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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

14 SECUGEN CORPORATION,
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Plaintiff,
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v.
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SUPREMA, INC.; RBH ACCESS
18 TECHNOLOGIES, INC.; RBH USA, INC.;
APIARY, INC.,
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Defendants.
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No. CV 11 3450 PSG

**FIRST AMENDED COMPLAINT FOR
PATENT INFRINGEMENT**

DEMAND FOR JURY TRIAL

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22 Plaintiff SecuGen Corporation ("SecuGen") for its First Amended Complaint against
23 Suprema, Inc. ("Suprema"), RBH Access Technologies, Inc. ("RBH"), RBH USA, Inc. ("RBH
24 USA"), and Apiary, Inc. ("Apiary") alleges as follows:

25 **NATURE OF ACTION**

26 1. This is an action for patent infringement arising under the patent laws of the United
27 States, Title 35, United States Code, §§ 100 et seq.
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PARTIES

2. Plaintiff SecuGen is a corporation organized and existing under the laws of the State of Delaware, having its principal place of business at 2065 Martin Avenue, Suite 108, Santa Clara, CA 95050.

3. On information and belief, Defendant Suprema is a corporation organized and existing under the laws of the Republic of Korea, having its principal place of business at 16F Parkview Office Tower, Jeongja-dong, Bundang-gu Seongnam, Gyeonggi, South Korea.

4. On information and belief, Defendant RBH is a Canadian corporation with its principal office at 2 Automatic Road, Suite 108, Brampton, Ontario, Canada, and its United States office at 60 Whitney Road, Unit 14, Mahwah, New Jersey. On information and belief, RBH conducts transactions, solicits business, and/or commits patent infringement in this judicial district.

5. On information and belief, Defendant RBH USA is a New Jersey corporation with its principal place of business at 60 Whitney Road, Unit 14, Mahwah, NJ 07430. On information and belief, RBH USA conducts transactions, solicits business, and/or commits patent infringement in this judicial district.

6. On information and belief, Defendant Apiary is a North Carolina corporation with its principal place of business at 301 McCullough Drive, 4th Floor, Charlotte, North Carolina. On information and belief, Apiary conducts transactions, solicits business, and/or commits patent infringement in this judicial district.

JURISDICTION AND VENUE

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

8. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400(b). Defendants are transacting, doing and/or soliciting business and committing acts of patent infringement in this judicial district and elsewhere in the United States.

BACKGROUND

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2 9. Plaintiff SecuGen is a leading provider of biometric devices including fingerprint
3 recognition devices (“FRD”). An FRD is a device used to identify any individual by his or her
4 fingerprint. FRDs have a variety of uses including, among other things, providing security for
5 electronic devices such as computers, door locks, and cell phones.

6 10. On November 27, 2001, U.S. Patent No. 6,324,020 (“the ‘020 patent”) entitled
7 “Method and Apparatus for Reduction of Trapezoidal Distortion and Improvement of Image
8 Sharpness in an Optical Image Capturing System” was duly and legally issued to inventors Harry
9 H. Teng and Sung-Chan Jo. SecuGen is the owner by assignment of all rights, title and interest in
10 the ‘020 patent.

11 11. The technology disclosed and claimed in the ‘020 patent is directed to optics
12 modules used in FRDs. Defendants import into the United States, offer to sell, distribute and sell
13 within the United States infringing FRDs including, but not limited to, Access Control/Time
14 Attendance FRDs (including but not necessarily limited to the BioStation series, the BioEntryPlus
15 series, the BioLiteNet series, the BioStation T2, the D-Station, and the BioLite Solo FRDs),
16 Embedded Modules FRDs ((including but not necessarily limited to the SFM3020-OP, SFM3030-
17 OD, SFM3520-OP, SFM3530-OD, SFM4020-OP, SFM3040-OC and SFM2020-OP FRDs) and
18 PC solutions FRDs (including but not necessarily limited to the BioMini, BioMiniPlus, SFU300,
19 SFU500, and SFR300-S). The foregoing devices listed in this paragraph will be referred to
20 collectively herein as the “Suprema FRDs.”

21 12. RBH integrates infringing RFDs into its products, including, but not limited to,
22 products labeled RBH-BFR-200-S, RBH-BFR-200-M, RBH-BFR-300-S, RBH-BFR-300-M, and
23 RBH-BFR-USB. RBH sells products incorporating infringing RFDs in the United States.

24 13. Apiary imports Suprema FRDs into the United States for distribution and sales.
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**FIRST CAUSE OF ACTION
(Infringement of the '020 patent)**

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14. SecuGen incorporates the allegations set forth in Paragraphs 1-13 above as if fully set forth herein.

15. The Suprema FRDs that Defendants import into the United States, and distribute, offer to sell and sell within the United States include optics modules that are covered by one or more claims of the '020 patent.

16. Defendants' importation, offers to sell, sales, and distribution within the United States of the Suprema FRDs containing optics modules covered by one or more claims of the '020 patent is unauthorized.

17. Defendants' importation, offers to sell, sales, and distribution within the United States of Suprema FRDs containing optics modules covered by one or more claims of the '020 patent thus constitutes infringement of the '020 patent in violation of 35 U.S.C. § 271(a).

18. Defendants are aware of the '020 patent, but yet they knowingly and actively induce third parties to use infringing Suprema FRDs within the United States. Defendants thus actively induce infringement of the '020 patent in violation of 35 U.S.C. § 271(b).

19. The optics modules incorporated into the Suprema FRDs that Defendants import into the United States, distribute, offer to sell and sell within the United States are not staple articles or commodities of commerce and have no substantial non-infringing use. On information and belief, Defendants know that such optics modules are especially made or especially adapted for use in an infringement of the '020 patent. Third-parties who use Suprema's FRDs infringe one or more claims of the '020 patent.

20. Defendants thus contribute to infringement of the '020 patent in violation of 35 U.S.C. § 271(c).

21. Defendants' acts of infringement are willful. Defendants knew and know of the '020 patent and that the Suprema FRDs infringe the '020 patent.

DEMAND FOR JURY TRIAL

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Pursuant to Fed. R. Civ. P. 38, SecuGen hereby demands trial by jury of all issues triable to a jury.
Dated: October 14, 2011

Respectfully submitted,

By: /s/ Brian E. Mitchell
Brian E. Mitchell

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