

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

MYKEY TECHNOLOGY INC.,

Plaintiff,

v.

DATA PROTECTION SOLUTIONS BY ARCO,  
CRU ACQUISITIONS GROUP LLC, CRU-  
DATAPORT LLC, DIGITAL INTELLIGENCE,  
INC., DISKOLOGY, INC., GUIDANCE  
SOFTWARE, INC., GUIDANCE TABLEAU LLC,  
JI2, INC., MULTIMEDIA EFFECTS, INC.,  
VOOM TECHNOLOGIES, INC., AND YEC CO.  
LTD.,

Defendants.

C.A. No. \_\_\_\_\_

**JURY TRIAL DEMANDED**

**COMPLAINT**

Plaintiff MyKey Technology Inc. ("MyKey" or "Plaintiff"), for its Complaint against Defendants Data Protection Solutions by Arco; CRU Acquisitions Group LLC; CRU-DataPort LLC; Digital Intelligence, Inc.; Diskology, Inc.; Guidance Software, Inc.; Guidance Tableau LLC; Ji2, Inc.; MultiMedia Effects, Inc.; Voom Technologies, Inc.; and YEC Co. Ltd., states and alleges as follows:

**THE PARTIES**

1. MyKey is a Delaware corporation with its principal place of business at 7851 C Beachcraft Avenue, Gaithersburg, Maryland 20879.
2. On information and belief, Defendant Data Protection Solutions by Arco ("Arco") is a Florida corporation having its principal place of business at 3100 North 29th Court, Hollywood, FL 33020.

3. On information and belief, Defendant CRU Acquisitions Group, LLC (“CRU”) is a Washington corporation having its principal place of business at 1000 SE Tech Center Dr., Suite 160, Vancouver, WA 68683.

4. On information and belief, Defendant CRU-DataPort, LLC (“CRU-DataPort”) is a Washington corporation having its principal place of business at 1000 SE Tech Center Dr., Suite 160, Vancouver, WA 68683.

5. On information and belief, Defendant Digital Intelligence, Inc. (“Digital Intelligence”) is a Wisconsin corporation having its principal place of business at 17165 W. Glendale Drive, New Berlin, WI 53151.

6. On information and belief, Defendant Diskology, Inc. (“Diskology”) is a California corporation having its principal place of business at 9350 Eaton Ave., Chatsworth, CA 91311.

7. On information and belief, Defendant Guidance Software, Inc. (“Guidance”) is a Delaware corporation having its principal place of business at 215 North Marengo Avenue, Suite 250, Pasadena, CA 91101.

8. On information and belief, Defendant Guidance Tableau, LLC (“Tableau”) is a Delaware corporation having its principal place of business at 215 N. Morengo Ave., Suite 250, Pasadena, CA 91101. On information and belief, Tableau is a wholly-owned subsidiary of Guidance.

9. On information and belief, Defendant Ji2, Inc. (“Ji2”) is a California corporation having its principal place of business at 11235 Knott Ave., Suite C, Cypress, CA 90630.

10. On information and belief, Defendant MultiMedia Effects, Inc. (“MultiMedia Effects”) is a Canada corporation having its principal place of business at 110 Riviera Dr., Unit 12, Markham, Ontario.

11. On information and belief, Defendant Voom Technologies, Inc. (“Voom”) is a Minnesota corporation having its principal place of business at 110 St. Croix Tr., S. Lakeland, MN 55043.

12. On information and belief, Defendant YEC Co. Ltd. (“YEC Co.”) is a Japan corporation having its principal place of business at 543-9 Tsuruma, Machida-city Tokyo 194-004, Japan.

### **JURISDICTION AND VENUE**

13. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*, including 35 U.S.C. § 271. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

14. Defendants are subject to personal jurisdiction in this district because each Defendant has conducted and does conduct business within the State of Delaware. Additionally, with respect to Guidance and Tableau, they are citizens of this state. Each Defendant, directly or through intermediaries (including distributors, retailers, and others), ships, distributes, offers for sale, sells, and advertises (including the provision of an interactive web page) its products in the United States, the State of Delaware, and the District of Delaware. Upon information and belief, each Defendant has purposefully and voluntarily placed one or more of its infringing products, as described below, into the stream of commerce with the expectation that they will be purchased by consumers in the District of Delaware. Upon information and belief, these infringing products have been and continue to be purchased by consumers in the District of Delaware.

Each Defendant has committed the tort of patent infringement within the State of Delaware and, more particularly, within the District of Delaware.

15. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b), 1391(c) and 1391(d) and 28 U.S.C. § 1400(b). Defendants reside in this district because they are subject to personal jurisdiction in this district.

### **BACKGROUND**

16. MyKey owns all of the rights, title and interests in U.S. Patent No. 6,813,682 (the “’682 patent”), U.S. Patent No. 7,159,086 (the “’086 patent”) and U.S. Patent No. 7,228,379 (the “’379 patent”) (collectively, the “patents-in-suit”).

17. The ’682 patent, entitled “Write Protection for Computer Long-Term Memory Devices,” was duly and legally issued by the United States Patent and Trademark Office on November 2, 2004, after full and fair examination. A copy of the ’682 patent is attached hereto as Exhibit A. MyKey has made, offered for sale, and sold within the United States products that embody the claimed invention of the ’682 patent and that are marked with the ’682 patent number.

