

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

3M Company and 3M Innovative Properties
Company,

Plaintiffs,

v.

HM Electronics, Inc.,

Defendant.

Civil Action No. _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs complain of Defendant and allege as follows:

NATURE OF THIS ACTION

1. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 271, 281-285.

THE PARTIES

2. Plaintiff 3M Company is a corporation organized and existing under the laws of the state of Delaware, with its principal place of business at 3M Center, St. Paul, Minnesota 55133.

3. Plaintiff 3M Innovative Properties Company (“3M IPC”) is a corporation organized and existing under the laws of the state of Delaware, with its principal place of business at 3M Center, St. Paul, Minnesota 55133.

4. Upon information and belief, Defendant HM Electronics, Inc. (“HME”) is incorporated under the laws of the state of California, with its principal place of business at 14110 Stowe Drive, Poway, California 92064.

JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1338(a), and 1367.

6. This Court has personal jurisdiction over HME because, upon information and belief, HME has targeted and/or concentrated on Minnesota by knowingly and purposefully distributing numerous products to restaurants located in Minnesota, including its ION IQ Wireless Drive-Thru Audio System, which infringes the 3M IPC patent at issue. In addition, based at least on the foregoing, under the Minnesota Long Arm Statute, Minn. Stat. § 543.19, HME transacts business within Minnesota and/or has committed acts in Minnesota causing injury or property damage. As such, upon information and belief, HME has intended to benefit from doing business in the state of Minnesota.

7. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b) and (c) and 1400(b).

INFRINGEMENT OF U.S. PATENT NO. 8,694,040

8. On April 8, 2014, United States Patent No. 8,694,040 (“the ’040 Patent”), entitled “Remotely Configurable Wireless Intercom System For An Establishment,” was duly and legally issued by the United States Patent and Trademark Office. 3M IPC owns the ’040 Patent by assignment. 3M Company is the exclusive licensee of the ’040 Patent. A true and correct copy of the ’040 Patent is attached as Exhibit A to this Complaint.

9. HME has been and is directly infringing the ’040 Patent in this District and elsewhere under 35 U.S.C. § 271(a) by making, selling, offering for sale, and/or importing at least its ION IQ Wireless Drive-Thru Audio System.

10. Upon information and belief, HME will continue to infringe the '040 Patent unless and until it is enjoined by this Court.

11. HME has caused and will continue to cause Plaintiffs injury and damage by infringing the '040 Patent. Plaintiffs will suffer further injury unless and until HME is enjoined from infringing the '040 Patent.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request this Court:

- (1) To enter judgment that HME has infringed the '040 Patent;
 - (2) To enter an order permanently enjoining HME and its officers, agents, servants, employees, attorneys, and all persons in active concert or participation with any of them, from infringing the '040 Patent;
 - (3) To award 3M Company and 3M IPC their respective damages in amounts sufficient to compensate them for HME's infringement of the '040 Patent, together with prejudgment and post-judgment interest and costs, pursuant to 35 U.S.C. § 284;
 - (4) To award an accounting of all HME's infringing sales through final judgment;
 - (5) To declare this case to be "exceptional" under 15 U.S.C. § 1117(a) and 35 U.S.C. § 285 and to award Plaintiffs their attorneys' fees, expenses, and costs incurred in this action;
- and
- (6) To award Plaintiffs such other and further relief as this Court deems just and proper.

JURY TRIAL DEMAND

3M Company and 3M IPC hereby demand a trial by jury on all issues appropriately triable by a jury.

Dated: April 8, 2014

FISH & RICHARDSON P.C.

By: /s/ John C. Adkisson

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