

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN  
GREEN BAY DIVISION

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Circuit Check, Inc.,

Plaintiff,

v.

QXQ, Inc.,

Defendant.

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CIVIL ACTION NO. \_\_\_\_\_

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Circuit Check, Inc. (“Circuit Check”), for its Complaint against Defendant QXQ, Inc. (“QXQ”), alleges as follows:

**JURISDICTION AND VENUE**

1. This is an action for patent infringement arising under the patent laws of the United States, more particularly 35 U.S.C. §§ 271 and 281.
2. This Court has subject matter jurisdiction pursuant to 28 U.S. C. §§ 1331 and 1338(a).
3. Venue is proper in this District under 28 U.S.C. §§ 1391(c) and 1400(b).
4. Jurisdiction as to QXQ is proper pursuant to Wis. Stat. § 801.05(1)(d), and/or Wis. Stat. § 801.05(3).

**THE PARTIES**

5. Circuit Check is a Minnesota corporation having its principal place of business at 6550 Wedgwood Road, Maple Grove, MN 55311. Circuit Check develops,

manufactures and sells products and services for testing electronic circuit boards. Circuit Check has applied for and has been issued patents by the United States Patent and Trademark Office for inventions relating to circuit board testers, including inventions for identifying holes in circuit board interface guiding plates. Circuit Check does business in the State of Wisconsin and in this District.

6. Upon information and belief, QXQ is a California corporation with a principal place of business at 44113 South Grimmer Blvd., Fremont, CA 94538. Upon information and belief, QXQ has had continuous and systematic contacts with the State of Wisconsin and this District through its efforts to solicit, market and/or sell electronic circuit board testing products and services. More specifically, QXQ actively markets and sell products in this District that infringe Circuit Check's patents-in-suit identified below.

#### **THE PATENTS-IN-SUIT**

7. Circuit Check is the assignee and owner of all right, title, and interest in United States Patent No. 7,592,796 ("the '796 patent"), entitled "Plate With An Indicator For Discerning Among Pre-Identified Probe Holes In The Plate," which issued on September 22, 2009.

8. Circuit Check is the assignee and owner of all right, title, and interest in United States Patent No. 7,695,766 ("the '766 patent"), entitled "Method Of Identifying Specific Holes In An Interface Guiding Plate," which issued on April 13, 2010.

9. Circuit Check is the assignee and owner of all right, title, and interest in United States Patent No. 7,749,566 ("the '566 patent"), entitled "Plate With An Indicator For Discerning Among Pre-Identified Probes In The Plate," which issued on July 6, 2010.

## **COUNT I – PATENT INFRINGEMENT**

10. Circuit Check realleges the allegations in the preceding paragraphs as if fully restated in Count I of this Complaint.

11. Upon information and belief, QXQ has been and still is infringing, and knowingly contributing to and inducing infringement of, one or more claims of the ‘796, ‘766 and ‘566 patents by making, using, selling and/or offering to sell in the United States circuit board tester products and processes for identifying holes in circuit board interface guiding plates.

12. Upon information and belief, QXQ’s infringement of the ‘796, ‘766 and ‘566 patents has been willful and deliberate, rendering this case “exceptional” within the meaning of 35 U.S.C. § 285.

13. Circuit Check has been damaged by QXQ’s infringement of the ‘796, ‘766 and ‘566 patents. Unless restrained and enjoined by this Court, QXQ will continue to infringe the ‘796, ‘766 and ‘566 patents resulting in substantial, continuing, and irreparable damage to Circuit Check.

14. Circuit Check has complied with the notice requirements of 35 U.S.C. § 287(a) with respect to the ‘796, ‘766 and ‘566 patents.

## **DEMAND FOR JUDGMENT**

WHEREFORE, Circuit Check demands judgment as follows:

- A. That QXQ be adjudged to have infringed the ‘796, ‘766 and ‘566 patents;
- B. That the ‘796, ‘766 and ‘566 patents be adjudged valid and enforceable;

C. That QXQ be adjudged to have willfully and deliberately infringed the '796, '766 and '566 patents;

D. That QXQ, its officers, agents, servants, employees, and attorneys, and those persons in active concert or participation with them who receive actual notice of the order by personal service or otherwise, be preliminarily and permanently restrained and enjoined from further infringement of the '796, '766 and '566 patents;

E. An accounting and an award of damages by virtue of QXQ's infringement of the '796, '766 and '566 patents;

F. An award of treble damages because of QXQ's willful infringement of the '796, '766 and '566 patents, in accordance with 35 U.S.C. § 284.

G. An assessment of prejudgment and post-judgment interest and costs against QXQ, together with an award of such interest and costs, all in accordance with 35 U.S.C. § 284;

H. That the present case be adjudged an "exceptional case" within the meaning of 35 U.S.C. § 285 and reasonable attorneys' fees be awarded pursuant thereto; and

I. An award of such other and further relief as this Court may deem just and proper.

### **JURY TRIAL DEMAND**

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure and the Seventh Amendment to the Constitution of the United States, Circuit Check hereby demands a trial by jury of all issues triable in the above action.

Dated: November 30, 2012

ANTHONY OSTLUND BAER  
& LOUWAGIE, P.A.

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