18. The ’086 patent, entitled “Systems and Methods For Creating Exact Copies Of Computer Long-Term Storage Devices,” was duly and legally issued by the United States Patent and Trademark Office on January 2, 2007, after full and fair examination. A copy of the ’086 patent is attached hereto as Exhibit B. MyKey has offered for sale within the United States products that embody the claimed invention of the ’086 patent.

19. The ’379 patent, entitled “Systems and Methods For Removing Data Stored On Long-Term Memory Devices,” was duly and legally issued by the United States Patent and Trademark Office on June 5, 2007, after full and fair examination. A copy of the ’379 patent is

attached hereto as Exhibit C. MyKey has offered for sale within the United States products that embody the claimed invention of the '379 patent.

## **COUNT I**

### **INFRINGEMENT OF THE '682 PATENT**

20. MyKey incorporates each of the preceding paragraphs 1-19 as if fully set forth herein.

21. Upon information and belief, CRU has been and is infringing literally and/or under the doctrine of equivalents, the '682 patent by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that fall within the scope of at least claim 1 of the '682 patent, including, but not limited to the WiebeTech Forensic UltraDock V4.

22. By making, using, selling, offering for sale, and/or importing into the United States, without authority, products that fall within the scope of the claims of the '682 patent, CRU has also induced infringement of the '682 patent under 35 U.S.C. § 271(b), and has contributed to the infringement of the '682 patent under 35 U.S.C. § 271(c). The infringing products have no substantial non-infringing uses.

23. Upon information and belief, CRU had knowledge of the '682 patent as early as August 2009 during the High Tech Crime Investigation Association Conference, but has engaged in its infringing conduct nonetheless. CRU's infringement is therefore willful.

24. MyKey has no adequate remedy at law against these acts of patent infringement. Unless CRU is permanently enjoined from its unlawful and willful infringement of the '682 patent, MyKey will suffer irreparable harm.

25. As a direct and proximate result of CRU's acts of patent infringement, MyKey has been and continues to be injured and has sustained and will continue to sustain substantial damages in an amount not presently known.

26. Upon information and belief, CRU-DataPort has been and is infringing literally and/or under the doctrine of equivalents, the '682 patent by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that fall within the scope of at least claim 1 of the '682 patent, including, but not limited to the WiebeTech Forensic UltraDock V4.

27. By making, using, selling, offering for sale, and/or importing into the United States, without authority, products that fall within the scope of the claims of the '682 patent, CRU-DataPort has also induced infringement of the '682 patent under 35 U.S.C. § 271(b), and has contributed to the infringement of the '682 patent under 35 U.S.C. § 271(c). The infringing products have no substantial non-infringing uses.

28. Upon information and belief, CRU-DataPort had knowledge of the '682 patent as early as August 2009 during the High Tech Crime Investigation Association Conference, but has engaged in its infringing conduct nonetheless. CRU-DataPort's infringement is therefore willful.

29. MyKey has no adequate remedy at law against these acts of patent infringement. Unless CRU-DataPort is permanently enjoined from its unlawful and willful infringement of the '682 patent, MyKey will suffer irreparable harm.

30. As a direct and proximate result of CRU-DataPort's acts of patent infringement, MyKey has been and continues to be injured and has sustained and will continue to sustain substantial damages in an amount not presently known.

31. Upon information and belief, Digital Intelligence has been and is infringing literally and/or under the doctrine of equivalents, the '682 patent by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that fall within the scope of at least claim 1 of the '682 patent, including, but not limited to the Voom Shadow II.

32. By making, using, selling, offering for sale, and/or importing into the United States, without authority, products that fall within the scope of the claims of the '682 patent, Digital Intelligence has also induced infringement of the '682 patent under 35 U.S.C. § 271(b), and has contributed to the infringement of the '682 patent under 35 U.S.C. § 271(c). The infringing products have no substantial non-infringing uses.

33. Upon information and belief, Digital Intelligence had knowledge of the '682 patent as early as August 2009 during the High Tech Crime Investigation Association Conference, but has engaged in its infringing conduct nonetheless. Digital Intelligence's infringement is therefore willful.

34. MyKey has no adequate remedy at law against these acts of patent infringement. Unless Digital Intelligence is permanently enjoined from its unlawful and willful infringement of the '682 patent, MyKey will suffer irreparable harm.

35. As a direct and proximate result of Digital Intelligence's acts of patent infringement, MyKey has been and continues to be injured and has sustained and will continue to sustain substantial damages in an amount not presently known.

36. Upon information and belief, Diskology has been and is infringing literally and/or under the doctrine of equivalents, the '682 patent by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that fall within the

scope of at least claim 1 of the '682 patent, including, but not limited to the Disk Jockey Pro Forensic.

37. By making, using, selling, offering for sale, and/or importing into the United States, without authority, products that fall within the scope of the claims of the '682 patent, Diskology has also induced infringement of the '682 patent under 35 U.S.C. § 271(b), and has contributed to the infringement of the '682 patent under 35 U.S.C. § 271(c). The infringing products have no substantial non-infringing uses.

38. Upon information and belief, Diskology had knowledge of the '682 patent as early as 2006 during the High Tech Crime Investigation Association Conference, but has engaged in its infringing conduct nonetheless. Diskology's infringement is therefore willful.

