

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

BIRO MONITORING SYSTEMS, LLC	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Case No. _____
	:	
TSI, INC.	:	JURY TRIAL DEMANDED
	:	
Defendant.	:	
	:	

COMPLAINT

Plaintiff Biro Monitoring Systems, LLC ("Plaintiff"), for its Complaint against Defendant TSI, Inc. ("Defendant"), hereby alleges as follows:

PARTIES

1. Plaintiff is a Delaware limited liability company.
2. Upon information and belief, Defendant is a Minnesota corporation having a principal place of business at 500 Cardigan Rd, Shoreview MN 55126.

NATURE OF THE ACTION

3. This is a civil action for the infringement of United States Patent No. 6,243,654 (the "'654 Patent") under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*

JURISDICTION AND VENUE

4. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the Patent Laws of the United States, 35 U.S.C. § 271 *et seq.*
5. This Court has personal jurisdiction over Defendant because, upon information

and belief, Defendant wholly owns multiple subsidiaries that are Delaware business entities, including, but not limited to, DICKEY-john Corporation and DICKEY-john International, LTD and has therefore purposely availed itself of the privileges and benefits of the laws of the State of Delaware.

6. Upon information and belief, more specifically, Defendant, directly and/or through authorized intermediaries, ships, distributes, offers for sale, sells, and/or advertises its products and services, including via a website and third party representatives and distributors (including "TSI Gold Sales Partners") in the United States and the State of Delaware. Upon information and belief, Defendant has committed patent infringement in the State of Delaware. Defendant solicits customers in the State of Delaware. Defendant has many paying customers who are residents of the State of Delaware and who each use Defendant's products and services in the State of Delaware.

7. Venue is proper in this judicial district as to Defendant pursuant to 28 U.S.C. §§ 1391 and 1400(b).

THE PATENT-IN SUIT

8. Paragraphs 1-7 are incorporated by reference as if fully set forth herein.

9. On June 5, 2001, the '654 Patent entitled "Transducer Assembly With Smart Connector" was duly and lawfully issued by the United States Patent and Trademark Office ("PTO"). The '654 Patent is attached hereto as Exhibit A.

10. Plaintiff is the exclusive licensee of the '654 patent and possesses all rights of recovery under the '654 patent, including the right to sue and recover all damages for infringement thereof, including past infringement.

COUNT I – PATENT INFRINGEMENT

11. Paragraphs 1-10 are incorporated by reference as if fully restated herein.

12. Upon information and belief and in violation of 35 U.S.C. § 271(a), Defendant has infringed and continues to infringe at least Claim 11 of the '654 patent by making, using, providing, offering to sell, and selling (directly or through intermediaries), in this district and elsewhere in the United States, a method of processing a transducer signal within a digital connector assembly to provide a conditioned signal. More specifically, and by way of non-limiting example, Defendant offers for sale via the www.tsi.com website and third party representatives and distributors its Air Velocity Transducer, 8455/8465/8475 series air velocity measurements systems (“Air Velocity Series”) that include the air velocity probe connected to the control module via a cable.

13. For purposes of Claim 11, Defendant’s Air Velocity Series is a transducer assembly including an analog transducer (e.g., the analog air velocity probe) and a digital connector assembly (e.g., control module) having a cable affixed there between. Defendant’s Air Velocity Series includes the control module having interface circuitry that includes a digital storage device, a microprocessor, and signal conditioning circuitry. Defendant’s Air Velocity Series is a microprocessor-based design with on-board electronics that store calibration and correction data in the digital storage device, retrieves the digital calibration and correction data from the digital storage device, and generates, via the microprocessor, digital corrections for the analog signal received from the analog air velocity probe. Defendant’s Air Velocity Series applies the digital corrections to the analog transducer signal to provide a linear signal (i.e.,

conditioned) output to the digital signal processing system. *See* Exhibit B.

14. To the extent such notice may be required, Defendant received actual notice of its infringement of the '654 Patent at least as early as the filing of the original complaint in this action, pursuant to 35 U.S.C. § 287(a).

15. Defendant's aforesaid activities have been without authority and/or license from Plaintiff.

16. Plaintiff is entitled to recover from the Defendant the damages sustained by Plaintiff as a result of the Defendant's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

17. Defendant's infringement of Plaintiff's exclusive rights under the '654 Patent will continue to damage Plaintiff, causing irreparable harm for which there is no adequate remedy at law, unless enjoined by this Court.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Biro Monitoring Systems, LLC respectfully requests that this Court enter judgment against Defendant TSI, Inc. as follows:

- A. An adjudication that Defendant has infringed the '654 Patent;
- B. An award of damages to be paid by Defendant adequate to compensate Plaintiff for its past infringement and any continuing or future infringement up until the date such judgment is entered, including interest, costs and disbursements as justified under 35 U.S.C. § 284 and, if necessary, to adequately compensate

Plaintiff for Defendant's infringement, and an accounting of all infringing sales including, but not limited to, those sales not presented at trial;

- C. A declaration that this case is exceptional under 35 U.S.C. § 285;
- D. An award to Plaintiff of its attorney fees, costs, and expenses incurred in prosecuting this action; and
- E. An award to Plaintiff of such further relief at law or in equity as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands trial by jury on all claims and issues so triable.

Dated: February 21, 2012

STAMOULIS & WEINBLATT LLC

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