

C.J. Veverka (Bar No. 07110)  
cveverka@mgiiip.com  
Kirk R. Harris (Bar No. 10221)  
kharris@mgiiip.com  
Mark W. Ford (Bar No. 10629)  
mford@mgiiip.com

**MASCHOFF GILMORE & ISRAELSEN**

1441 West Ute Boulevard, Suite 100  
Park City, UT 84098  
Telephone: (435) 252-1360  
Facsimile: (435) 252-1361

Nathaniel L. Dilger\* (CA State Bar No. 196203)  
ndilger@onellp.com  
Peter R. Afrasiabi\* (CA State Bar No. 193336)  
pafrasiabi@onellp.com

**ONE LLP**

4000 MacArthur Blvd.  
West Tower, Suite 1100  
Newport Beach, CA 92660  
Telephone: (949) 502-2870  
Facsimile: (949) 258-5081

*Attorneys for Plaintiff, CAO GROUP, INC.*

*\*Pro Hac Vice Applications Forthcoming*

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

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CAO GROUP, Inc., a Utah corporation,  Plaintiff,	<b>COMPLAINT</b>  JURY DEMAND  Case No. 2:12-cv-01123-TS  Judge Ted Stewart
v.	
3M COMPANY, a Delaware corporation,  Defendant.	

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Plaintiff CAO Group, Inc. (“CAO”) hereby complains and alleges against Defendant 3M Company (“3M”) as follows:

### **PARTIES**

1. Plaintiff CAO is a Utah corporation located at 4628 West Skyhawk Drive, West Jordan, UT 84084.
2. On information and belief, 3M is a Delaware corporation with a principal place of business at 2501 Hudson Road St. Paul, MN 55144.

### **NATURE OF THE ACTION**

3. This is an action for patent infringement arising under the Patent Laws of the United States 35 U.S.C. §§ 1 *et seq.*, including 35 U.S.C. § 271.
4. On information and belief, 3M has infringed and continues to infringe, contribute to the infringement of, and/or actively induce others to infringe CAO’s U.S. Patent Nos. 6,719,559 (the “559 Patent”), 6,755,648 (the “648 Patent”), and 6,783,362 (the “362 Patent”) (collectively “the Asserted Patents”).

### **JURISDICTION AND VENUE**

5. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338.
6. This Court has personal jurisdiction over 3M because, on information and belief, 3M 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 Utah; (ii) regularly conducting business in this State and judicial District; (iii) directing advertising to or soliciting business from persons residing in this

state and judicial District through at least in-person sales efforts and 3M's interactive and commercial website where the accused product may be purchased, and (iv) engaging in other persistent courses of conduct, and/or deriving substantial revenue from products and/or services provided to persons in this District and State.

7. In addition, on information and belief, 3M has a computer software development location within this judicial District at 575 W. Murray Blvd., Murray, UT 84123-4611

8. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391 and 1400(b).

### **FACTUAL BACKGROUND**

9. Plaintiff CAO designs, develops, manufactures, and markets various products for use in the dental industry, including but not limited to dental curing lights.

10. CAO has sought protection for its technological innovations, which has resulted in numerous issued patents, including the Asserted Patents.

11. The '559 Patent issued on April 13, 2004, and is titled "Curing Light." CAO is the owner by assignment of the '559 Patent.

12. The '648 Patent issued on June 29, 2004, and is titled "Curing Light." CAO is the owner by assignment of the '648 Patent.

13. The '362 Patent issued on August 31, 2004, and is titled "Dental Curing Light Using Primary And Secondary Heat Sink Combination." CAO is the owner by assignment of the '362 Patent.

14. On information and belief, 3M develops, markets, and/or manufactures a number of products for the dental industry, including dental curing lights that include light emitting diodes ("LED").

15. On information and belief, some of 3M's dental curing lights are sold under the trade names "Paradigm" and "Elipar." These products are exemplary and are referred to collectively hereafter as the "Accused Products."

16. On information and belief, 3M operates and maintains a website at [www.3m.com](http://www.3m.com), where 3M's products, including the Accused Products, are marketed to consumers worldwide.

17. Brochures, technical information and instruction manuals are available for download through 3M's website. These documents provide information regarding how to use the Accused Products.

18. On or about December 13, 2006, CAO sent a letter to 3M. In this letter, CAO identified several of its patents, including the '648 Patent.

19. On or about April 17, 2007, CAO sent a letter to 3M. In this letter, CAO identified a large number of CAO's pending patent applications and issued patents, including the '559 Patent, the '648 Patent, and the '362 Patent.

### **COUNT ONE**

#### **(Infringement Of The '559 Patent Against 3M – 35 U.S.C. §§ 271 *et seq.*)**

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

21. The Accused Products, including at least the Paradigm, do not have a substantial use that does not infringe at least claim 16 of the '559 Patent.

22. On information and belief, 3M has actual notice of the '559 Patent since at least as early as April 17, 2007, as well as constructive notice pursuant to 35 U.S.C. § 287.

23. On information and belief, 3M has (1) infringed and continues to infringe at least claim 16 of the '559 Patent by developing, making, using, offering to sell, selling and/or importing, in this District and elsewhere in the United States, the Accused Products including at

least the Paradigm and/or (2) contributed to the infringement of at least claim 16 of the '559 Patent, and/or actively induced others to infringe at least claim 16 of the '559 Patent, in this District and elsewhere in the United States.

