

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

SELEX ES INC.,

Plaintiff,

v.

NDI TECHNOLOGIES, INC. D/B/A
NDA RECOGNITION SYSTEMS,

Defendant.

COMPLAINT

JURY TRIAL DEMANDED

Plaintiff Selex ES Inc. (“Selex” or “Plaintiff”) brings this action pursuant to 35 U.S.C. § 101 *et seq.*, seeking injunctive relief and damages against Defendant NDI Technologies, Inc. (“NDI” or “Defendant”) for patent infringement, and alleges as follows:

PARTIES

1. Plaintiff is a corporation organized under the laws of the State of Delaware, having a principal place of business at 11300 W 89th Street, Overland Park, Kansas 66214.

2. On information and belief, Defendant is a corporation organized under the laws of the State of New Jersey, having a principal place of business at 105 E. State Road 434, Winter Springs, Florida 32708.

JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction over this action pursuant to 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331 and 1338(a).

4. This Court has personal jurisdiction over Defendant consistent with the principles underlying the U.S. Constitution and C.R.S. 13-1-124. On information and belief, Defendant has an office and operations in this State and District located at 9700 Research Drive, #148,

Charlotte, NC 28262 (*see* <https://www.ndi-rs.com/ndi-worldwide/>), and has conducted business in this State and District, including sales and offers for sale of the accused products described herein.

5. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391 and 1400.

FACTUAL BACKGROUND

6. Plaintiff is a leader in air traffic management, critical communications technologies, and law enforcement systems for military and civil markets. Plaintiff designs, develops, and provides advanced technology products, systems, and solutions for government agencies, armed forces, and commercial and industrial operators.

7. Among Plaintiff's offerings are license plate reader products and systems, such as the ELSAG Plate Hunter ALPR System.

8. Plaintiff is the owner of all right, title, and interest in and to U.S. Patent No. 7,504,965 ("the '965 Patent") entitled "Portable Covert License Plate Reader." A true and correct copy of the '965 Patent is attached hereto as **Exhibit A**.

9. The '965 Patent was duly and lawfully issued by the United States Patent and Trademark Office on March 17, 2009. The '965 Patent and all of its claims are presumed valid pursuant to 35 U.S.C. § 282.

10. On information and belief, Defendant is engaged in the business of manufacturing and selling, throughout the United States and in this judicial district, highway safety and traffic control products, including portable covert license plate reader products and systems such as Defendant's "Road Warrior™ Radar" and Road Warrior™ VMS" systems.

COUNT I **Infringement of the '965 Patent**

11. Plaintiff realleges and incorporates by reference the foregoing paragraphs.

12. On information and belief, Defendant has made, offered for sale, and sold in the United States surveillance systems, including at least Defendant's "Road Warrior™ Radar" and Road Warrior™ VMS" systems, that infringe at least Claim 1 of the '965 Patent.

13. On information and belief, Defendants' "Road Warrior™ Radar" and Road Warrior™ VMS" systems infringe at least Claim 1 of the '965 Patent because they are designed to monitor a plurality of vehicle license plates, and comprise the following: (a) a portable license plate reader including a camera for automatically imaging a license plate and extracting a character string from the image for each of a plurality of moving vehicles that pass through a field of view of the camera without detection by the moving vehicles; (b) a mobile surveillance unit positioned in proximity to the license plate reader for receiving the extracted character string from the reader, comparing each extracted character string with a list of target plate numbers, and generating an audible alarm and a visual display when a match is found; and (c) an operations center for communicating with the mobile surveillance unit to receive each extracted character string from the mobile surveillance unit and to update the list of target plate numbers stored at the mobile surveillance unit.

14. Defendant has committed the acts of infringement complained of herein without the consent or authorization of Plaintiff and in derogation of 35 U.S.C. § 271. On information and belief, Defendant's acts of infringement will continue unabated unless and until preliminarily and permanently enjoined by this Court.

15. Defendant has harmed Plaintiff by virtue of Defendant's acts of infringement of the '965 Patent.

16. Plaintiff is entitled to damages from Defendant pursuant to 35 U.S.C. § 284, enhanced damages and attorneys' fees pursuant to 35 U.S.C. § 285, and injunctive relief from this Court pursuant to 35 U.S.C. § 283.

WHEREFORE, Plaintiff respectfully prays for entry of a judgment:

- A. Holding that Defendant has infringed the '965 Patent;
- B. Awarding Plaintiff damages adequate to compensate for all such unauthorized acts of infringement pursuant to 35 U.S.C. § 284;
- C. Declaring this case exceptional pursuant to 35 U.S.C. § 285;
- D. Awarding Plaintiff treble damages, attorneys' fees, and other costs and expenses to the extent permitted under the patent laws of the United States;
- E. Awarding Plaintiff pre- and post-judgment interest to the extent permitted by law;
- F. Preliminary and permanently enjoining Defendant from any further acts of infringement of Plaintiff's patent rights; and
- G. Awarding such other and further legal and equitable relief as this Court may deem just and proper.

Plaintiff demands a trial by jury on all issues so triable.

Dated: November 17, 2020

Respectfully submitted,

s/ Minnie Kim

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