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CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

LHK

HRL

CV 11 3412

INNOVATIVE AUTOMATION LLC,

Plaintiff,

v.

ACUTRACK, INC.,

Defendant.

Case No.

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

Date: July 12, 2011

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1 Plaintiff Innovative Automation LLC states its complaint against Defendant
2 Acutrack, Inc., and alleges as follows:

3 **THE PARTIES**

4 1. Plaintiff Innovative Automation LLC (“Plaintiff” or “Innovative Automation”)
5 is a limited liability company organized and existing under the laws of the State of
6 California, with its principal place of business at 606 North First Street, San Jose, California
7 95112.

8 2. On information and belief, Defendant Acutrack, Inc. (“Acutrack”) is a
9 corporation organized and existing under the laws of the State of California, with its
10 principal place of business at 350 Sonic Avenue, Livermore, California 94551.

11 **JURISDICTION AND VENUE**

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

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

17 5. This Court has personal jurisdiction over Defendant because, on information
18 and belief, Defendant does and has done substantial business in this judicial District,
19 including (i) maintaining its principal place of business in this judicial District; (ii)
20 committing acts of patent infringement and/or contributing to or inducing acts of patent
21 infringement by others in this judicial District and elsewhere in California; and (iii) regularly
22 doing business or soliciting business, engaging in other persistent courses of conduct, and/or
23 deriving substantial revenue from products and/or services provided to persons in this
24 District and in this State.

25 6. Venue is proper in this judicial District pursuant to 28 U.S.C. §§ 1391 and
26 1400(b) because Defendant resides in this judicial District, and because a substantial part of
27 the events giving rise to the claims occurred in this judicial District.
28

1 **CLAIM FOR RELIEF**

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

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

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

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

19 10. Defendant has infringed, and continues to infringe, literally and/or under the
20 doctrine of equivalents, one or more claims of the '362 patent under 35 U.S.C. § 271 by
21 using the claimed method(s) of duplicating digital data while performing Defendant's digital
22 media duplication services such as its optical media duplication services.

23 11. As a result of Defendant's infringing activities, Plaintiff has suffered damages
24 in an amount not yet ascertained. Plaintiff is entitled to recover damages adequate to
25 compensate it for the Defendant's infringing activities in an amount to be determined at trial,
26 but in no event less than reasonable royalties, together with interest and costs.

1 12. Plaintiff reserves the right to allege, after discovery, that Defendant's
2 infringement is willful and deliberate, entitling it to increased damages under 35 U.S.C.
3 § 284, and to attorneys' fees incurred in prosecuting this action under 35 U.S.C. § 285.

4 **PRAYER FOR RELIEF**

5 WHEREFORE, Plaintiff requests entry of judgment in its favor against Defendant as
6 follows:

7 a) For a declaration that Defendant has infringed, directly and/or indirectly, the
8 '362 patent;

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

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

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

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

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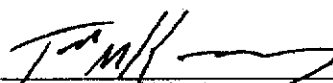
DEMAND FOR JURY TRIAL

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

Dated: July 12, 2011

Respectfully submitted,

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