

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

FIREKING SECURITY PRODUCTS, LLC)
)
PLAINTIFF)
) *Electronically Filed*
v.)
)
AMERICAN SECURITY PRODUCTS)
COMPANY) Civil Action No. 4:16-cv-233
)
DEFENDANT)
)
Serve:)
Thomas Cassutt)
American Security Products Co.)
11925 Pacific Ave.)
Fontana, CA 92337)

COMPLAINT
JURY TRIAL DEMANDED

Plaintiff FireKing Security Products, LLC for its Complaint against Defendant American Security Products Company (“AmSec”) states as follows:

NATURE OF THE ACTION

1. This is an action under the Patent Act, 35 U.S.C. §§ 1, *et seq.*, for patent infringement.

PARTIES

2. FireKing Security Products, LLC (“FireKing”) is an Indiana limited liability company with its principal place of business at 101 Security Parkway, New Albany, Indiana 47150. FireKing is in the business of constructing and selling safes, including smart safes executing software and otherwise configured to, among other functions, electronically track cash deposited into and removed from a particular safe at a particular time.

3. Upon information and belief, AmSec is a California corporation with its corporate headquarters and principal place of business at 11925 Pacific Avenue, Fontana, CA 92337. AmSec can be served with process through its Registered Agent, Thomas Cassut at 11925 Pacific Ave., Fontana, CA 92337. AmSec is in the business of manufacturing safes and is a direct competitor of FireKing.

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. § 1338, because this action arises under the Patent Laws of the United States, as set forth in 35 U.S.C. §§ 1, *et seq.* (particularly 35 U.S.C. § 271), and also pursuant to 28 U.S.C. § 1331, because this matter involves a federal question.

5. This Court has personal jurisdiction over AmSec because AmSec has availed itself of the privilege of conducting and soliciting business in this District; because AmSec has offered to sell the infringing products in this District, and because the claims set forth herein arise out of AmSec's infringing activities in this District, among others, such that it would be reasonable for this Court to exercise personal jurisdiction over AmSec.

6. Venue in this Court is proper in this District pursuant to 28 U.S.C. §§ 1391 and 1400 because, upon information and belief, AmSec has committed acts of patent infringement in this District including selling or offering for sale, either directly or through intermediaries, infringing products in this District.

BACKGROUND

7. For more than 50 years, FireKing has been a leading manufacturer of fireproof safes, fireproof file cabinets, and other asset-protection products.

8. FireKing sells smart safe products, including but not limited to those which are marketed under the ACCS, CXC, CXM, XLV, and Summit names. These smart safes are primarily marketed to and sold to retailers and/or through distributors. These smart safes are integrated with software and are otherwise configured to automatically log every deposit made into the safe, allowing retailers as well as banks to monitor cash flow, minimize loss due to employee theft, and obtain provisional credit, which is based on cash that banks deem to have been securely stored in the smart safes.

9. FireKing has spent substantial sums in product development and marketing costs for its smart safe products. FireKing owns a number of patents associated with its smart safe products, including the '098 Patent as identified and described herein below.

FIREKING PATENT

United States Patent No. 7,216,098

10. On or about May 8, 2007, United States Patent No. 7,216,098, entitled "Electronic Transmission and Tracking of Deposit Information" (the "'098 Patent"), was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the '098 Patent is attached as **Ex. 1**.

11. By assignment, FireKing is the owner of all right, title, and interest in and to the '098 Patent.

12. Prior to filing this action, FireKing complied with the marking requirements pursuant to 35 U.S.C. § 287(a) and is entitled to recover for past damages for AmSec's infringement of the '098 Patent.

13. The '098 Patent is generally directed to electronically tracking cash deposited into, and withdrawn, from a safe during a given work day. Independent claim 1 is representative of the other claims in the '098 Patent and states:

A cash control system for a business establishment having one or more cash registers, the cash control system comprising:

a safe assembly including a safe adapted to secure cash and a currency reader coupled to the safe and programmed to determine an amount of cash received in the safe;

a memory in which a control software is stored, the control software programmed to update a pair of identifiers that distinguish deposit information accumulated only during an accounting period before a predetermined event and deposit information accumulated during an accounting period that includes a period after the predetermined event;

a central control unit which receives deposit information from the safe assembly and generates and transmits deposit reports, the central control unit uses the control software to update and transmit the pair of identifiers, the central control unit comprising:

means for detecting the predetermined event used to determine the accounting period before the predetermined event;

means for detecting the accounting period that includes the period after the predetermined event; and

means for generating, using the control software and based on the detected predetermined event and the accounting period that includes the period after the predetermined event, the pair of identifiers to indicate whether the deposit information was accumulated only during the accounting period before the predetermined event or during the accounting period that includes the period after the predetermined event by making the identifiers to be different from one another or to be identical to each other, wherein the pair of identifiers do not contain values including a date and/or a time of the predetermined event; and

a cash information server configured to receive the deposit information and the pair of identifiers from the central control unit and to identify the amount of cash collected by the business establishment during the accounting periods.

