

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

AEROSCOUT, LTD.)
and AEROSCOUT, INC.,)
)
Plaintiffs,)
)
v.) C.A. No. _____
)
CENTRAK INC.,) **JURY TRIAL DEMANDED**
)
Defendant.)

COMPLAINT

Plaintiffs AeroScout, Ltd. and AeroScout, Inc. (collectively “AeroScout”) complain of defendant Centrak Inc. (“Centrak” or “Defendant”) as follows:

THE PARTIES

1. AeroScout Ltd. is a foreign corporation with its offices at 10 Oppenheimer Street, Park Tamar, Rehovot, Israel 76701. AeroScout, Ltd. is a wholly owned subsidiary of AeroScout, Inc. AeroScout, Inc. is a Delaware corporation with its headquarters located at 1300 Island Drive, Suite 202, Redwood City, California 94065.

2. Centrak Inc. is a Delaware corporation having a principal place of business at 5 Caulfield Place, Suite 102, Newton, Pennsylvania 18940.

JURISDICTION AND VENUE

3. This is an action for patent infringement arising under the patent laws of the United States (Title 35 of the United States Code). The Court has subject matter jurisdiction of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. Centrak is incorporated in this District and has done business in this District and has committed acts of infringement in this District. Such acts include soliciting, advertising

(including through websites), offering to sell, selling and/or distributing infringing products, either directly or through intermediaries and agents, within this District.

5. Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b). Defendant is subject to personal jurisdiction in this District by way of its incorporation in this District and has committed acts of infringement in this District.

FACTUAL ALLEGATIONS

A. The Patent-in-Suit

6. United States Patent No. 6,963,289 (“the ’289 patent”), entitled “Wireless Local Area Network (WLAN) Channel Radio Frequency Identification (RFID) Tag System and Method Therefor,” was duly and legally issued by the United States Patent and Trademark Office on November 8, 2005. It is attached hereto as Exhibit A.

7. United States Patent No. 7,522,049 (“the ’049 patent”), entitled “Wireless Local Area Network (WLAN) Method and System for Presence Detection and Location Finding,” was duly and legally issued by the United States Patent and Trademark Office on April 21, 2009. It is attached hereto as Exhibit B.

8. AeroScout, Ltd. is the owner of the ’289 patent and the ’049 patent by virtue of an assignment and owns all rights, title, and interest in the ’289 patent and the ’049 patent including the right to sue for past, present and future infringement.

B. Infringement of the Patent-in-Suit

9. Centrak has been and is engaged in the manufacture, use, offer for sale, sale, and/or importation into the United States of radio frequency identification (“RFID”) tags for use in wireless real-time location systems (“RTLS”). Centrak has made, used, offered for sale, sold,

and/or imported into the United States at least the following RFID tags: model #ITD-761 asset tag, model #ITD-762 patient tag, and model #ITD-763 staff tag.

10. Centrak's model #ITD-761 asset tag, model #ITD-762 patient tag, and model #ITD-763 staff tag contain components that infringe at least one claim of the '289 patent and the '049 patent. Upon information and belief, one or more of Centrak's temperature tags, model #IT-737 temperature and humidity tag and/or model #IT-738 temperature tag, contain the same or substantially similar components as those contained within Centrak's model #ITD-761 asset tag, model #ITD-762 patient tag, and model #ITD-763 staff tag, and to that extent, likewise infringe at least one claim of the '289 patent and '049 patent.

COUNT I
INFRINGEMENT OF THE '289 PATENT

11. AeroScout realleges and incorporates by reference each and every allegation set forth in the proceeding paragraphs 1-10 as if fully set forth herein.

12. Centrak has infringed at least one claim of the '289 patent through, among other activities, manufacturing, using, selling, offering to sell, and/or importing into the United States, RFID tags including model #ITD-761 asset tag, model #ITD-762 patient tag, and model #ITD-763 staff tag that employ the inventions of the '289 patent within the meaning of 35 U.S.C. § 271(a). Upon information and belief, other Centrak RFID tags, including without limitation, model #IT-737 and model #IT-738, are also believed to infringe at least one claim of the '289 patent within the meaning of 35 U.S.C. § 271(a).