39. MyKey has no adequate remedy at law against these acts of patent infringement. Unless Diskology is permanently enjoined from its unlawful and willful infringement of the '682 patent, MyKey will suffer irreparable harm.

40. As a direct and proximate result of Diskology's acts of patent infringement, MyKey has been and continues to be injured and has sustained and will continue to sustain substantial damages in an amount not presently known.

41. Upon information and belief, Guidance has been and is infringing literally and/or under the doctrine of equivalents, the '682 patent by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that fall within the scope of at least claim 1 of the '682 patent, including, but not limited to the Tableau T3458is.

42. By making, using, selling, offering for sale, and/or importing into the United States, without authority, products that fall within the scope of the claims of the '682 patent, Guidance has also induced infringement of the '682 patent under 35 U.S.C. § 271(b), and has



contributed to the infringement of the '682 patent under 35 U.S.C. § 271(c). The infringing products have no substantial non-infringing uses.

43. Upon information and belief, Guidance had knowledge of the '682 patent as early as August 2009 during the High Tech Crime Investigation Association Conference, but has engaged in its infringing conduct nonetheless. Guidance's infringement is therefore willful.

44. MyKey has no adequate remedy at law against these acts of patent infringement. Unless Guidance is permanently enjoined from its unlawful and willful infringement of the '682 patent, MyKey will suffer irreparable harm.

45. As a direct and proximate result of Guidance's acts of patent infringement, MyKey has been and continues to be injured and has sustained and will continue to sustain substantial damages in an amount not presently known.

46. Upon information and belief, Ji2 has been and is infringing literally and/or under the doctrine of equivalents, the '682 patent by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that fall within the scope of at least claim 1 of the '682 patent, including, but not limited to the Ninja.

47. By making, using, selling, offering for sale, and/or importing into the United States, without authority, products that fall within the scope of the claims of the '682 patent, Ji2 has also induced infringement of the '682 patent under 35 U.S.C. § 271(b), and has contributed to the infringement of the '682 patent under 35 U.S.C. § 271(c). The infringing products have no substantial non-infringing uses.

48. Upon information and belief, Ji2 had knowledge of the '682 patent but has engaged in its infringing conduct nonetheless. Ji2's infringement is therefore willful.

49. MyKey has no adequate remedy at law against these acts of patent infringement. Unless Ji2 is permanently enjoined from its unlawful and willful infringement of the '682 patent, MyKey will suffer irreparable harm.

50. As a direct and proximate result of Ji2's acts of patent infringement, MyKey has been and continues to be injured and has sustained and will continue to sustain substantial damages in an amount not presently known.

51. Upon information and belief, MultiMedia Effects has been and is infringing literally and/or under the doctrine of equivalents, the '682 patent by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that fall within the scope of at least claim 1 of the '682 patent, including, but not limited to the Ninja.

52. By making, using, selling, offering for sale, and/or importing into the United States, without authority, products that fall within the scope of the claims of the '682 patent, MultiMedia Effects has also induced infringement of the '682 patent under 35 U.S.C. § 271(b), and has contributed to the infringement of the '682 patent under 35 U.S.C. § 271(c). The infringing products have no substantial non-infringing uses.

53. Upon information and belief, MultiMedia Effects had knowledge of the '682 patent but has engaged in its infringing conduct nonetheless. MultiMedia Effects's infringement is therefore willful.

54. MyKey has no adequate remedy at law against these acts of patent infringement. Unless MultiMedia Effects is permanently enjoined from its unlawful and willful infringement of the '682 patent, MyKey will suffer irreparable harm.

55. As a direct and proximate result of MultiMedia Effects's acts of patent infringement, MyKey has been and continues to be injured and has sustained and will continue to sustain substantial damages in an amount not presently known.

56. Upon information and belief, Tableau has been and is infringing literally and/or under the doctrine of equivalents, the '682 patent by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that fall within the scope of at least claim 1 of the '682 patent, including, but not limited to the Tableau T3458is.

57. By making, using, selling, offering for sale, and/or importing into the United States, without authority, products that fall within the scope of the claims of the '682 patent, Tableau has also induced infringement of the '682 patent under 35 U.S.C. § 271(b), and has contributed to the infringement of the '682 patent under 35 U.S.C. § 271(c). The infringing products have no substantial non-infringing uses.

58. Upon information and belief, Tableau had knowledge of the '682 patent as early as August 2009 during the High Tech Crime Investigation Association Conference, but has engaged in its infringing conduct nonetheless. Tableau's infringement is therefore willful.

59. MyKey has no adequate remedy at law against these acts of patent infringement. Unless Tableau is permanently enjoined from its unlawful and willful infringement of the '682 patent, MyKey will suffer irreparable harm.

60. As a direct and proximate result of Tableau's acts of patent infringement, MyKey has been and continues to be injured and has sustained and will continue to sustain substantial damages in an amount not presently known.

61. Upon information and belief, Voom has been and is infringing literally and/or under the doctrine of equivalents, the '682 patent by making, using, selling, offering for sale,

and/or importing in or into the United States, without authority, products that fall within the scope of at least claim 1 of the '682 patent, including, but not limited to the Voom Shadow II.

62. By making, using, selling, offering for sale, and/or importing into the United States, without authority, products that fall within the scope of the claims of the '682 patent, Voom has also induced infringement of the '682 patent under 35 U.S.C. § 271(b), and has contributed to the infringement of the '682 patent under 35 U.S.C. § 271(c). The infringing products have no substantial non-infringing uses.

