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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

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CAO GROUP, INC., a Utah corporation,

Plaintiff,

v.

SIRCHIE FINGER PRINT  
LABORATORIES, INC, a New Jersey  
corporation,

Defendant.

**COMPLAINT**

**JURY DEMAND**

Case No. 2:14cv-00648-DBP

Magistrate Judge Dustin B. Pead

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Plaintiff CAO Group, Inc. (“CAO”) hereby complains and alleges against Defendant Sirchie Finger Print Laboratories, Inc. (“Sirchie” or “Defendant”) as follows:

**PARTIES**

1. Plaintiff CAO is a Utah corporation located at 4628 West Skyhawk Drive, West Jordan, UT 84084.

2. On information and belief, Defendant Sirchie is a New Jersey corporation with a principal place of business located at 100 Hunter Place, Youngsville, NC 27596.

**NATURE OF THE ACTION**

3. This is an action for patent infringement arising under the Patent Laws of the United States 35 U.S.C. §§ 1 *et seq.*, including 35 U.S.C. § 271.

4. On information and belief, Defendant has infringed and continues to infringe, contributes to the infringement of, and/or actively induces others to infringe CAO's U.S. Patent Nos. 6,954,270 (the "270 Patent"), 7,252,678 (the "678 Patent"), and 7,267,457 (the "457 Patent") (collectively "the Asserted Patents").

**JURISDICTION AND VENUE**

5. This is a civil action arising under the patent laws of the United States, including but not limited to 35 U.S.C. § 271.

6. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338.

7. This Court has personal jurisdiction over Sirchie because Sirchie has purposely availed itself of the privileges and benefits of the laws of the State of Utah, committed acts of patent infringement within this judicial district, and induced others to commit acts of patent infringement within this judicial district.

8. On information and belief, Sirchie has sold or contracted for the sale of infringing goods within the State of Utah, to CAO's injury, which relate to the claims asserted by CAO, and out of which CAO's claims, in part, arise.

9. On information and belief, Sirchie is the owner of the commercial website located at [www.sirchie.com](http://www.sirchie.com), which is available to persons within the State of Utah.

10. On information and belief, Sirchie advertises, markets, sells, distributes, and offers its products, including its forensic light products, through its website, [www.sirchie.com](http://www.sirchie.com),

to the purchasing public throughout the world, and in particular to the purchasing public in the State of Utah.

11. CAO alleges, on information and belief, that by Sirchie's sales, offers for sale, and importation of forensic LED lights, including but not necessarily limited to its "MegaMAXX III" light system and "Mini BLUEMAXX III Forensic Light Kit", Sirchie has infringed the Asserted Patents within the State of Utah.

12. This Court's exercise of personal jurisdiction over Sirchie is consistent with the Constitutions of the United States and the State of Utah.

13. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391 and 1400(b).

#### **FACTUAL BACKGROUND**

14. Plaintiff CAO designs, develops, manufactures, and markets various products, including but not limited to forensic lights.

15. CAO has sought protection for its technological innovations, which has resulted in numerous issued patents, including the Asserted Patents.

16. The '270 Patent issued on October 11, 2005, and is titled "Method for Detecting Forensic Evidence." CAO is the owner by assignment of the '270 Patent.

17. The '457 Patent issued on September 11, 2007, and is titled "Method for Detecting Forensic Evidence." CAO is the owner by assignment of the '457 Patent.

18. The '678 Patent issued on August 7, 2007, and is titled "Forensic Light Using Semiconductor Light Source." CAO is the owner by assignment of the '678 Patent.

19. CAO has not licensed Sirchie to practice the inventions recited in the Asserted Patents and Sirchie does not have any right or authority to license others to practice the inventions recited in the Asserted Patents.

20. Upon information and belief, Sirchie develops, markets, and/or manufactures a number of “Alternative Light Source” products, which include forensic lights. *See* <http://www.sirchie.com/products/alternate-light-sources.html>.

