

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MINELAB ELECTRONICS PTY LTD,	)	Civil Action
	)	
Plaintiff,	)	No. _____
	)	
v.	)	
	)	
XP METAL DETECTORS and	)	<b><u>Electronically Filed</u></b>
DETECTOR ELECTRONICS CORP.,	)	
	)	<b>JURY TRIAL DEMANDED</b>
Defendants.	)	

**COMPLAINT**

Plaintiff Minelab Electronics Pty Ltd (“Minelab”), through its counsel, hereby alleges the following for its Complaint against Defendants XP Metal Detectors (“XP”) and Detector Electronics Corp. (“Detector”):

1. This is a civil action for the infringement of United States Patent No. 7,310,586 entitled “Metal Detector with Data Transfer” (“the ’586 patent”).
2. Minelab has a principal place of business at Technology Park, 2 Second Avenue, Mawson Lakes, SA 5095, Australia.
3. XP has a place of business at 8 rue du developpement, ZI de VIC, 31320 Castanet-Tolosan, France.
4. Detector has a place of business at 23 Turnpike Road, Southborough, Massachusetts 01772.

**PERSONAL JURISDICTION AND VENUE**

5. This Court has jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).
6. Venue is proper under 28 U.S.C. §§ 1391(b), 1391(c) and 1400(b).

7. Through its United States distributor, Detector, XP has sold and offered to sell infringing products in this Commonwealth and in this judicial district.

**PATENT INFRINGEMENT IN VIOLATION OF 35 U.S.C. § 271**

8. Minelab repeats and re-alleges the averments contained in paragraphs 1 through 7 of this Complaint as if fully stated herein.

9. This is a claim for the infringement of the '586 patent, a true and correct copy of which is attached as Exhibit A hereto.

10. The '586 patent and its claims relate generally to a metal detector and methods of using a metal detector where data stored in the metal detector can be modified by data stored in an external source.

11. Minelab is the owner, by assignment, of the '586 patent which was duly and lawfully issued by the United States Patent and Trademark Office on December 18, 2007.

12. XP and Detector are contributorily infringing and inducing the infringement of at least claim 10 of the '586 patent. XP and Detector will continue to infringe the '586 patent unless enjoined by this Court.

13. XP is manufacturing, using, selling and/or offering to sell the DEUS metal detector which can be operated in a manner where data stored in the metal detector can be modified by data stored in an external source. XP advertises its DEUS product with specific instructions for its customers to operate the DEUS product in a manner that infringes at least claim 10 of the '586 patent.

14. Detector is selling and offering to sell the DEUS metal detector which can be operated in a manner where data stored in the metal detector can be modified by data stored in an external source. XP and Detector advertise the DEUS product with specific instructions for their

customers to operate the DEUS product in a manner that infringes at least claim 10 of the '586 patent.

15. Use of the DEUS product in its ordinary and intended way results in infringement of at least claim 10 of the '586 patent under 35 U.S.C. § 271.

16. Minelab sells multiple metal detectors in the United States including the CTX 3030 and the E-TRAC. These products are marked with a label directing the public to the Minelab website for a list of applicable patents. The Minelab website indicates that these products and the use thereof are subject to the '586 patent.

17. By letter dated June 23, 2016, XP was put on direct notice that the use of the DEUS product infringed at least claim 10 of the '586 patent.

18. Upon information and belief, XP and Detector instructed their customers to use the DEUS product in a manner that infringes the '586 patent.

19. Upon information and belief, XP and Detector have actively induced and continue to actively induce this infringement without authority or license from Minelab in violation of 35 U.S.C. § 271(b). For example, XP and Detector have been and continue to actively induce this infringing activity by encouraging and instructing customers to use the DEUS headset and remote control features so as to directly infringe the '586 patent. By encouraging and instructing its customers to do so knowing that this use will directly infringe the '586 patent, or remaining willfully blind to this fact, XP and Detector specifically intend to cause direct infringement of the '586 patent.

20. In manufacturing and selling the DEUS product and promoting the use of such product with the headset and remote control features, XP and Detector have contributed to the infringement of the '586 patent without authority or license from Minelab in violation of 35

U.S.C. § 271(c). The DEUS product equipped with the headset and remote control features has no substantial non-infringing use other than to practice the method of at least claim 10 of the '586 patent.

21. The activities of XP and Detector in infringing the '586 patent are willful and wanton, constituting willful infringement of such United States Patent under 35 U.S.C. § 284.

22. Minelab has been irreparably damaged and will continue to be irreparably damaged by reason of XP's and Detector's infringement of the '586 patent unless this Court restrains the infringing acts of XP and Detector. Minelab is without an adequate remedy at law.

**WHEREFORE**, Minelab prays:

A. that XP and Detector, their officers, employees, agents, and those persons in active participation with them be permanently enjoined from infringing United States Patent No. 7,310,586;

B. that a decree be entered adjudging that XP and Detector infringed United States Patent No. 7,310,586 and that such infringement was willful;

C. that XP and Detector be ordered to pay damages to Minelab pursuant to 35 U.S.C. § 284, including interest from the dates of infringement, resulting from XP's and Detector's infringement of United States Patent No. 7,310,586;

D. that XP and Detector be ordered to pay to Minelab treble damages pursuant to 35 U.S.C. § 284, resulting from XP's and Detector's willful infringement of United States Patent No. 7,310,586;

E. that Minelab be awarded its costs of this action and reasonable attorneys' fees pursuant to 35 U.S.C. § 284 and 285; and

F. that Minelab be awarded such further relief as this Court may deem just and proper.

**DEMAND FOR JURY TRIAL**

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Minelab hereby demands a trial by jury for all issues triable by a jury.

Respectfully submitted,

**THE WEBB LAW FIRM**

Dated: October 19, 2016

s/ Kent E. Baldauf, Jr.

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