IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

Case No._____

GORDON-DARBY SYSTEMS, INC.,
a Kentucky Corporation

Plaintiff

v.

SYSTECH INTERNATIONAL, LLC,
a Florida Limited Liability Company

Defendant.

_____/

COMPLAINT FOR PATENT INFRINGEMENT
WITH DEMAND FOR JURY TRIAL

INJUNCTIVE RELIEF SOUGHT

Comes the Plaintiff, Gordon-Darby Systems, Inc., by counsel, and for its Complaint against Defendant, Systech International, LLC, Plaintiff states as follows:

PRELIMINARY STATEMENT

1. This is an infringement action brought by Gordon-Darby Systems, Inc. ("Gordon-Darby" or "Plaintiff") pursuant to the Patent Laws of the United States, United States Code, Title 35, for damages and to enjoin continued infringement by Systech International, LLC. ("Systech" or "Defendant").

JURISDICTION

2. This Court has original jurisdiction to hear this matter pursuant to 28 U.S.C. §§ 1331 and 1338(a) because the matter in controversy arises under the Patent Laws of the United States, United States Code, Title 35.

3. This Court may obtain valid personal jurisdiction over Defendant because Defendant is a limited liability company duly organized and existing under the laws of the State of Florida with its registered principal address located in this District at 1834 NW 124th Way, Coral Springs, Florida 33071. Its Registered Agent is Lothar Geilen, of the same address..

VENUE

4. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391 and 1400(b) because Defendant is a Florida Limited Liability Company and a resident in this District, because Defendant maintains a regular and established place of business in this District, and/or because Defendant has committed acts of infringement in this District.

BACKGROUND

5. Gordon-Darby is a corporation duly organized and existing under the laws of the Commonwealth of Kentucky with its principal place of business located at 2410 Ampere Drive, Louisville, Kentucky 40299-3865.

6. Gordon-Darby, in part, is in the business of designing, manufacturing, marketing and operating assorted methods and systems utilized in the environmental testing of motor vehicle emissions.

7. On December 23, 2008, the United States Patent and Trademark Office (the "PTO") duly, properly and legally issued to Gordon-Darby a patent relating to one such method and system marketed by Gordon-Darby, namely, U.S. Patent No. 7,469,171 (the "'171 Patent") entitled "Method And System For Vehicle Emissions Testing At A Kiosk Through On-Board Diagnostics Unit Inspection."

8. Gordon-Darby is the owner by assignment of all right and title in and to the '171 Patent.

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9. The '171 Patent is valid and in full force and effect. A true and correct copy of the '171 Patent is attached hereto marked as Plaintiff's Exhibit 1.

10. Defendant, Systech, is a limited liability company duly organized and existing under the laws of the State of Florida with a registered principal address of 1834 NW 124th Way, Coral Springs, Florida 33071. Its Registered Agent is Lothar Geilen, of the same address.

11. Defendant, like Gordon-Darby, in part, is in the business of manufacturing, marketing and operating methods and systems utilized in the environmental testing of motor vehicle emissions.

12. Defendant engages in said business in direct competition with Gordon-Darby.

13. On or about August 25, 2005, counsel for Gordon-Darby issued a letter to Mr. Pradeep Tripathi and Mr. Lothar Geilen at SysTech International, Inc. which, to the best of Plaintiff's knowledge and belief is a predecessor in interest of Defendant, placing them on notice of the publication by the PTO of the application which later matured into the '171 Patent. A true and correct copy of said letter is attached hereto marked as Plaintiff's Exhibit 2.

COUNT I: DIRECT PATENT INFRINGEMENT

14. Gordon-Darby re-alleges and incorporates hereto by reference paragraphs 1-13 of this Complaint as though fully set forth herein.

15. Without the consent of Gordon-Darby, Defendant has been, and continues to be, engaged in manufacturing, importing, offering for sale, or sale of methods and systems utilized in the environmental testing of motor vehicle emissions , including at least Defendant's "Self Service Kiosk OBD II Test System," which technology is within the scope of the '171 Patent.

16. The manufacture, import, offer for sale, or sale by or on behalf of Defendant of methods and systems utilized in the environmental testing of motor vehicle emissions within the

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scope of the '171 Patent constitutes infringement of the rights provided Gordon-Darby under the Patent Laws of the United States.

17. The manufacture, import, offer for sale, or sale by or on behalf of Defendant of methods and systems utilized in the environmental testing of motor vehicle emissions within the scope of the '171 Patent, has injured and is continuing to injure Gordon-Darby, causing economic benefit to Systech to the detriment of Gordon-Darby.

18. The manufacture, import, offer for sale, or sale by or on behalf of Defendant of methods and systems utilized in the environmental testing of motor vehicle emissions within the scope of the '171 Patent has been willful, wanton, egregious, and with disregard of Gordon-Darby's patent rights and will continue unabated unless enjoined by this Court.