21. Some of Sirchie’s forensic LED lights are marketed and sold as part of a group of forensic lights. For example, Sirchie’s “MegaMAXX III” light system includes a variety of different forensic lights. Other of Sirchie’s forensic lights are marketed and sold individually. For example, Sirchie’s “Mini BLUEMAXX III Forensic Light Kit” includes only a single forensic light. These exemplary infringing products are referred to herein collectively as the “Accused Products.”

22. On information and belief, Sirchie operates and maintains a website at [www.sirchie.com](http://www.sirchie.com), where the Accused Products are available for purchase.

23. Upon information and belief, Sirchie provides support information for its Accused Products on its website and in documentation that accompanies its Accused Products. This support information includes instructions on how to use the Accused Products.

24. Upon information and belief, end-users’ use of the Accused Products directly infringes every element of at least one claim of the Asserted Patents.

25. In a letter dated September 3, 2014, CAO placed Sirchie on actual notice of the Asserted Patents.

**COUNT ONE**

**(Direct Infringement of The ’270 Patent)**

26. Plaintiff reallages and incorporates by reference the above paragraphs of this Complaint, inclusive, as though fully set forth herein.

27. Sirchie has practiced each step in the method of at least claim 15 of the ’270 patent.

28. For example, in an instructional video that Sirchie, on information and belief, created and posted on the website [www.youtube.com](http://www.youtube.com), Sirchie instructs its customers how to use one of the Accused Products and in so doing performs each of the steps recited in at least claim 15 of the '270 Patent. *See, e.g.*, <https://www.youtube.com/watch?v=ceVlpRlsHqA>.

29. By at least the activities alleged in the preceding paragraph, Sirchie has directly infringed and, unless and until enjoined by this Court, will likely continue to directly infringe the '270 Patent.

30. CAO has sustained damages and will continue to sustain damages as a result of Sirchie's aforesaid acts of direct infringement.

31. CAO is entitled to recover damages sustained as a result of Sirchie's wrongful acts in an amount to be proven at trial.

32. Sirchie's direct infringement of CAO's rights under at least claim 15 of the '270 Patent will continue to damage CAO's business, causing irreparable harm, for which there is no adequate remedy at law, unless it is enjoined by this Court.

33. Upon information and belief, Sirchie's direct infringement of at least claim 15 of the '270 Patent has been willful, entitling CAO to increased damages under 35 U.S.C. § 284 and to attorney fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

## **COUNT TWO**

### **(Indirect Infringement of The '270 Patent)**

34. Plaintiff reallages and incorporates by reference the above paragraphs of this Complaint, inclusive, as though fully set forth herein.

35. In a letter dated September 3, 2014, CAO placed Sirchie on actual notice of the '270 Patent.

36. The Accused Products do not have a substantial use that does not infringe at least claim 15 of the '270 Patent.

37. On information and belief, Sirchie sells the Accused Products with documentation instructing the purchaser to use the Accused Products in a way that directly infringes at least claim 15 of the '270 Patent.

38. On information and belief, Sirchie provides advertising materials on its website that instruct the purchaser to use the Accused Products in a way that directly infringes at least claim 15 of the '270 Patent.

39. On information and belief, Sirchie created and posted on the website [www.youtube.com](http://www.youtube.com) instructions to use an Accused Product in a way that directly infringes at least claim 15 of the '270 Patent. *See, e.g.*, <https://www.youtube.com/watch?v=ceVlpRlsHqA>.

40. On information and belief, given Sirchie's knowledge of the '270 Patent and that its instructions, if followed, would lead to direct infringement of at least claim 15 of the '270 Patent, Sirchie intends that its customers directly infringe the '270 Patent.

41. By at least the activities alleged in the preceding paragraphs, Sirchie has indirectly infringed the '270 Patent (1) by inducing its customers to use the Accused Products in a way that infringes at least claim 15 of the '270 Patent and (2) by contributing to the infringement of at least claim 15 of the '270 Patent.

42. CAO has sustained damages and will continue to sustain damages as a result of Sirchie's aforesaid acts of indirect infringement.

43. CAO is entitled to recover damages sustained as a result of Sirchie's wrongful acts in an amount to be proven at trial.