14. Pursuant to 35 U.S.C. § 282, the '098 Patent is presumed valid.

15. Prior to the '098 Patent, some earlier cash management systems had already attempted to associate deposit information transmissions with date and/or time content identifiers, but this approach did not provide sufficiently accurate and reliable reconciliation of

deposits. The reasons included, without limitation, the nature of time zone differences from one place to the next, and the fact that clocks are asynchronous from one device to another.

16. The smart safe technology incorporated in one or more claims of the '098 Patent reduces the effort and time needed to reconcile end-of-day deposits, and enables banks to extend credit for cash in the safe assembly based on the daily reports of cash that is stored in the smart safes (referred to in the industry as "provisional credit"), even before an armored car pickup has occurred, while providing retailers the ability to collect and calculate currency deposited on-site at retail locations.

AMSEC'S INFRINGING PRODUCTS

17. AmSec manufactures, sells, and otherwise distributes through intermediaries in the United States, including this state, a line of smart safes under the name "CashWizard." AmSec's CashWizard smart safes compete with FireKing's smart safes in the commercial safe market.

18. The smart safes sold and offered for sale by AmSec as the "CashWizard" line of products - including without limitation the BR2012, BR2013, BR3113, BR3118, BR3119, and BR3122, and models - infringe at least claim 1 of FireKing's '098 Patent. True and correct copies of AmSec's marketing and product literature describing the "CashWizard" line of products, generally referred to herein as "Accused Products," are attached as **Exs. 2-7**, and discussed further in subsequent paragraphs.

19. On information and belief, **Ex. 2**, as referred to above, is a portion of the AmSec website, is accessible at <http://www.amsecusa.com/cash-wizard/>, and contains both general information on the CashWizard Smart Safe Family as well as a listing of some features on specific models of at least some of the Accused Products.

20. On information and belief, **Ex. 3**, as referred to above, is an advertisement available for download on the iTunes AppStore, describing some of the features and capabilities of the Accused Products.

21. On information and belief, **Ex. 4**, as referred to above, is exhibit information for the AmSec booth at a product exposition conference of the National Retail Federation, inviting the public to the AmSec booth and describing some of the features and capabilities of the Accused Products.

22. On information and belief, **Ex. 5**, as referred to above, is the AmSec Product catalog for 2016-17 and it describes some of the features and capabilities of the Accused Products. Due to the length of the document, this exhibit is provided as an excerpt. The catalog itself is available online at <http://www.amsecusa.com/download/amsec-product-catalog-2016-2017/?wpdmdl=27395>.

23. On information and belief, **Ex. 6**, as referred to above, is a screen shot of several master reports that can be accessed by an end user, and the screen shot is from a video titled “Timely Information” that AmSec placed on its website. (*See Ex. 2*, for videos listed under the heading “CashWizard Vision.”)

24. On information and belief, **Ex. 7**, as referred to above, contains portions of the operating instructions for the Accused Products, describing some of their features and capabilities. Due to the length of the document, this exhibit is provided as an excerpt.

25. The Accused Products sold by AmSec are a cash control system for business establishments, by which AmSec has been and is now directly infringing at least claim 1 of the ‘098 Patent by making, using, selling, and offering to sell Accused Products as further described below. *See Exs. 2-7*.

26. FireKing has not licensed or otherwise authorized AmSec to use or practice the inventions in the '098 Patent.

27. As a result of AmSec's infringing activities in this District and other Districts, FireKing has suffered financial harm and damage to its business and reputation as well as irreparable harm for which there is no adequate remedy and from which AmSec should be enjoined.

COUNT I

AmSec's Infringement of The '098 Patent

28. FireKing restates and re-alleges each allegation set forth in Paragraphs 1-27 herein, and incorporates them by reference.

29. Without the consent or authorization of FireKing, AmSec has infringed at least claim 1 of the '098 Patent by making, using, selling, and/or offering for sale the "CashWizard" line of safes in this District and elsewhere in the United States.