19. Unless the continuation of Defendant's infringement is enjoined, Gordon-Darby will suffer irreparable injury for which there is no adequate remedy at law.

COUNT II: INDUCEMENT TO INFRINGE

20. Gordon-Darby re-alleges and incorporates hereto by reference paragraphs 1-13 of this Complaint as though fully set forth herein.

21. Through Defendant's offer, without the consent of Gordon-Darby, for sale, and sale of methods and systems utilized in the environmental testing of motor vehicle emissions within the scope of the '171 Patent, including at least Defendant's "Self Service Kiosk OBD II Test System,", and any ongoing support to its customers, Defendant has, and continues to actively induce infringement of the rights provided Gordon-Darby under the Patent Laws of the United States.

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22. Defendant's active inducement of infringement of the '171 Patent has injured and is continuing to injure Gordon-Darby, causing economic benefit to Systech to the detriment of Gordon-Darby.

23. Defendant's active inducement of infringement of the '171 Patent has been willful, wanton, egregious, and with disregard of Gordon-Darby's patent rights and will continue unabated unless enjoined by this Court.

24. Unless the continuation of Defendant's inducement of infringement is enjoined, Gordon-Darby will suffer irreparable injury for which there is no adequate remedy at law.

COUNT III: CONTRIBUTORY INFRINGEMENT

25. Gordon-Darby re-alleges and incorporates hereto by reference paragraphs 1-13 of this Complaint as though fully set forth herein.

26. The offer for sale, or sale by or on behalf of Defendant of equipment for use in the environmental testing of motor vehicle emissions within the scope of the '171 Patent , including at least Defendant's "Self Service Kiosk OBD II Test System," involves providing to others a material component necessary to practice a method or system within the scope of the '171 Patent.

27. The offer for sale, or sale by or on behalf of Defendant of equipment for use in the environmental testing of motor vehicle emissions within the scope of the '171 Patent, including at least Defendant's "Self Service Kiosk OBD II Test System," relates to items offered for sale, and sold by Defendant which are known by Defendant to be especially made, or especially adapted, for use in association with the environmental testing of motor vehicle emissions within the scope of the '171 Patent.

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28. The offer for sale, or sale by or on behalf of Defendant of equipment for use in the environmental testing of motor vehicle emissions within the scope of the ‘171 Patent, including at least Defendant's "Self Service Kiosk OBD II Test System," relates to items offered for sale, and sold by Defendant which are not a staple article or commodity of commerce suitable for substantial noninfringing uses.

29. The offer for sale, or sale by or on behalf of Defendant of equipment for use in the environmental testing of motor vehicle emissions within the scope of the ‘171 Patent, including at least Defendant's "Self Service Kiosk OBD II Test System," renders Defendant a contributory infringer of the rights provided Gordon-Darby under the Patent Laws of the United States.

30. Defendant’s contributory infringement of the ‘171 Patent has injured and is continuing to injure Gordon-Darby, causing economic benefit to Systech to the detriment of Gordon-Darby.

31. Defendant’s contributory infringement of the ‘171 Patent has been willful, wanton, egregious, and with disregard of Gordon-Darby’s patent rights and will continue unabated unless enjoined by this Court.

32. Unless the continuation of this contributory infringement is enjoined, Gordon-Darby will suffer irreparable injury for which there is no adequate remedy at law.

PRAYER

WHEREFORE, Plaintiff prays for relief against Defendant as follows:

A. An Order requiring that Defendant and all of its officers, agents, servants, employees, attorneys, privies, and those persons in active concert or participation with them, be preliminarily and permanently enjoined pursuant to 35 U.S.C. § 283 from the manufacture,

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import, offer for sale, sale or use of methods and systems utilized in the environmental testing of motor vehicle emissions within the scope of U.S. Patent No. 7,469,171;

B. An award pursuant to 35 U.S.C. § 284 of damages, not less than a reasonable royalty, adequate to compensate Gordon-Darby for the infringement of its patent rights;

C. That any damages awarded pursuant to 35 U.S.C. § 284 be trebled, as provided by 35 U.S.C. §284, in view of the intentional infringement of the '171 Patent;

D. An award to Gordon-Darby pursuant to 35 U.S.C. § 285 of reasonable attorneys' fees due to the exceptional nature of this case;

E. An award to Gordon-Darby of prejudgment interest on said sums at the legal prejudgment rate and post judgment interest on said sums at the legal judgment rate from the date of the judgment;

F. An award to Gordon-Darby the costs of this action; and

G. Award such other and further relief as the Court deems just and equitable.

DEMAND FOR JURY TRIAL

Gordon-Darby hereby demands a trial by jury of all issues so triable.

Dated: April 22, 2010

Respectfully submitted,

LOTT & FRIEDLAND, P.A.

s/Ury Fischer

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