63. Upon information and belief, Voom had knowledge of the '682 patent but has engaged in its infringing conduct nonetheless. Voom's infringement is therefore willful.

64. MyKey has no adequate remedy at law against these acts of patent infringement. Unless Voom is permanently enjoined from its unlawful and willful infringement of the '682 patent, MyKey will suffer irreparable harm.

65. As a direct and proximate result of Voom's acts of patent infringement, MyKey has been and continues to be injured and has sustained and will continue to sustain substantial damages in an amount not presently known.

66. Upon information and belief, YEC Co. has been and is infringing literally and/or under the doctrine of equivalents, the '682 patent by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that fall within the scope of at least claim 1 of the '682 patent, including, but not limited to the Ninja.

67. By making, using, selling, offering for sale, and/or importing into the United States, without authority, products that fall within the scope of the claims of the '682 patent, YEC Co. has also induced infringement of the '682 patent under 35 U.S.C. § 271(b), and has

contributed to the infringement of the '682 patent under 35 U.S.C. § 271(c). The infringing products have no substantial non-infringing uses.

68. Upon information and belief, YEC Co. had knowledge of the '682 patent but has engaged in its infringing conduct nonetheless. YEC Co.'s infringement is therefore willful.

69. MyKey has no adequate remedy at law against these acts of patent infringement. Unless YEC Co. is permanently enjoined from its unlawful and willful infringement of the '682 patent, MyKey will suffer irreparable harm.

70. As a direct and proximate result of YEC Co.'s acts of patent infringement, MyKey has been and continues to be injured and has sustained and will continue to sustain substantial damages in an amount not presently known.

71. MyKey has incurred and will incur attorneys' fees, costs, and expenses in the prosecution of this action. The circumstances of this dispute create an exceptional case within the meaning of 35 U.S.C. § 285, and MyKey is entitled to recover its reasonable and necessary fees and expenses.

## **COUNT II**

### **INFRINGEMENT OF THE '086 PATENT**

72. MyKey incorporates each of the preceding paragraphs 1-71 as if fully set forth herein.

73. Upon information and belief, Arco has been and is infringing literally and/or under the doctrine of equivalents, the '086 patent by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that fall within the scope of at least claim 1 of the '086 patent, including, but not limited to the ezCopy DD4.

74. By making, using, selling, offering for sale, and/or importing into the United States, without authority, products that fall within the scope of the claims of the '086 patent, Arco has also induced infringement of the '086 patent under 35 U.S.C. § 271(b), and has contributed to the infringement of the '086 patent under 35 U.S.C. § 271(c). The infringing products have no substantial non-infringing uses.

75. Upon information and belief, Arco had knowledge of the '086 patent but has engaged in its infringing conduct nonetheless. Arco's infringement is therefore willful.

76. MyKey has no adequate remedy at law against these acts of patent infringement. Unless Arco is permanently enjoined from its unlawful and willful infringement of the '086 patent, MyKey will suffer irreparable harm.

77. As a direct and proximate result of Arco's acts of patent infringement, MyKey has been and continues to be injured and has sustained and will continue to sustain substantial damages in an amount not presently known.

78. Upon information and belief, Digital Intelligence has been and is infringing literally and/or under the doctrine of equivalents, the '086 patent by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that fall within the scope of at least claim 1 of the '086 patent, including, but not limited to the Voom Hard Copy 3P.

79. By making, using, selling, offering for sale, and/or importing into the United States, without authority, products that fall within the scope of the claims of the '086 patent, Digital Intelligence has also induced infringement of the '086 patent under 35 U.S.C. § 271(b), and has contributed to the infringement of the '086 patent under 35 U.S.C. § 271(c). The infringing products have no substantial non-infringing uses.

80. Upon information and belief, Digital Intelligence had knowledge of the '086 patent as early as August 2009 during the High Tech Crime Investigation Association Conference, but has engaged in its infringing conduct nonetheless. Digital Intelligence's infringement is therefore willful.

81. MyKey has no adequate remedy at law against these acts of patent infringement. Unless Digital Intelligence is permanently enjoined from its unlawful and willful infringement of the '086 patent, MyKey will suffer irreparable harm.

82. As a direct and proximate result of Digital Intelligence's acts of patent infringement, MyKey has been and continues to be injured and has sustained and will continue to sustain substantial damages in an amount not presently known.

83. Upon information and belief, Diskology has been and is infringing literally and/or under the doctrine of equivalents, the '086 patent by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that fall within the scope of at least claim 1 of the '086 patent, including, but not limited to the Disk Jockey Pro Forensic.

84. By making, using, selling, offering for sale, and/or importing into the United States, without authority, products that fall within the scope of the claims of the '086 patent, Diskology has also induced infringement of the '086 patent under 35 U.S.C. § 271(b), and has contributed to the infringement of the '086 patent under 35 U.S.C. § 271(c). The infringing products have no substantial non-infringing uses.

85. Upon information and belief, Diskology had knowledge of the '086 patent but has engaged in its infringing conduct nonetheless. Diskology's infringement is therefore willful.

86. MyKey has no adequate remedy at law against these acts of patent infringement. Unless Diskology is permanently enjoined from its unlawful and willful infringement of the '086 patent, MyKey will suffer irreparable harm.

