

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS**

AXCESS INTERNATIONAL, INC.,)	
)	
Plaintiff)	
)	
vs.)	
)	Civil Action No. _____
)	
SAVI TECHNOLOGIES, INC.,)	
)	
Defendant.)	

COMPLAINT AND DEMAND FOR JURY TRIAL

Axcess International, Inc. (“AXCESS”) hereby asserts claims against Savi Technologies, Inc. (“SAVI”) for infringing U.S. Patent Nos. 6,294,953 (“the ‘953 patent”) and 7,271,727 (“the ‘727 patent”) and alleges as follows:

THE PLAINTIFF

1. Plaintiff AXCESS is a corporation organized and existing under the laws of Delaware having a place of business at 16650 Westgrove Drive, Suite 600, Addison, Texas 75001.

2. AXCESS is a provider of radio frequency identification products and services throughout the United States, including in the Northern District of Texas.

THE DEFENDANT

3. Upon information and belief, Defendant SAVI is a California corporation having a place of business at 351 E. Evelyn Avenue, Mountain View, California 94041.

4. Upon information and belief, SAVI is a wholly owned subsidiary of Lockheed Martin Corporation.

5. Upon information and belief, SAVI is a provider of radio frequency identification products and services that SAVI manufactures, ships, distributes, sells, and/or offers for sale throughout the United States, including in the Northern District of Texas.

JURISDICTION AND VENUE

6. The claims asserted in this Complaint arise under the Patent Laws of the United States, 35 U.S.C. §§ 1-376.

7. Subject matter jurisdiction is proper pursuant to 28 U.S.C. §§ 1331 and 1338.

8. This Court has personal jurisdiction over SAVI. SAVI has committed and continues to commit, has contributed to and continues to contribute to, and has induced and continues to induce, acts of patent infringement in this District.

9. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400.

COUNT I – INFRINGEMENT OF THE ‘953 PATENT

10. AXCESS realleges and incorporates by reference each of the preceding paragraphs.

11. The ‘953 patent, entitled “High Sensitivity Demodulator For A Radio Tag And Method,” was lawfully issued by the United States Patent and Trademark Office (“PTO”) on September 25, 2001 to the inventor Wayne E. Stevens. The ‘953 patent issued from U.S. Patent Application Serial No. 09/258,974, filed February 26, 1999. A copy of the ‘953 patent is attached as Exhibit A.

12. The ‘953 patent was assigned to AXCESS. AXCESS is the rightful owner of the ‘953 patent, and holds the entire right, title and interest in the ‘953 patent, including the right to sue infringers of the ‘953 patent.

13. Upon information and belief, SAVI has infringed one or more claims of the '953 patent by making, using, offering for sale, selling, and/or importing into the United States radio frequency identification products embodying the patented invention.

14. Upon information and belief, SAVI has infringed one or more claims of the '953 patent by inducing others to infringe the '953 patent and/or contributing to the infringement of the '953 patent by others.

15. As a consequence of SAVI's infringement of the '953 patent, AXCESS has been damaged in an amount not yet determined.

16. Upon information and belief, SAVI's infringement of the '953 patent will continue in the future, and AXCESS will continue to suffer damages as a consequence, unless SAVI's infringing acts are enjoined by this Court.

17. Upon information and belief, SAVI's infringement of the '953 patent has been, and continues to be, willful.

COUNT II – INFRINGEMENT OF THE '727 PATENT

18. AXCESS realleges and incorporates by reference each of the preceding paragraphs.

19. The '727 patent, entitled "Dual Frequency Radio Tag For A Radio Frequency Identification System," was lawfully issued by the PTO on September 18, 2007 to the inventor Wayne E. Stevens. The '727 patent issued from U.S. Patent Application Serial No. 11/270,286, filed November 9, 2005. A copy of the '727 patent is attached as Exhibit B.

20. The '727 patent was assigned to AXCESS. AXCESS is the rightful owner of the '727 patent, and holds the entire right, title and interest in the '727 patent, including the right to sue infringers of the '727 patent.

21. Upon information and belief, SAVI has infringed one or more claims of the '727 patent by making, using, offering for sale, selling, and/or importing into the United States radio frequency identification products embodying the patented invention.

22. Upon information and belief, SAVI has infringed one or more claims of the '727 patent by inducing others to infringe the '727 patent and/or contributing to the infringement of the '727 patent by others.

23. As a consequence of SAVI's infringement of the '727 patent, AXCESS has been damaged in an amount not yet determined.

24. Upon information and belief, SAVI's infringement of the '727 patent will continue in the future, and AXCESS will continue to suffer damages as a consequence, unless SAVI's infringing acts are enjoined by this Court.

25. Upon information and belief, SAVI's infringement of the '727 patent has been, and continues to be, willful.

JURY DEMAND

26. AXCESS requests a trial by jury for all issue so triable.

PRAYER FOR RELIEF

WHEREFORE, AXCESS respectfully requests that the Court enter judgment against SAVI:

A. determining that SAVI has infringed and continues to infringe one or more claims of the '953 and '727 patents;

B. permanently enjoining SAVI, its officers, agents, servants, directors, employees and attorneys, and all persons acting in concert or participation with them, directly or indirectly,

or any of them who receive actual notice of the judgment, from further infringing, inducing others to infringe, or contributing to the infringement of any claim of the '953 and '727 patents;

C. ordering SAVI to account for and pay to AXCESS all damages suffered by AXCESS as a consequence of SAVI's infringement of the '953 and '727 patents, together with interest and costs as fixed by the Court;

D. trebling AXCESS's damages under U.S.C. § 284 on the ground that SAVI's infringement of the '953 and '727 patents was deliberate and willful;

E. declaring that this case is exceptional and awarding AXCESS its costs and attorneys' fees in accordance with 35 U.S.C. § 285; and

F. granting AXCESS such other and further relief as the Court may deem just and proper.

KANE RUSSELL COLEMAN & LOGAN PC

By /s/ Kenneth W. Biermacher

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Pro Hac Vice to be filed.

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