentionally inducing infringement and/or contributing to the infringement of the ‘967 patent in the State of Michigan, in this judicial district, and elsewhere in the United States, by providing and/or selling the products identified in paragraph 10 to customers and/or users of those products.

13. Secure Crossing is liable for infringement of the '967 patent pursuant to 35 U.S.C. § 271(b).

14. Secure Crossing is liable for infringement of the '967 patent pursuant to 35 U.S.C. § 271(c).

15. Rockwell has been damaged and injured by the infringement of the '967 patent by Secure Crossing. Because of its infringing acts, Secure Crossing is liable to Rockwell for damages in an amount no less than a reasonable royalty for the unauthorized use of the inventions claimed in the '967 patent.

16. The infringement of the '967 patent by Secure Crossing has been and continues to be willful.

17. The infringement of the '967 patent by Secure Crossing has caused and will continue to cause irreparable harm to Rockwell, for which Rockwell has no adequate remedy at law, unless Secure Crossing is permanently enjoined from further infringement.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Rockwell Automation Technologies, Inc. requests that this Court enter an order for the following:

1. adjudging Defendant Secure Crossing to have violated 35 U.S.C. § 271 by infringing one or more claims of U.S. Patent No. 7,990,967;
2. permanently enjoining Defendant Secure Crossing and its officers, agents, servants, employees, and attorneys, and all other persons who are in active concert or participation with Defendant Secure Crossing from further infringement of any claim of U.S. Patent No. 7,990,967;

3. awarding Plaintiff damages adequate to compensate for Defendant Secure Crossing's infringement, but in no event less than a reasonable royalty, under 35 U.S.C. § 284, in an amount to be determined at trial;
4. finding Defendant Secure Crossing's infringement to have been willful;
5. awarding Plaintiff enhanced damages, up to three times the amount found, under 35 U.S.C. § 284;
6. adjudging this action "exceptional" under 35 U.S.C. § 285;
7. awarding Plaintiff its reasonable attorney fees under 35 U.S.C. § 285;
8. awarding Plaintiff pre-judgment and post-judgment interest; and
9. awarding Plaintiff such other and further relief as this Court deems just and equitable.

DEMAND FOR A JURY TRIAL

Plaintiff Rockwell Automation Technologies, Inc. demands a trial by jury on all issues so triable. Rockwell Automation, Technologies, Inc. does not consent to a verdict by less than six jurors in this matter.

Dated: January 20, 2012

/s/ Deborah J. Swedlow
J. Michael Huget (P39150)
Deborah J. Swedlow (P67844)
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