87. As a direct and proximate result of Diskology's acts of patent infringement, MyKey has been and continues to be injured and has sustained and will continue to sustain substantial damages in an amount not presently known.

88. Upon information and belief, Guidance has been and is infringing literally and/or under the doctrine of equivalents, the '086 patent by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that fall within the scope of at least claim 1 of the '086 patent, including, but not limited to the Tableau Forensic SATA/IDE Duplicator Kit, TD1.

89. By making, using, selling, offering for sale, and/or importing into the United States, without authority, products that fall within the scope of the claims of the '086 patent, Guidance has also induced infringement of the '086 patent under 35 U.S.C. § 271(b), and has contributed to the infringement of the '086 patent under 35 U.S.C. § 271(c). The infringing products have no substantial non-infringing uses.

90. Upon information and belief, Guidance had knowledge of the '086 patent as early as August 2009 during the High Tech Crime Investigation Association Conference, but has engaged in its infringing conduct nonetheless. Guidance's infringement is therefore willful.

91. MyKey has no adequate remedy at law against these acts of patent infringement. Unless Guidance is permanently enjoined from its unlawful and willful infringement of the '086 patent, MyKey will suffer irreparable harm.



92. As a direct and proximate result of Guidance's acts of patent infringement, MyKey has been and continues to be injured and has sustained and will continue to sustain substantial damages in an amount not presently known.

93. Upon information and belief, Ji2 has been and is infringing literally and/or under the doctrine of equivalents, the '086 patent by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that fall within the scope of at least claim 1 of the '086 patent, including, but not limited to the Ninja.

94. By making, using, selling, offering for sale, and/or importing into the United States, without authority, products that fall within the scope of the claims of the '086 patent, Ji2 has also induced infringement of the '086 patent under 35 U.S.C. § 271(b), and has contributed to the infringement of the '086 patent under 35 U.S.C. § 271(c). The infringing products have no substantial non-infringing uses.

95. Upon information and belief, Ji2 had knowledge of the '086 patent but has engaged in its infringing conduct nonetheless. Ji2's infringement is therefore willful.

96. MyKey has no adequate remedy at law against these acts of patent infringement. Unless Ji2 is permanently enjoined from its unlawful and willful infringement of the '086 patent, MyKey will suffer irreparable harm.

97. As a direct and proximate result of Ji2's acts of patent infringement, MyKey has been and continues to be injured and has sustained and will continue to sustain substantial damages in an amount not presently known.

98. Upon information and belief, MultiMedia Effects has been and is infringing literally and/or under the doctrine of equivalents, the '086 patent by making, using, selling,

offering for sale, and/or importing in or into the United States, without authority, products that fall within the scope of at least claim 1 of the '086 patent, including, but not limited to the Ninja.

99. By making, using, selling, offering for sale, and/or importing into the United States, without authority, products that fall within the scope of the claims of the '086 patent, MultiMedia Effects has also induced infringement of the '086 patent under 35 U.S.C. § 271(b), and has contributed to the infringement of the '086 patent under 35 U.S.C. § 271(c). The infringing products have no substantial non-infringing uses.

100. Upon information and belief, MultiMedia Effects had knowledge of the '086 patent but has engaged in its infringing conduct nonetheless. MultiMedia Effects's infringement is therefore willful. MyKey has no adequate remedy at law against these acts of patent infringement. Unless MultiMedia Effects is permanently enjoined from its unlawful and willful infringement of the '086 patent, MyKey will suffer irreparable harm.

101. As a direct and proximate result of MultiMedia Effects's acts of patent infringement, MyKey has been and continues to be injured and has sustained and will continue to sustain substantial damages in an amount not presently known.

102. Upon information and belief, Tableau has been and is infringing literally and/or under the doctrine of equivalents, the '086 patent by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that fall within the scope of at least claim 1 of the '086 patent, including, but not limited to the Tableau Forensic SATA/IDE Duplicator Kit, TD1.

103. By making, using, selling, offering for sale, and/or importing into the United States, without authority, products that fall within the scope of the claims of the '086 patent, Tableau has also induced infringement of the '086 patent under 35 U.S.C. § 271(b), and has

contributed to the infringement of the '086 patent under 35 U.S.C. § 271(c). The infringing products have no substantial non-infringing uses.

104. Upon information and belief, Tableau had knowledge of the '086 patent as early as August 2009 during the High Tech Crime Investigation Association Conference, but has engaged in its infringing conduct nonetheless. Tableau's infringement is therefore willful.

105. MyKey has no adequate remedy at law against these acts of patent infringement. Unless Tableau is permanently enjoined from its unlawful and willful infringement of the '086 patent, MyKey will suffer irreparable harm.

106. As a direct and proximate result of Tableau's acts of patent infringement, MyKey has been and continues to be injured and has sustained and will continue to sustain substantial damages in an amount not presently known.

107. Upon information and belief, Voom has been and is infringing literally and/or under the doctrine of equivalents, the '086 patent by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that fall within the scope of at least claim 1 of the '086 patent, including, but not limited to the Voom Hard Copy 3P.

108. By making, using, selling, offering for sale, and/or importing into the United States, without authority, products that fall within the scope of the claims of the '086 patent, Voom has also induced infringement of the '086 patent under 35 U.S.C. § 271(b), and has contributed to the infringement of the '086 patent under 35 U.S.C. § 271(c). The infringing products have no substantial non-infringing uses.

