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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.

DENTALEZ, INC, a Delaware Corporation,

Defendant.

**COMPLAINT**

JURY DEMAND

Case No. 2:14:cv-00649-DB

Judge Dee Benson

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Plaintiff CAO Group, Inc. (“CAO”) hereby complains and alleges against Defendant DENTALEZ, Inc. (“DentaleZ” 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 DentalEZ is a Delaware corporation with a principal place of business located at 2 West Liberty Boulevard, Suite 160, Malvern, PA 19355.

3. On information and belief, Defendant DentalEZ does business as Star Dental, having a place of business located at 1816 Colonial Village Lane, Lancaster, PA 17601.

#### **NATURE OF THE ACTION**

4. 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.

5. 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") and 7,267,457 (the "457 Patent") (collectively "the Asserted Patents").

#### **JURISDICTION AND VENUE**

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

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

8. This Court has personal jurisdiction over DentalEZ because DentalEZ 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.

9. On information and belief, DentalEZ 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.

10. On information and belief, DentaleZ is the owner of the commercial websites located at [www.dentalez.com](http://www.dentalez.com) and [www.identafi.net](http://www.identafi.net), which are available to persons within the State of Utah.

11. On information and belief, DentaleZ advertises and markets its products through its websites, [www.dentalez.com](http://www.dentalez.com) and [www.identafi.net](http://www.identafi.net), to the purchasing public throughout the world, and in particular to the purchasing public in the State of Utah.

12. CAO alleges, on information and belief, that through DentaleZ's sales, offers for sale, and importation of forensic detection LED lights, including but not necessarily limited to its Identafi Oral Cancer Screening System ("Identafi Product"), DentaleZ has infringed the Asserted Patents within the State of Utah.

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

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

### **FACTUAL BACKGROUND**

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

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

17. 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.

18. 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.

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

20. Upon information and belief, DentalEZ develops, markets, and/or manufactures a forensic detection device, including the Identafi Product.

21. On information and belief, DentalEZ operates and maintains a website at [www.identafi.net](http://www.identafi.net), where information on how to purchase the Identafi Product is provided.

22. Upon information and belief, DentalEZ provides support information for the Identafi Product at [www.identafi.net](http://www.identafi.net) and in documentation that accompanies the Identafi Product. This support information includes instructions on how to use the Identafi Product.

23. Upon information and belief, end-users' use of the Identafi Product directly infringes every element of at least one claim of the Asserted Patents.

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

### **COUNT ONE**

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

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

26. DentalEZ has practiced each step in the method of at least claim 15 of the '270 patent.

27. For example, in instructional videos available at <http://www.identafi.net/tools/for-clinicians/training-videos>, DentalEZ instructs its customers how to use the Identafi Product and in so doing performs each of the steps recited in at least claim 15 of the '270 Patent.

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

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

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

31. DentaleZ'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.

32. Upon information and belief, DentaleZ'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)**

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

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

35. The Identafi Product does not have a substantial use that does not infringe at least claim 15 of the '270 Patent.

36. On information and belief, DentaleZ sells the Identafi Product with documentation instructing the purchaser to use the Identafi Product in a way that directly infringes at least claim 15 of the '270 Patent.

37. On information and belief, DentaleZ provides advertising materials on its website that instruct the purchaser to use the Identafi Product in a way that directly infringes at least claim 15 of the '270 Patent.

38. On information and belief, DentaleZ has created and posted online instructional videos describing how to use the Identafi Product in a way that directly infringes at least claim 15 of the '270 Patent. See <http://www.identafi.net/tools/for-clinicians/training-videos>.

39. On information and belief, given DentalEZ'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, DentalEZ intends that its customers directly infringe the '270 Patent.

40. By at least the activities alleged in the preceding paragraphs, DentalEZ has indirectly infringed the '270 Patent (1) by inducing its customers to use the Identafi Product 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.

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

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

43. DentalEZ'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.

44. Upon information and belief, DentalEZ'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)**

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

46. DentalEZ has practiced step in the method of at least claim 15 of the '457 patent.

47. For example, in instructional videos available at <http://www.identafi.net/tools-for-clinicians/training-videos>, DentalEZ instructs its customers how to use the Identafi Product and in so doing performs each of the steps recited in at least claim 15 of the '457 Patent.

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

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

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

51. DentaleEZ'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.

52. Upon information and belief, DentaleEZ'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)**

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

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

55. The Identafi Product does not have a substantial use that does not infringe at least claim 15 of the '457 Patent.

56. On information and belief, DentaleEZ sells the Identafi Product with documentation instructing the purchaser to use the Identafi Product in a way that directly infringes at least claim 15 of the '457 Patent.

57. On information and belief, DentalEZ provides advertising materials on its website that instruct the purchaser to use the Identafi Product in a way that directly infringes at least claim 15 of the '457 Patent.

58. On information and belief, DentalEZ has created and posted instructional videos describing how to use the Identafi Product in a way that directly infringes at least claim 15 of the '457 Patent. See <http://www.identafi.net/tools/for-clinicians/training-videos>.

59. On information and belief, given DentalEZ'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, DentalEZ intends that its customers directly infringe the '457 Patent.

60. By at least the activities alleged in the preceding paragraphs, DentalEZ has indirectly infringed the '457 Patent (1) by inducing its customers to use the Identafi Product 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.

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

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

63. DentalEZ'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.

64. Upon information and belief, DentalEZ'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.

**PRAYER FOR RELIEF**

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

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

B. Orders of this Court temporarily, preliminarily, and permanently enjoining DentalEZ, 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 DentalEZ'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

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