IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
Tampa Division

FREEDOM SCIENTIFIC, INC.,

a Delaware Corporation, /
/ Case No. 8:11-cv-01194-EAK-AEP
/
Plaintiff, /
/
v. /
/
ENHANCED VISION SYSTEMS, /
INC., a California Corporation, /
/
Defendant. /
_____ /

FIRST AMENDED COMPLAINT
AND DEMAND FOR JURY TRIAL

Plaintiff, FREEDOM SCIENTIFIC, INC., by and through its undersigned attorneys, alleges, upon information and belief, as follows:

THE PARTIES

1. Plaintiff, FREEDOM SCIENTIFIC, INC., is a corporation incorporated under the laws of the State of Delaware, having its principal place of business in the State of Florida, and having an office at 11800 31st Court N., St. Petersburg, FL 33716.

2. Defendant, ENHANCED VISION SYSTEMS, INC., is a corporation incorporated under the laws of the State of California, having its principal place of business in the State of California and having an office at 5882 Machine Drive, Huntington Beach, CA 92649.

3. This action has arisen under the patent laws of the United States, Title 35 U.S.C. § 271 *et seq.*

4. Jurisdiction of this action arises under 28 U.S.C. § 1338(a). Venue is predicated under 28 U.S.C. § 1391(c).

COUNT I

Infringement of United States Patent Number 7,929,013 Cl

5. On April 19, 2011, U.S. Pat. 7,929,013 B2 entitled "Desktop Electronic Magnifier" was duly and regularly issued to Plaintiff, as assignee of the inventors. A copy of U.S. Pat. 7,929,013 B2 is attached as Exhibit A.

6. On October 25, 2011 Defendant filed a reexamination request with the United States Patent and Trademark Office ("USPTO") relative to U.S. Pat. 7,929,013 B2. The USPTO completed the reexamination on September 17, 2013.

7. As a result of the reexamination, the patentability of original Claims 1-7 was confirmed and newly added Claims 8-10 were likewise deemed to be patentable. The full patent number following the reexamination is United States Patent 7,929,013 C l (hereinafter "'013 Patent"). A copy of the Ex Parte Reexamination Certificate for U.S. Patent 7,929,013 C l is attached as Exhibit B.

8. Plaintiff is now and has been at all relevant times the assignee of the '013 Patent.

9. Upon information and belief, Defendant has infringed one or more claims of the '013 Patent by, *inter alia,* having made, used, sold, or offered for sale a line of products known as the Merlin™ desktop electronic magnifiers.

10. Defendant offers the Merlin™ products for sale in this judicial district.

11. The referenced infringement is willful and deliberate. The infringement has deprived Plaintiff of sales which it otherwise would have made and has in other respects injured Plaintiff and will cause Plaintiff added injury and loss of profits unless enjoined by

this Court.

12. Plaintiff has been damaged by the acts of infringement complained of herein.

13. Plaintiff has no adequate remedy without the intervention of this Court.

14. This case is "exceptional" within the meaning of 35 U.S.C §285.

WHEREFORE, Plaintiff prays that:

A. An injunction be granted preliminarily and permanently restraining Defendant and all those in privity with it from further infringement of the '013 Patent.

B. Defendant be required to account to Plaintiff for the damages recoverable by Plaintiff under 35 U.S.C. § 284 as a result of the wrongful making, using, and selling of Plaintiff s invention as claimed in Plaintiff's '013 Patent, the exact extent of which cannot now be determined by Plaintiff, and that all of such damages be trebled.

C. Plaintiff be awarded reasonable attorney fees;

D. Plaintiff be allowed its costs; and

E. Such other and further relief be granted to which Plaintiff may be justly entitled.

JURY DEMAND

Plaintiff demands a trial by jury.

Dated: February 10, 2014

Respectfully submitted,

/s/ Michael J. Colitz, III
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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 10, 2014 a true and correct copy of the foregoing was filed via CM/ECF to all counsel of record

/s/ Michael J. Colitz, III
Michael J. Colitz, III

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