109. Upon information and belief, Voom had knowledge of the '086 patent but has engaged in its infringing conduct nonetheless. Voom's infringement is therefore willful.

110. MyKey has no adequate remedy at law against these acts of patent infringement. Unless Voom is permanently enjoined from its unlawful and willful infringement of the '086 patent, MyKey will suffer irreparable harm.

111. As a direct and proximate result of Voom's acts of patent infringement, MyKey has been and continues to be injured and has sustained and will continue to sustain substantial damages in an amount not presently known.

112. Upon information and belief, YEC Co. has been and is infringing literally and/or under the doctrine of equivalents, the '086 patent by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that fall within the scope of at least claim 1 of the '086 patent, including, but not limited to the Ninja.

113. By making, using, selling, offering for sale, and/or importing into the United States, without authority, products that fall within the scope of the claims of the '086 patent, YEC Co. has also induced infringement of the '086 patent under 35 U.S.C. § 271(b), and has contributed to the infringement of the '086 patent under 35 U.S.C. § 271(c). The infringing products have no substantial non-infringing uses.

114. Upon information and belief, YEC Co. had knowledge of the '086 patent but has engaged in its infringing conduct nonetheless. YEC Co.'s infringement is therefore willful.

115. MyKey has no adequate remedy at law against these acts of patent infringement. Unless YEC Co. is permanently enjoined from its unlawful and willful infringement of the '086 patent, MyKey will suffer irreparable harm.

116. As a direct and proximate result of YEC Co.'s acts of patent infringement, MyKey has been and continues to be injured and has sustained and will continue to sustain substantial damages in an amount not presently known.

117. MyKey has incurred and will incur attorneys' fees, costs, and expenses in the prosecution of this action. The circumstances of this dispute create an exceptional case within the meaning of 35 U.S.C. § 285, and MyKey is entitled to recover its reasonable and necessary fees and expenses.

### **COUNT III**

#### **INFRINGEMENT OF THE '379 PATENT**

118. MyKey incorporates each of the preceding paragraphs 1-117 as if fully set forth herein.

119. Upon information and belief, CRU has been and is infringing literally and/or under the doctrine of equivalents, the '379 patent by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that fall within the scope of at least claim 1 of the '379 patent, including, but not limited to the WiebeTech Drive Eraser.

120. By making, using, selling, offering for sale, and/or importing into the United States, without authority, products that fall within the scope of the claims of the '379 patent, CRU has also induced infringement of the '379 patent under 35 U.S.C. § 271(b), and has contributed to the infringement of the '379 patent under 35 U.S.C. § 271(c). The infringing products have no substantial non-infringing uses.

121. Upon information and belief, CRU had knowledge of the '379 patent as early as August 2009 during the High Tech Crime Investigation Association Conference, but has engaged in its infringing conduct nonetheless. CRU's infringement is therefore willful.

122. MyKey has no adequate remedy at law against these acts of patent infringement. Unless CRU is permanently enjoined from its unlawful and willful infringement of the '379 patent, MyKey will suffer irreparable harm.

123. As a direct and proximate result of CRU's acts of patent infringement, MyKey has been and continues to be injured and has sustained and will continue to sustain substantial damages in an amount not presently known.

124. Upon information and belief, CRU-DataPort has been and is infringing literally and/or under the doctrine of equivalents, the '379 patent by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that fall within the scope of at least claim 1 of the '379 patent, including, but not limited to the WiebeTech Drive Eraser.

125. By making, using, selling, offering for sale, and/or importing into the United States, without authority, products that fall within the scope of the claims of the '379 patent, CRU-DataPort has also induced infringement of the '379 patent under 35 U.S.C. § 271(b), and has contributed to the infringement of the '379 patent under 35 U.S.C. § 271(c). The infringing products have no substantial non-infringing uses.

126. Upon information and belief, CRU-DataPort had knowledge of the '379 patent as early as August 2009 during the High Tech Crime Investigation Association Conference, but has engaged in its infringing conduct nonetheless. CRU-DataPort's infringement is therefore willful.

127. MyKey has no adequate remedy at law against these acts of patent infringement. Unless CRU-DataPort is permanently enjoined from its unlawful and willful infringement of the '379 patent, MyKey will suffer irreparable harm.

128. As a direct and proximate result of CRU-DataPort's acts of patent infringement, MyKey has been and continues to be injured and has sustained and will continue to sustain substantial damages in an amount not presently known.

129. Upon information and belief, Digital Intelligence has been and is infringing literally and/or under the doctrine of equivalents, the '379 patent by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that fall within the scope of at least claim 1 of the '379 patent, including, but not limited to the Voom Hard Copy 3P.

130. By making, using, selling, offering for sale, and/or importing into the United States, without authority, products that fall within the scope of the claims of the '379 patent, Digital Intelligence has also induced infringement of the '379 patent under 35 U.S.C. § 271(b), and has contributed to the infringement of the '379 patent under 35 U.S.C. § 271(c). The infringing products have no substantial non-infringing uses.

131. Upon information and belief, Digital Intelligence had knowledge of the '379 patent as early as August 2009 during the High Tech Crime Investigation Association Conference, but has engaged in its infringing conduct nonetheless. Digital Intelligence's infringement is therefore willful.