13. Centrak has knowingly contributed to the infringement of at least one claim of the '289 patent through, among other things, manufacturing, using, selling, offering to sell, and/or importing into the United States, RFID tags including model #ITD-761 asset tag, model #ITD-762 patient tag, and model #ITD-763 staff tag that employ the inventions of the '049 patent

within the meaning of 35 U.S.C. § 271(c). Upon information and belief, other Centrak RFID tags, including without limitation, model #IT-737 and model #IT-738, are also believed to knowingly contribute to the infringement of at least one claim of the '289 patent within the meaning of 35 U.S.C. § 271(c).

14. As a direct and proximate result of Centrak's infringement, AeroScout has suffered, and will continue to suffer, serious irreparable injury for which AeroScout is entitled to recover damages adequate to compensate it for such infringement, but, in no event, less than a reasonable royalty.

COUNT II
INFRINGEMENT OF THE '049 PATENT

15. AeroScout realleges and incorporates by reference each and every allegation set forth in the proceeding paragraphs 1-10 as if fully set forth herein.

16. Centrak has infringed at least one claim of the '049 patent through, among other activities, manufacturing, using, selling, offering to sell, and/or importing into the United States, RFID tags including model #ITD-761 asset tag, model #ITD-762 patient tag, and model #ITD-763 staff tag that employ the inventions of the '049 patent within the meaning of 35 U.S.C. § 271(a). Upon information and belief, other Centrak RFID tags, including without limitation, model #IT-737 and model #IT-738, are also believed to infringe at least one claim of the '049 patent within the meaning of 35 U.S.C. § 271(a).

17. Centrak has knowingly contributed to the infringement of at least one claim of the '049 patent through, among other things, manufacturing, using, selling, offering to sell, and/or importing into the United States, RFID tags including model #ITD-761 asset tag, model #ITD-762 patient tag, and model #ITD-763 staff tag that employ the inventions of the '049 patent within the meaning of 35 U.S.C. § 271(c). Upon information and belief, other Centrak RFID

tags, including without limitation, model #IT-737 and model #IT-738, are also believed to knowingly contribute to the infringement of at least one claim of the '049 patent within the meaning of 35 U.S.C. § 271(c).

18. As a direct and proximate result of Centrak's infringement, AeroScout has suffered, and will continue to suffer, serious irreparable injury for which AeroScout is entitled to recover damages adequate to compensate it for such infringement, but, in no event, less than a reasonable royalty.

NOTICE AND KNOWLEDGE

19. AeroScout has complied with all applicable provisions of 35 U.S.C. § 287 regarding marking and notice of the '289 patent and the '049 patent.

20. Centrak's infringement has occurred with knowledge of the '289 patent and the '049 patent and willfully and deliberately in violation of 35 U.S.C. § 284. Centrak was given notice of the '289 patent and the '049 patent by letter on or about August 7, 2012. Centrak was also provided with copies of the '289 patent and the '049 patent. Even after receiving the August 7, 2012 letter, Centrak has, upon information and belief, continued to infringe the '289 patent and the '049 patent in an objectively reckless manner with disregard to AeroScout's rights in the '289 patent and the '049 patent.

PRAYER FOR RELIEF

WHEREFORE, AeroScout respectfully requests that this Court enter judgment in its favor and against Centrak and its subsidiaries, affiliates, agents, servants, employees and all persons in active concert or participation with Centrak and grant the following relief:

A. That this Court adjudge and decree that Centrak has been and is currently infringing the '289 patent and the '049 patent;

B. That this Court award damages to AeroScout to compensate for each of the unlawful actions set forth in AeroScout's complaint;

C. That this Court award prejudgment interest on such damages to AeroScout from the date infringement of the '289 patent and/or '049 patent began;

D. That this Court determine that this patent infringement case is exceptional and award AeroScout its reasonable expenses including attorneys' fees incurred in this action pursuant to 35 U.S.C. § 285;

E. That this Court enter an order that Defendant and its officers, agents, servants, employees, successors and assigns, and those person acting in concert with them, be permanently enjoined from infringing the '289 patent and the '049 patent; and

E. That this Court award AeroScout costs as prescribed by law and such other relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

AeroScout respectfully requests a trial by jury on all the issues triable thereby.

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