

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

TOUCHPAC HOLDINGS, LLC,

Plaintiff,

v.

TOUCHBASE TECHNOLOGIES, INC.,

Defendant.

Civil Action No. _____

DEMAND FOR JURY TRIAL

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Touchpac Holdings, LLC (“Touchpac”), a wholly owned subsidiary of T+ink, Inc. (“T+ink”), by and through its undersigned counsel, for its complaint against TouchBase Technologies, Inc. (“TouchBase”), alleges as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement of U.S. Patent No. 8,497,850 (the “850 Patent,” Exhibit A), under the patent laws of the United States, Title 35 of the United States Code, including 35 U.S.C. §§ 271 *et seq.*

THE PARTIES

2. Plaintiff Touchpac is a Delaware limited liability company with its principal place of business at 244 West 54th Street, New York, New York 10019 and is a wholly owned subsidiary of T+ink. T+ink is a pioneer and leader in the research, development, manufacture, and sale of innovative products utilizing conductive ink and materials around the world.

3. TouchBase is a Delaware corporation with its principal place of business at 64 Bay State Road, Boston, Massachusetts, 02215.

JURISDICTION

4. This Court has subject matter jurisdiction over Touchpac's claims pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over TouchBase. TouchBase is resident of Massachusetts, has committed acts of infringement in Massachusetts, regularly does and solicits business in Massachusetts, has maintained continuous and systematic contacts with Massachusetts, and has purposefully availed itself of the privileges of doing business under the laws of Massachusetts.

VENUE

6. Venue is proper in this Court under 28 U.S.C. §§ 1331, 1338(a), 1391(b), (c) and (d) and 1400(b).

7. TouchBase is a resident of this district, has its principal place of business in this district, is subject to personal jurisdiction in this district, and has committed acts of infringement in this district. On information and belief, TouchBase sells or offers for sale various products and conducts other business within this judicial district. On information and belief, the substantial majority of the sources of proof relevant to Touchpac's claims reside within this judicial district, including documents and fact witnesses, thereby permitting compulsory service to secure the attendance of such witnesses while minimizing the costs of such attendance.

THE PATENT-IN-SUIT

8. United States Patent No. 8,497,850 ("the '850 Patent"), entitled "System and method for retrieving information from an information carrier by means of a capacitive touch screen," was duly and legally issued by the United States Patent and Trademark Office on July 30, 2013. Plaintiff Touchpac is the owner of the '850 Patent with full rights to enforce the '850 Patent.

THE CONTROVERSY

9. T+ink and its affiliates have been pioneers in the field of conductive inks and printed electronics for over a decade. Conductive inks, in general, are inks that contain conductive (*e.g.*, metal) particles that allow for electrical conductivity and can be used in various products.

10. T+ink has developed more than 2,000 conductive ink formulations that, when applied, remain uniquely flexible and stretchable. T+ink's innovative inks allow for the creation of thin, lightweight and flexible circuits and switches that can greatly enhance a product's functionality at a significantly reduced cost, size and weight. T+ink inks can also be printed onto products as digital signatures, making products "smart" by essentially creating a connection to the internet in a printed product. T+ink's wide range of innovative products incorporating its inks include digital paper, printed sensors, capacitive switches, thermal wear, and smart packaging.

11. T+ink invests heavily in research and development and in the protection of its innovative products and services. T+ink and its related companies have been granted over thirty (30) patents and have many additional patent applications pending to protect their innovative proprietary systems and methods. T+ink has invested in patents covering conductive ink technology. One such technology is Touchpac's patented "Touchcode"® system, which is directed toward, among other things, the embedding of a printed conductive tag signature in paper, labels, packaging, and other objects that a smartphone can detect through its touchscreen. This technology can be used, for example, to embed conductive tags in business cards that can then be detected by a smartphone, tablet or other touchscreen device.

12. TouchBase is a recent entrant into the market and offers for sale at least the infringing product "TouchBase Business Cards" that comprise a dielectric and/or conductive

pattern. TouchBase also offers smartphone software that works in conjunction with its business cards.

