

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

INVUE SECURITY PRODUCTS INC.,

Plaintiff,

-vs.-

KUM OH ELECTRONICS CO., LTD.,

Defendant.

Civil Action No. 3:13-cv-00465

JURY TRIAL DEMANDED

COMPLAINT

COMPLAINT

Plaintiff INVUE SECURITY PRODUCTS INC. (hereinafter, “Plaintiff” or “InVue”) files this Complaint against Defendant KUM OH ELECTRONICS CO., LTD. (hereinafter, “Defendant” or “Kum Oh”) and, in support thereof, alleges as follows:

NATURE AND BASIS OF ACTION

1. This is a civil action for the infringement of United States Patent No. 7,737,843 (hereinafter, “the ’843 Patent”). This action arises under the patent laws of the United States, 35 U.S.C. § 100, *et seq.*

PARTIES

2. Plaintiff InVue is a corporation organized and existing under the laws of the State of Ohio, having a principal place of business at 15015 Lancaster Highway, Charlotte, North Carolina 28277.

3. Upon information and belief, Defendant Kum Oh is a foreign corporation organized and existing under the laws of South Korea and having a principal place of business at 154-2 Chunui-dong, Wonmi-gu, Bucheon City, Gyeonggi-do, Korea 420-859.

JURISDICTION AND VENUE

4. This Court has original jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this case arises under the United States Patent Act, 35 U.S.C. § 100, *et seq.*

5. Upon information and belief, this Court has personal jurisdiction over Defendant under the principles underlying the U.S. Constitution, and under N.C. Gen. Stat. § 1-75.4, because Defendant transacts business within the State of North Carolina, solicits and/or contracts to supply goods in the State of North Carolina, has engaged in acts of patent infringement within the State of North Carolina, and has engaged in acts outside the State of North Carolina causing injury or damage within the State of North Carolina, including in this district.

6. More specifically, upon information and belief, Defendant has imported, sold and/or offered for sale products covered by claims of the '843 Patent within the State of North Carolina, including in this district.

7. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b) and 1400, because Defendant has committed acts of infringement in this district.

BACKGROUND

A. The Patent-In-Suit

8. On June 15, 2010, the USPTO duly and legally issued United States Patent No. 7,737,843.

9. The '843 Patent is entitled "Programmable Alarm Module and System for Protecting Merchandise."

10. The '843 Patent names Dennis D. Belden, Jr., Ronald M. Marsilio and Ian R. Scott as the inventors.

11. The '843 Patent has been assigned to InVue.

B. Defendant's Infringing Products

12. Upon information and belief, Defendant is in the business of selling and/or importing merchandise display and security devices.

13. Defendant is engaged in, *inter alia*, the sale for importation into the United States, importation into the United States, and/or sale after importation into the United States of merchandise display and security devices.

14. In particular, upon information and belief, Defendant manufactures, imports, sells and/or offers for sale products covered by one or more claims of the '843 Patent, including without limitation, security systems identified by Defendant with the following model numbers: M-1000; M-1000BR; M-5000R; M-5000BR (collectively, "the Infringing Products").

15. Upon information and belief, Defendant is directly and/or indirectly infringing one or more claims of the '843 Patent by importing, selling and/or offering for sale in the United States, and in this judicial district and elsewhere, the Infringing Products.

16. Upon information and belief, Defendant acted without a reasonable basis for believing that Defendant would not be liable for directly infringing one or more claims of the '843 Patent and/or indirectly infringing one or more claims of the '843 Patent.

COUNT I

INFRINGEMENT OF U.S. PATENT NO. 7,737,843

17. Plaintiff incorporates herein and realleges, as if fully set forth in this Paragraph, the allegations of the foregoing Paragraphs 1 through 16.

18. Upon information and belief, Defendant has infringed and continues to infringe, directly and/or indirectly, one or more claims of the '843 Patent, either literally or under the doctrine of equivalents, by importing, selling and/or offering for sale in the United States

products falling within the scope of one or more claims of the '843 Patent, including without limitation, the Infringing Products.

19. Defendant has had actual knowledge of the '843 Patent since at least August 14, 2013, the date on which Defendant was served with the Complaint and Summons in this action.

20. Plaintiff has been damaged by Defendant's past and continuing infringement of the '843 Patent in an amount to be determined at trial.

21. Plaintiff has been and continues to be irreparably injured by Defendant's past and continuing infringement of the '843 Patent, and Defendant's infringing activities will continue unless enjoined by this Court pursuant to 35 U.S.C. § 283.

22. Plaintiff has suffered and continues to suffer monetary damages from Defendant's unauthorized infringement that are compensable under 35 U.S.C. § 284 in an amount to be determined at trial.

23. Upon information and belief, Defendant's infringement has been and continues to be deliberate, willful, intentional, and with knowledge of the existence of the '843 Patent, and Plaintiff accordingly is entitled to recover enhanced damages pursuant to 35 U.S.C. § 284, as well as its attorneys' fees and other expenses of litigation pursuant to 35 U.S.C. § 285.

JURY DEMAND

Plaintiff demands a trial by jury of all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment against Defendant and its subsidiaries, successors, parents, affiliates, officers, directors, agents, servants, employees, and all persons in active concert or participation, granting the following relief:

A. Enter judgment that Defendant has directly and/or indirectly infringed the '843 Patent and that Defendant's infringement has been willful;

B. Permanently enjoin Defendant, and all those in active concert or participation with Defendant, from directly and indirectly infringing the '843 Patent, pursuant to 35 U.S.C. § 283;

C. Award Plaintiff damages in an amount to be proved at trial that will adequately compensate Plaintiff for Defendant's infringement, but under no circumstances an amount less than a reasonable royalty, as authorized by 35 U.S.C. § 284;

D. Increase the damages sustained by Plaintiff up to three times the amount of their actual damages, as authorized by 35 U.S.C. § 284;

E. Find that this is an exceptional case and award Plaintiff its attorneys' fees and other expenses of litigation pursuant to 35 U.S.C. § 285;

F. Award Plaintiffs prejudgment interest and costs pursuant to 35 U.S.C. § 284; and

G. Grant such other, different, and additional relief as the Court deems just and proper.

Dated: August 14, 2013

Respectfully submitted,

/s/ Bruce J. Rose

Bruce J. Rose, N.C. Bar No. 20105

bruce.rose@alston.com

Joseph M. Janusz, N.C. Bar No. 44493

joe.janusz@alston.com

ALSTON & BIRD LLP

Bank of America Plaza

101 South Tryon Street, Suite 4000

Charlotte, North Carolina 28280-4000

Tel: (704) 444-1000

Fax: (704) 444-1111

Attorneys for Plaintiff InVue Security Products Inc.