132. MyKey has no adequate remedy at law against these acts of patent infringement. Unless Digital Intelligence is permanently enjoined from its unlawful and willful infringement of the '379 patent, MyKey will suffer irreparable harm.

133. As a direct and proximate result of Digital Intelligence's acts of patent infringement, MyKey has been and continues to be injured and has sustained and will continue to sustain substantial damages in an amount not presently known.

134. Upon information and belief, Diskology has been and is infringing literally and/or under the doctrine of equivalents, the '379 patent by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that fall within the scope of at least claim 1 of the '379 patent, including, but not limited to the IM Solo-4 Forensic Hard Drive Acquisition/Duplicator.

135. By making, using, selling, offering for sale, and/or importing into the United States, without authority, products that fall within the scope of the claims of the '379 patent, Diskology has also induced infringement of the '379 patent under 35 U.S.C. § 271(b), and has contributed to the infringement of the '379 patent under 35 U.S.C. § 271(c). The infringing products have no substantial non-infringing uses.

136. Upon information and belief, Diskology had knowledge of the '379 patent but has engaged in its infringing conduct nonetheless. Diskology's infringement is therefore willful.

137. MyKey has no adequate remedy at law against these acts of patent infringement. Unless Diskology is permanently enjoined from its unlawful and willful infringement of the '379 patent, MyKey will suffer irreparable harm.

138. As a direct and proximate result of Diskology's acts of patent infringement, MyKey has been and continues to be injured and has sustained and will continue to sustain substantial damages in an amount not presently known.

139. Upon information and belief, Guidance has been and is infringing literally and/or under the doctrine of equivalents, the '379 patent by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that fall within the scope of at least claim 1 of the '379 patent, including, but not limited to the Tableau Drive Wiper.



140. By making, using, selling, offering for sale, and/or importing into the United States, without authority, products that fall within the scope of the '379 patent, Guidance has also induced infringement of the '379 patent under 35 U.S.C. § 271(b), and has contributed to the infringement of the '379 patent under 35 U.S.C. § 271(c). The infringing products have no substantial non-infringing uses.

141. Upon information and belief, Guidance had knowledge of the '379 patent as early as August 2009 during the High Tech Crime Investigation Association Conference, but has engaged in its infringing conduct nonetheless. Guidance's infringement is therefore willful.

142. MyKey has no adequate remedy at law against these acts of patent infringement. Unless Guidance is permanently enjoined from its unlawful and willful infringement of the '379 patent, MyKey will suffer irreparable harm.

143. As a direct and proximate result of Guidance's acts of patent infringement, MyKey has been and continues to be injured and has sustained and will continue to sustain substantial damages in an amount not presently known.

144. Upon information and belief, Ji2 has been and is infringing literally and/or under the doctrine of equivalents, the '379 patent by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that fall within the scope of at least claim 1 of the '379 patent, including, but not limited to the Ninja.

145. By making, using, selling, offering for sale, and/or importing into the United States, without authority, products that fall within the scope of the claims of the '379 patent, Ji2 has also induced infringement of the '379 patent under 35 U.S.C. § 271(b), and has contributed to the infringement of the '379 patent under 35 U.S.C. § 271(c). The infringing products have no substantial non-infringing uses.

146. Upon information and belief, Ji2 had knowledge of the '379 patent but has engaged in its infringing conduct nonetheless. Ji2's infringement is therefore willful.

147. MyKey has no adequate remedy at law against these acts of patent infringement. Unless Ji2 is permanently enjoined from its unlawful and willful infringement of the '379 patent, MyKey will suffer irreparable harm.

148. As a direct and proximate result of Ji2's acts of patent infringement, MyKey has been and continues to be injured and has sustained and will continue to sustain substantial damages in an amount not presently known.

149. Upon information and belief, MultiMedia Effects has been and is infringing literally and/or under the doctrine of equivalents, the '379 patent by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that fall within the scope of at least claim 1 of the '379 patent, including, but not limited to the Ninja.

150. By making, using, selling, offering for sale, and/or importing into the United States, without authority, products that fall within the scope of the claims of the '379 patent, MultiMedia Effects has also induced infringement of the '379 patent under 35 U.S.C. § 271(b), and has contributed to the infringement of the '379 patent under 35 U.S.C. § 271(c). The infringing products have no substantial non-infringing uses.

151. Upon information and belief, MultiMedia Effects had knowledge of the '379 patent but has engaged in its infringing conduct nonetheless. MultiMedia Effects's infringement is therefore willful.

152. MyKey has no adequate remedy at law against these acts of patent infringement. Unless MultiMedia Effects is permanently enjoined from its unlawful and willful infringement of the '379 patent, MyKey will suffer irreparable harm.

153. As a direct and proximate result of MultiMedia Effects's acts of patent infringement, MyKey has been and continues to be injured and has sustained and will continue to sustain substantial damages in an amount not presently known.

154. Upon information and belief, Tableau has been and is infringing literally and/or under the doctrine of equivalents, the '379 patent by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that fall within the scope of at least claim 1 of the '379 patent, including, but not limited to the Tableau Drive Wiper.

155. By making, using, selling, offering for sale, and/or importing into the United States, without authority, products that fall within the scope of the claims of the '379 patent, Tableau has also induced infringement of the '379 patent under 35 U.S.C. § 271(b), and has contributed to the infringement of the '379 patent under 35 U.S.C. § 271(c). The infringing products have no substantial non-infringing uses.

