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E-filing

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

INNOVATIVE AUTOMATION LLC,

Plaintiff,

v.

ALL PRO SOLUTIONS, INC.,

Defendant.

CV 11 3413
Case No.

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

Date: July 12, 2011

JCS

FILED
2011 JUL 12 P 3:51
RICHARD W. WIEKMAN
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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FAXED
FIRST LEGAL SUPPORT SERVICES

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Plaintiff Innovative Automation LLC states its complaint against Defendant All Pro Solutions, Inc., and alleges as follows:

THE PARTIES

1. Plaintiff Innovative Automation LLC (“Plaintiff” or “Innovative Automation”) is a limited liability company organized and existing under the laws of the State of California, with its principal place of business at 606 North First Street, San Jose, California 95112.

2. On information and belief, Defendant All Pro Solutions, Inc. (“Defendant” or “All Pro Solutions”) is a corporation organized and existing under the laws of the State of California, with its principal place of business at 1351 East Black Street, Rock Hill, South Carolina 29730.

JURISDICTION AND VENUE

3. Plaintiff realleges and incorporates by reference paragraphs the above paragraphs of this Complaint, inclusive, as though fully set forth herein.

4. This action is for patent infringement pursuant to the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.* This Court has subject matter jurisdiction over the action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over All Pro Solutions, Inc. because, on information and belief, All Pro Solutions is incorporated in the State of California, and does and has done substantial business in this judicial District, including (i) committing acts of patent infringement and/or contributing to or inducing acts of patent infringement by others in this judicial District and elsewhere in California; and (ii) regularly doing business or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from products and/or services provided to persons in this District and in this State.

6. Venue is proper in this judicial District pursuant to 28 U.S.C. §§ 1391 and 1400(b) because, on information and belief, All Pro Solutions, Inc. is incorporated in the

1 State of California, and has committed acts of direct and/or indirect infringement in this
2 judicial District and has transacted business in this judicial District.

3 **CLAIM FOR RELIEF**

4 **(Infringement of United States Patent No. 7,174,362)**

5 7. Plaintiff realleges and incorporates by reference paragraphs the above
6 paragraphs of this Complaint, inclusive, as though fully set forth herein.

7 8. Plaintiff is the owner of all right, title, and interest in United States Patent No.
8 7,174,362, entitled "Method and System for Supplying Products from Pre-Stored Digital
9 Data in Response to Demands Transmitted via Computer Network," duly and legally issued
10 by the United States Patent and Trademark Office on February 6, 2007 (the "'362 patent").
11 A true and correct copy of the '362 patent is attached hereto as Exhibit A.

12 9. The '362 patent generally describes and claims a computer-implemented
13 method of digital data duplication. In the method of claim 1 of the '362 patent, a request is
14 taken at one or more user interfaces and is transmitted through a network to a computer.
15 The computer contains a module to create a task log based on incoming requests; a module
16 for storing the necessary data; and a module to create a subset of the data, download that
17 subset to an output device, and command the device to transfer the subset onto blank media.
18 The request is assigned to an output device, and the duplication process is executed. Claims
19 2-8 of the '362 patent describe various other methods and a system of digital data
20 duplication.

21 10. On information and belief, All Pro Solutions, Inc. has contributorily infringed
22 and continues to contributorily infringe one or more claims of the '362 patent, literally
23 and/or under the doctrine of equivalents, by making, offering to sell, and selling devices that
24 (1) constitute a material part of the invention of the '362 patent, (2) All Pro Solutions knows
25 to be especially adapted for use in infringing the '362 patent, and (3) are not staple articles
26 of commerce suitable for substantial noninfringing use with respect to the '362 patent.
27 These devices include at least the All Pro Solutions Olympus duplication devices, and are
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1 used by companies, such as those that offer digital media duplication services, in a way that
2 directly infringes one or more claims of the '362 patent. In addition, All Pro Solutions has
3 directly infringed, and continues to directly infringe, literally and/or under the doctrine of
4 equivalents, one or more claims of the '362 patent under 35 U.S.C. § 271 by using the
5 claimed method(s) of duplicating digital data while using these devices.

6 11. As a result of All Pro Solutions' infringing activities, Plaintiff has suffered
7 damages in an amount not yet ascertained. Plaintiff is entitled to recover damages adequate
8 to compensate it for All Pro Solutions infringing activities in an amount to be determined at
9 trial, but in no event less than reasonable royalties, together with interest and costs.

10 12. Plaintiff reserves the right to allege, after discovery, that All Pro Solutions'
11 infringement is willful and deliberate, entitling Plaintiff to increased damages under 35
12 U.S.C. § 284, and to attorneys' fees incurred in prosecuting this action under 35 U.S.C.
13 § 285.

14 **PRAYER FOR RELIEF**

15 WHEREFORE, Plaintiff requests entry of judgment in its favor against Defendant as
16 follows:

17 a) For a declaration that Defendant has infringed, directly and/or indirectly, the
18 '362 patent;

19 b) For an award of damages adequate to compensate Plaintiff for Defendant's
20 infringement of the '362 patent, but in no event less than a reasonable royalty, together with
21 prejudgment and post-judgment interest and costs, in an amount according to proof;

22 c) For an entry of a permanent injunction enjoining Defendant, and its
23 respective officers, agents, employees, and those acting in privity, from further
24 infringement, including contributory infringement and/or inducing infringement, of the '362
25 patent, or in the alternative, awarding a royalty for post-judgment infringement;

26 d) For an award of attorneys' fees pursuant to 35 U.S.C. § 285 or as otherwise
27 permitted by law; and
28

1 e) For an award to Plaintiff of such other costs and further relief as the Court
2 may deem just and proper.

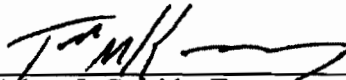
3 **DEMAND FOR JURY TRIAL**

4 Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff respectfully
5 requests a trial by jury.
6

7 Respectfully submitted,

8 Dated: July 12, 2011

9 **GUTRIDE SAFIER LLP**

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