44. Sirchie's indirect infringement of CAO's rights under at least claim 15 of the '270 Patent will continue to damage CAO's business, causing irreparable harm, for which there is no adequate remedy at law, unless it is enjoined by this Court.

45. Upon information and belief, Sirchie's indirect infringement of at least claim 15 of the '270 Patent has been willful, entitling CAO to increased damages under 35 U.S.C. § 284 and to attorney fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

**COUNT THREE**

**(Direct Infringement of The '457 Patent)**

46. Plaintiff reallages and incorporates by reference the above paragraphs of this Complaint, inclusive, as though fully set forth herein.

47. Sirchie has practiced each step in the method of at least claim 15 of the '457 patent.

48. For example, in an instructional video that Sirchie, on information and belief, created and posted on the website [www.youtube.com](http://www.youtube.com), Sirchie instructs its customers how to use one of the Accused Products and in so doing performs each of the steps recited in at least claim 15 of the '457 Patent. *See, e.g.*, <https://www.youtube.com/watch?v=ceVlpRlsHqA>.

49. By at least the activities alleged in the preceding paragraph, Sirchie has directly infringed and, unless and until enjoined by this Court, will likely continue to directly infringe the '457 Patent.

50. CAO has sustained damages and will continue to sustain damages as a result of Sirchie's aforesaid acts of direct infringement.

51. CAO is entitled to recover damages sustained as a result of Sirchie's wrongful acts in an amount to be proven at trial.

52. Sirchie's direct infringement of CAO's rights under at least claim 15 of the '457 Patent will continue to damage CAO's business, causing irreparable harm, for which there is no adequate remedy at law, unless it is enjoined by this Court.

53. Upon information and belief, Sirchie's direct infringement of at least claim 15 of the '457 Patent has been willful, entitling CAO to increased damages under 35 U.S.C. § 284 and to attorney fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

**COUNT FOUR**

**(Indirect Infringement of The '457 Patent)**

54. Plaintiff reallages and incorporates by reference the above paragraphs of this Complaint, inclusive, as though fully set forth herein.

55. In a letter dated September 3, 2014, CAO placed Sirchie on actual notice of the '457 Patent.

56. The Accused Products do not have a substantial use that does not infringe at least claim 15 of the '457 Patent.

57. On information and belief, Sirchie sells the Accused Products with documentation instructing the purchaser to use the Accused Products in a way that directly infringes at least claim 15 of the '457 Patent.

58. On information and belief, Sirchie provides advertising materials on its website that instruct the purchaser to use the Accused Products in a way that directly infringes at least claim 15 of the '457 Patent.

59. On information and belief, Sirchie created and posted on the website [www.youtube.com](http://www.youtube.com) instructions to use an Accused Product in a way that directly infringes at least claim 15 of the '457 Patent. *See, e.g.*, <https://www.youtube.com/watch?v=ceVlpRlsHqA>.

60. On information and belief, given Sirchie's knowledge of the '457 Patent and that its instructions, if followed, would lead to direct infringement of at least claim 15 of the '457 Patent, Sirchie intends that its customers directly infringe the '457 Patent.

61. By at least the activities alleged in the preceding paragraphs, Sirchie has indirectly infringed the '457 Patent (1) by inducing its customers to use the Accused Products in

a way that infringes at least claim 15 of the '457 Patent and (2) by contributing to the infringement of at least claim 15 of the '457 Patent.

62. CAO has sustained damages and will continue to sustain damages as a result of Sirchie's aforesaid acts of indirect infringement.

63. CAO is entitled to recover damages sustained as a result of Sirchie's wrongful acts in an amount to be proven at trial.

64. Sirchie's indirect infringement of CAO's rights under at least claim 15 of the '457 Patent will continue to damage CAO's business, causing irreparable harm, for which there is no adequate remedy at law, unless it is enjoined by this Court.

65. Upon information and belief, Sirchie's indirect infringement of at least claim 15 of the '457 Patent has been willful, entitling CAO to increased damages under 35 U.S.C. § 284 and to attorney fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

#### **COUNT FIVE**

##### **(Direct Infringement of The '678 Patent)**

66. Plaintiff reallages and incorporates by reference the above paragraphs of this Complaint, inclusive, as though fully set forth herein.