156. Upon information and belief, Tableau had knowledge of the '379 patent as early as August 2009 during the High Tech Crime Investigation Association Conference, but has engaged in its infringing conduct nonetheless. Tableau's infringement is therefore willful.

157. MyKey has no adequate remedy at law against these acts of patent infringement. Unless Tableau is permanently enjoined from its unlawful and willful infringement of the '379 patent, MyKey will suffer irreparable harm.

158. As a direct and proximate result of Tableau's acts of patent infringement, MyKey has been and continues to be injured and has sustained and will continue to sustain substantial damages in an amount not presently known.

159. Upon information and belief, Voom has been and is infringing literally and/or under the doctrine of equivalents, the '379 patent by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that fall within the scope of at least claim 1 of the '379 patent, including, but not limited to the Voom Hard Copy 3P.

160. By making, using, selling, offering for sale, and/or importing into the United States, without authority, products that fall within the scope of the claims of the '379 patent, Voom has also induced infringement of the '379 patent under 35 U.S.C. § 271(b), and has contributed to the infringement of the '379 patent under 35 U.S.C. § 271(c). The infringing products have no substantial non-infringing uses.

161. Upon information and belief, Voom had knowledge of the '379 patent but has engaged in its infringing conduct nonetheless. Voom's infringement is therefore willful.

162. MyKey has no adequate remedy at law against these acts of patent infringement. Unless Voom is permanently enjoined from its unlawful and willful infringement of the '379 patent, MyKey will suffer irreparable harm.

163. As a direct and proximate result of Voom's acts of patent infringement, MyKey has been and continues to be injured and has sustained and will continue to sustain substantial damages in an amount not presently known.

164. Upon information and belief, YEC Co. has been and is infringing literally and/or under the doctrine of equivalents, the '379 patent by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that fall within the scope of at least claim 1 of the '379 patent, including, but not limited to the Ninja.

165. By making, using, selling, offering for sale, and/or importing into the United States, without authority, products that fall within the scope of Co. the claims of the '379 patent, YEC Co. has also induced infringement of the '379 patent under 35 U.S.C. § 271(b), and has contributed to the infringement of the '379 patent under 35 U.S.C. § 271(c). The infringing products have no substantial non-infringing uses.

166. Upon information and belief, YEC Co. had knowledge of the '379 patent but has engaged in its infringing conduct nonetheless. YEC Co.'s infringement is therefore willful.

167. MyKey has no adequate remedy at law against these acts of patent infringement. Unless YEC Co. is permanently enjoined from its unlawful and willful infringement of the '379 patent, MyKey will suffer irreparable harm.

168. As a direct and proximate result of YEC Co.'s acts of patent infringement, MyKey has been and continues to be injured and has sustained and will continue to sustain substantial damages in an amount not presently known.

169. MyKey has incurred and will incur attorneys' fees, costs, and expenses in the prosecution of this action. The circumstances of this dispute create an exceptional case within the meaning of 35 U.S.C. § 285, and MyKey is entitled to recover its reasonable and necessary fees and expenses.

#### **PRAYER FOR RELIEF**

MyKey requests that judgment be entered in its favor and against Defendants and that the Court grant the following relief to MyKey:

- (a) declare that the patents-in-suit are valid and enforceable;
- (b) declare that Defendants have infringed, induced the infringement of, and/or contributed to the infringement of the patents-in-suit;

- (c) declare that Defendants' infringement was willful;
- (d) award damages to MyKey to which it is entitled for patent infringement of the patents-in-suit, including but not limited to lost profits;
- (e) enter a preliminary, and thereafter, permanent injunction against Defendants for direct infringement of the patents-in-suit;
- (f) enter a preliminary, and thereafter, permanent injunction against Defendants for inducement of infringement and/or contributory infringement of the patents-in-suit;
- (g) award MyKey its expenses, costs, and attorneys' fees pursuant to 35 U.S.C. § 285;
- (h) award MyKey increased damages in an amount not less than three (3) times the amount of damages found by the jury or assessed by this Court for Defendants' willful infringement pursuant to 35 U.S.C. § 284;
- (i) award interest on MyKey's damages; and
- (j) such other relief as the Court deems just and proper.

#### **JURY DEMAND**

In accordance with Federal Rules of Civil Procedure 38 and 39, MyKey asserts its rights under the Seventh Amendment of the United States Constitution and demands a trial by jury on all issues.

Respectfully submitted,

POTTER ANDERSON & CORROON LLP

OF COUNSEL:

Robert Freitas  
Steven Baik  
James Lin  
Qudus Olaniran  
FREITAS, TSENG, BAIK AND KAUFMAN L.L.P.  
100 Marine Parkway, Suite 200  
Redwood City, CA 94065  
Tel: (650) 593-6300

Dated: May 20, 2011  
1013704

By: /s/ Richard L. Horwitz  
Richard L. Horwitz (#2246)  
David E. Moore (#3983)  
Hercules Plaza, 6<sup>th</sup> Floor  
1313 N. Market Street  
Wilmington, DE 19801  
Tel: (302) 984-6000  
[rhorwitz@potteranderson.com](mailto:rhorwitz@potteranderson.com)  
[dmoore@potteranderson.com](mailto:dmoore@potteranderson.com)

*Attorneys for Plaintiff MyKey Technology Inc.*