24. 3M's actions constitute infringement, active inducement of infringement, and/or contributory infringement of at least claim 16 of the '559 Patent in violation of 35 U.S.C. § 271.

25. CAO has sustained damages and will continue to sustain damages as a result of 3M's aforesaid acts of infringement.

26. CAO is entitled to recover damages sustained as a result of 3M's wrongful acts in an amount to be proven at trial.

27. 3M's infringement of CAO's rights under at least claim 16 of the '559 Patent will continue to damage CAO's business, causing irreparable harm, for which there is no adequate remedy at law, unless it is enjoined by this Court.

28. Upon information and belief, 3M has willfully infringed at least claim 16 of the '559 Patent, entitling CAO to increased damages under 35 U.S.C. § 284 and to attorney fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

## **COUNT TWO**

### **(Infringement Of The '648 Patent Against 3M – 35 U.S.C. §§ 271 *et seq.*)**

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

30. The Accused Products, including at least the Paradigm, do not have a substantial use that does not infringe at least claim 8 of the '648 Patent.

31. On information and belief, 3M has had actual notice of the '648 Patent since at least as early as December 13, 2006, as well as constructive notice pursuant to 35 U.S.C. §. 287.

32. On information and belief, 3M has (1) infringed and continues to infringe at least claim 8 of the '648 Patent by developing, making, using, offering to sell, selling and/or importing, in this District and elsewhere in the United States, the Accused Products including at least the Paradigm and/or (2) contributed to the infringement of at least claim 8 of the '648 Patent, and/or actively induced others to infringe at least claim 8 of the '648 Patent, in this District and elsewhere in the United States.

33. 3M's actions constitute infringement, active inducement of infringement, and/or contributory infringement of at least claim 8 of the '648 Patent in violation of 35 U.S.C. § 271.

34. CAO has sustained damages and will continue to sustain damages as a result of 3M's aforesaid acts of infringement.

35. CAO is entitled to recover damages sustained as a result of 3M's wrongful acts in an amount to be proven at trial.

36. 3M's infringement of CAO's rights under at least claim 8 of the '648 Patent will continue to damage CAO's business, causing irreparable harm, for which there is no adequate remedy at law, unless it is enjoined by this Court.

37. Upon information and belief, 3M has willfully infringed at least claim 8 of the '648 Patent, entitling CAO to increased damages under 35 U.S.C. § 284 and to attorney fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

### **COUNT THREE**

#### **(Infringement Of The '362 Patent Against 3M – 35 U.S.C. §§ 271 *et seq.*)**

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

39. The Accused Products, including at least the Paradigm, do not have a substantial use that does not infringe at least claim 20 of the '362 Patent.

40. On information and belief, 3M has had actual notice of the '362 Patent since at least as early as April 17, 2007, as well as constructive notice pursuant to 35 U.S.C. § 287.

41. On information and belief, 3M has (1) infringed and continues to infringe at least claim 20 of the '362 Patent by developing, making, using, offering to sell, selling and/or importing, in this District and elsewhere in the United States, the Accused Products including at least the Paradigm and/or (2) contributed to the infringement of at least claim 20 of the '362 Patent, and/or actively induced others to infringe at least claim 20 of the '362 Patent, in this District and elsewhere in the United States.

42. 3M's actions constitute infringement, active inducement of infringement, and/or contributory infringement of at least claim 20 of the '362 Patent in violation of 35 U.S.C. § 271.

43. CAO has sustained damages and will continue to sustain damages as a result of 3M's aforesaid acts of infringement.

44. CAO is entitled to recover damages sustained as a result of 3M's wrongful acts in an amount to be proven at trial.

45. 3M's infringement of CAO's rights under at least claim 20 of the '362 Patent will continue to damage CAO's business, causing irreparable harm, for which there is no adequate remedy at law, unless it is enjoined by this Court.

46. Upon information and belief, 3M has willfully infringed at least claim 20 of the '362 Patent, entitling CAO to increased damages under 35 U.S.C. § 284 and to attorney fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff CAO asks this Court to enter judgment in its favor and against 3M and grant the following relief:

A. An adjudication that 3M has willfully infringed and continues to infringe the Asserted Patents.

B. Orders of this Court temporarily, preliminarily, and permanently enjoining 3M, its agents, servants, and any and all parties acting in concert with it, from directly or indirectly infringing in any manner any of the claims of Asserted Patents pursuant to at least 35 U.S.C. § 283;

C. An award of damages adequate to compensate CAO for 3M's infringement of the Asserted Patents in an amount to be proven at trial;

D. A finding that this is an exceptional case and an award of Plaintiff's costs and attorney fees;

E. A trebling of the damage award to Plaintiff;

F. An assessment and award of pre- and post-judgment interest on all damages awarded; and

I. Any further relief that this Court deems just and proper.

### **DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial by jury as to all claims and all issues properly triable thereby.

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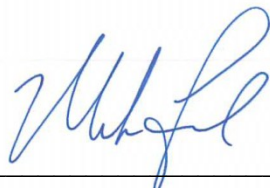
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Dated: December 10, 2012

**MASCHOFF GILMORE & ISRAELSEN**

By:   
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C.J. Veverka, Esq.  
Kirk R. Harris, Esq.  
Mark W. Ford, Esq.

**ONE LLP**

Nathaniel L. Dilger (CA State Bar No. 196203)

Peter R. Afrasiabi, Esq. (CA State Bar No. 193336)

*Attorneys for Plaintiff, CAO GROUP, INC.*