13. TouchBase is well aware of T+ink's conductive inks and its TouchCode® technology. In May, 2013, Mr. Sai To Yeung, CEO of TouchBase, visited T+ink's offices in New York and discussed T+ink's conductive ink technology and the patented TouchCode® technology. Shortly after this meeting, Mr. Yeung and TouchBase stopped responding to correspondence from T+ink. On information and belief, TouchBase has copied and is now copying TouchPac's patented technology, infringing at least the '850 Patent. TouchBase is currently seeking inroads into the U.S. market with its TouchBase Business Cards and other products that infringe Touchpac's intellectual property.

14. TouchBase's making, use, sale, offer for sale, and/or importation of infringing products is damaging and will continue to damage Touchpac's business, causing irreparable harm, for which there is no adequate remedy at law, unless TouchBase's wrongful acts are enjoined by this Court.

COUNT I

(Infringement of United States Patent No. 8,497,850)

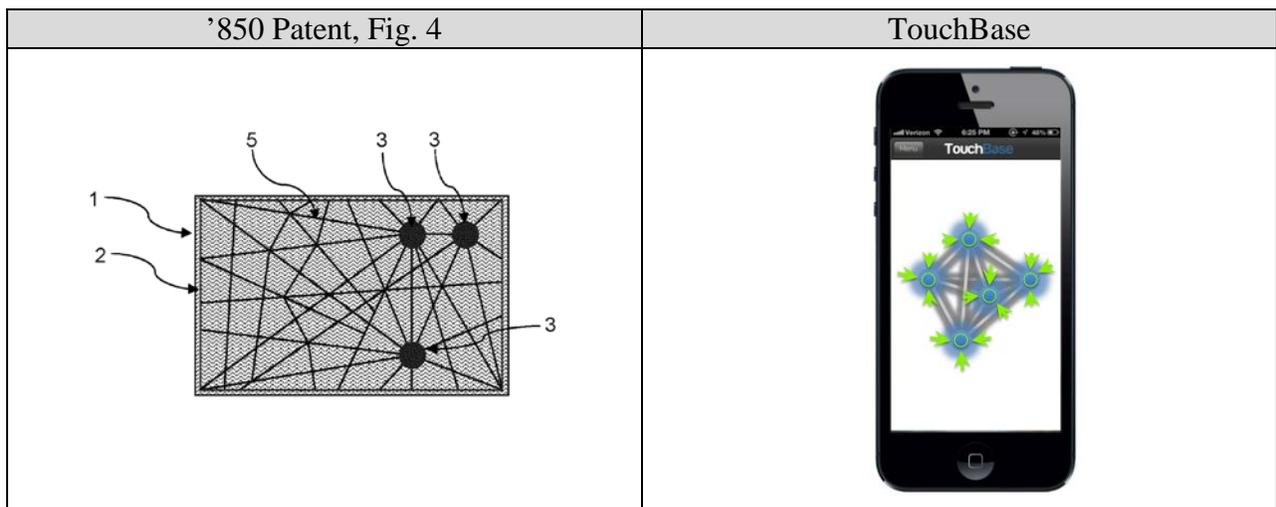
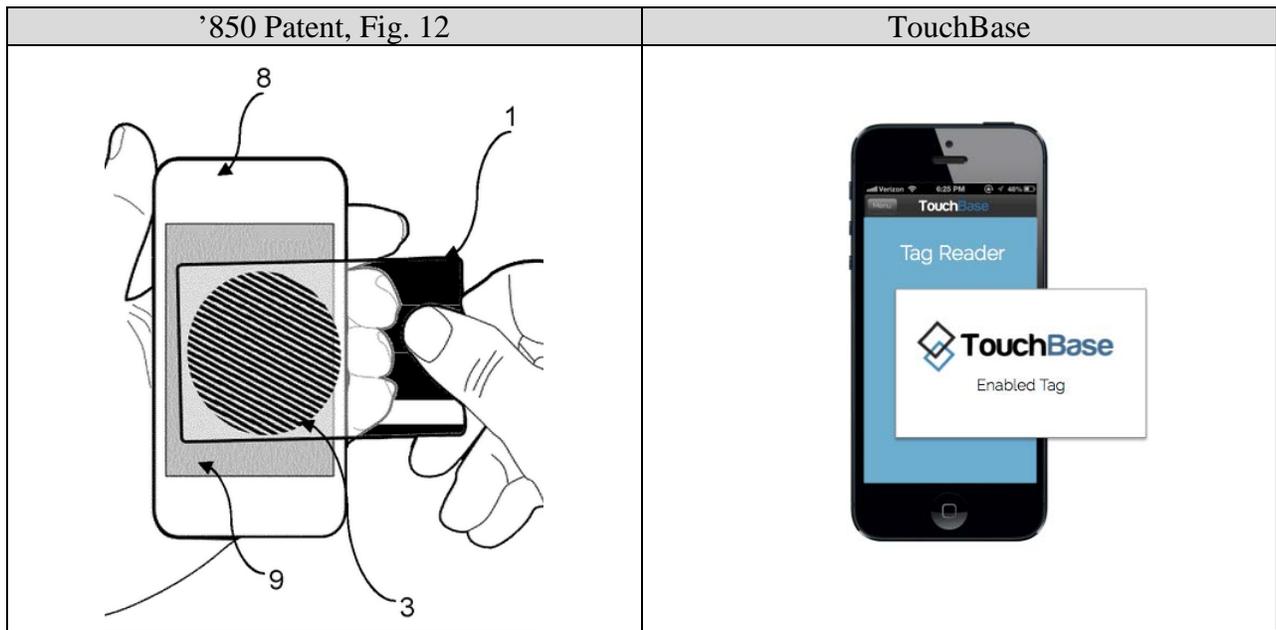
15. Touchpac incorporates paragraphs 1-14 as if fully set forth herein.