67. The Accused Products include each and every limitation of at least claim 19 of the '678 Patent.

68. Sirchie directly infringes at least claim 19 of the '678 Patent by making, using, offering to sell, selling and/or importing, in this District and elsewhere in the United States, the Accused Products.

69. CAO has sustained damages and will continue to sustain damages as a result of Sirchie's aforesaid acts of direct infringement.

70. CAO is entitled to recover damages sustained as a result of Sirchie's wrongful acts in an amount to be proven at trial.

71. Sirchie's direct infringement of CAO's rights under at least claim 19 of the '678 Patent will continue to damage CAO's business, causing irreparable harm, for which there is no adequate remedy at law, unless it is enjoined by this Court.

72. Upon information and belief, Sirchie's indirect infringement of at least claim 19 of the '678 Patent has been willful, entitling CAO to increased damages under 35 U.S.C. § 284 and to attorney fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

### **COUNT SIX**

#### **(Indirect Infringement of The '678 Patent)**

73. Plaintiff reallages and incorporates by reference the above paragraphs of this Complaint, inclusive, as though fully set forth herein.

74. In a letter dated September 3, 2014, CAO placed Sirchie on actual notice of the '678 Patent.

75. On information and belief, Sirchie sells the Accused Products with documentation instructing the purchaser to use the Accused Products in a way that directly infringes at least claim 19 of the '678 Patent.

76. On information and belief, Sirchie provides advertising materials on its website that instruct the purchaser to use the Accused Products in a way that directly infringes at least claim 19 of the '678 Patent.

77. On information and belief, Sirchie created and posted on the website [www.youtube.com](http://www.youtube.com) instructions to use an Accused Product in a way that directly infringes at least claim 19 of the '678 Patent. *See, e.g.*, <https://www.youtube.com/watch?v=ceVlpRlsHqA>.

78. On information and belief, given Sirchie's knowledge of the '678 Patent and that its instructions, if followed, would lead to direct infringement of at least claim 19 of the '678 Patent, Sirchie intends that its customers directly infringe the '678 Patent.

79. By at least the activities alleged in the preceding paragraphs, Sirchie has indirectly infringed the '678 Patent by inducing its customers to use the Accused Products in a way that infringes at least claim 19 of the '678 Patent.

80. CAO has sustained damages and will continue to sustain damages as a result of Sirchie's aforesaid acts of indirect infringement.

81. CAO is entitled to recover damages sustained as a result of Sirchie's wrongful acts in an amount to be proven at trial.

82. Sirchie's indirect infringement of CAO's rights under at claim 19 of the '678 Patent will continue to damage CAO's business, causing irreparable harm, for which there is no adequate remedy at law, unless it is enjoined by this Court.

83. Upon information and belief, Sirchie's indirect infringement of at least claim 19 of the '678 Patent has been willful, entitling CAO to increased damages under 35 U.S.C. § 284 and to attorney fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff CAO asks this Court to enter judgment in its favor and against Sirchie and grant the following relief:

A. An adjudication that Sirchie has willfully infringed and continues to infringe the Asserted Patents.

B. Orders of this Court temporarily, preliminarily, and permanently enjoining Sirchie, their agents, servants, and any and all parties acting in concert with any of them, from directly or indirectly infringing in any manner any of the claims of Asserted Patents pursuant to at least 35 U.S.C. § 283;

C. An award of damages adequate to compensate CAO for Sirchie's infringement of the Asserted Patents in an amount to be proven at trial;

- D. A finding that this is an exceptional case and an award of CAO's costs and attorney fees;
- E. A trebling of the damage award to CAO;
- F. An assessment and award of pre- and post-judgment interest on all damages awarded; and
- I. Any further relief that this Court deems just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial by jury as to all claims and all issues properly triable thereby.

Dated: September 5, 2014

**MASCHOFF BRENNAN**

By: /s/ Mark W. Ford

C.J. Veverka, Esq.  
Kirk R. Harris, Esq.  
Mark W. Ford, Esq.

*Attorneys for Plaintiff, CAO GROUP, INC.*