16. United States Patent No. 8,497,850, entitled "System and method for retrieving information from an information carrier by means of a capacitive touch screen," was duly and legally issued by the United States Patent and Trademark Office on July 30, 2013.

17. Touchpac is the owner by valid assignment of the entire beneficial interest in and to the '850 Patent and possesses all privileges and remedies relating thereto, including the exclusive right to bring actions and recover damages for past, present and future infringement.

18. In part, the '850 Patent is directed toward an information carrier with a dielectric and/or conductive pattern for use with a detection device having a capacitive touch screen.

19. TouchBase has been and is now making, using, selling, and offering for sale within the United States, infringing products including at least TouchBase Business Cards. Certain figures from the '850 Patent and representative illustrations of one of TouchBase's infringing products from TouchBase's website are set forth below.



20. Touchpac has no adequate remedy at law against TouchBase's acts of

infringement and Touchpac will suffer irreparable harm unless TouchBase is enjoined from its infringement of the '850 Patent.

21. TouchBase's infringement of the '850 Patent is willful and deliberate, entitling Touchpac to enhanced damages pursuant to 35 U.S.C. § 284 and recovery of attorneys' fees and costs pursuant to 35 U.S.C. § 285. Prior to the filing of this lawsuit, TouchBase had actual notice of the '850 Patent. TouchBase's infringing conduct occurred despite an objectively high likelihood that its actions constituted infringement of valid claims in the '850 Patent and TouchBase had actual knowledge or should have known that its conduct infringed Touchpac's patent rights. TouchBase is willfully, wantonly and deliberately infringing and has infringed the '850 Patent in disregard of Touchpac's rights.

22. TouchBase, by way of its infringing activity, has caused and continues to cause Touchpac to suffer damages in an amount to be determined at trial.

PRAYER FOR RELIEF

WHEREFORE, Touchpac prays for the following relief:

- A. A judgment in favor of Touchpac that TouchBase has directly infringed literally, and/or under the doctrine of equivalents, claims of the '850 Patent;
- B. A permanent injunction, enjoining TouchBase and its officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, parents and all others acting in concert or privity with any of them from infringing, inducing the infringement of, or contributing to the infringement of the '850 Patent;
- C. A judicial determination that TouchBase's infringement of the '850 Patent is willful;
- D. An award of damages adequate to compensate Touchpac for TouchBase's infringement, pursuant to 35 U.S.C. § 284, including prejudgment and postjudgment interest;
- E. An award of treble damages for willful infringement pursuant to 35 U.S.C. § 284;

- F. An accounting and/or supplemental damages for all damages occurring after any discovery cutoff and through the Court's decision regarding the imposition of a permanent injunction;
- G. An award of attorneys' fees based on this being an exceptional case pursuant to 35 U.S.C. § 285, including prejudgment interest on such fees;
- H. Costs and expenses in this action; and
- I. An award of such other and further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Touchpac respectfully demands a trial by jury of any and all issues triable of right before a jury.

TOUCHPAC HOLDINGS LLC,

/s/ Kenneth J. Parsigian

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