30. The Accused Products contain each and every recited element in at least claim 1 of the '098 Patent. Examples of features as part of the Accused Products are provided and referenced in the accompanying exhibits, and these examples are not meant as exhaustive or limiting in terms of the infringing nature of the Accused Products. *See Exs. 2-7.*

31. AmSec markets a monitoring and control application for use on smart devices that enables the inventory in its smart safes to be viewed and tracked, including over Cloud Web Services. **Exs. 2, 3.**

32. Further, AmSec markets the Accused Products as a comprehensive access control and deposit tracking system for cash management, with remote management available over a network connection to transmit data for provisional credit. **Exs. 2, 4, and 5.**

33. AmSec's marketing and product literature, including without limitation its catalogs and its website, illustrate that the Accused Products are smart safes that secure cash and have at least one currency reader coupled to the smart safe. **Exs. 2, 5.** The currency reader keeps track of all cash transactions to determine the amount of cash received into the safe and monitors daily cash volumes. **Ex. 2.** AmSec product literature, including video information available on its website, shows the use of tracking numbers that distinguish when cash deposits occurred into the smart safes. **Ex. 6.**

34. The Accused Products include a memory in which a control software is stored, and are configured to detect when there has been a courier event signifying an armored car pickup of cash from one or more of the smart safes, and to send both courier reports as well as end of day reports that "sync" in order to distinguish between end of day deposit information and armored carrier pickup deposit information. **Ex. 7.**

35. Moreover, the Accused Products are configured with remote access parameters for Cloud communication; both courier reports (signifying cash deposited prior to an event such as an armored car pickup) and end of day reports (which on at least some days will signify cash deposited after an armored car pickup) are sent either by the Cloud or by the smart safe. **Ex. 7.**

36. Further, AmSec's Accused Products distinguish deposits made into the smart safes that were before the armored car pickup, versus those that came after, through use of tracking numbers which are identifiers that can be updated. **Ex. 6.**

37. By way of non-limiting example, the Accused Products employ one or more identifier numbers received and displayed through an intermediate server that associate with the activities which have occurred such as an armored car pickup, or the end of a business day. For example, after an armored car pickup, the Accused Products change an identifier number that

was associated with earlier cash deposits, prior to such a pickup, to an alternate identifier number, which will then be associated with later cash deposit transactions into the smart safes.

Ex. 6.

38. Further, the Accused Products can distinguish between business and “end of day” reporting versus courier and armored car pickup reporting. **Exs. 5 and 7.**

39. Moreover, the Accused Products employ sequence numbers to associate with particular deposits, and the numbers are used, for example, to reconcile armored car pickups which have been physically transported to banks, versus end of day cash content remaining in the smart safes. **Ex. 6.**

40. Further, the Accused Products have a central control unit that receives deposit information, and generates and transmits deposit reports. **Exs. 3 and 7.**

41. Likewise, the Accused Products are configured to detect a predetermined event that determines an accounting period before the predetermined event, and this detection also determines an accounting period that includes the period after the predetermined event. **Exs. 5 and 7.**

42. Likewise, the Accused Products are configured to generate a pair of identifiers – other than a date or time – to determine when the deposit information was accumulated. *See, e.g., Ex. 6.* For example, a pair of identifiers that are different would be transmitted on a particular business day when an armored car pickup occurs; the first identifier would associate with cash that the armored carrier picked up (i.e., before the predetermined event), while the second identifier would associate with cash that remains in the safe until the next armored car pickup, thus distinguishing between the courier event and the end of day event, and thus distinguishing what was accumulated before the armored car pickup versus after, while the

identifiers would be the same if content removal such as an armored carrier pickup did not occur.

Exs. 6 and 7.

43. Further, for the regular and ongoing use of the Accused Products, AmSec provides one or more servers configured to receive the deposit information from the central control unit. **Ex. 2, 3, 7.** AmSec's Cloud Web Services receive the deposit information and provide the cash information online (i.e., a cash information server) which allows for monitoring and viewing reports. **Exs. 2, 3.** The Accused Products identify the amount of cash collected by the business establishment during the respective accounting periods, to reconcile how much from that day's deposits was physically removed from the smart safe and how much remains in the safe at the end of the business day. **Exs. 2, 3, and 6.**

44. Accordingly, AmSec's Accused Products infringe at least claim 1 of the '098 Patent.

45. AmSec's infringement has caused, and continues to cause, damage to FireKing.

46. AmSec's marketing and product literature are regularly available and/or delivered to prospective buyers on its website, through dealers, and at product exposition conferences.

47. AmSec's infringement of the '098 Patent has irreparably damaged FireKing in an amount that is unknown and cannot at the present time be ascertained, and will cause added injury and loss unless this Court enjoins AmSec's infringement.

48. Unless enjoined by this Court, AmSec will continue to infringe the '098 Patent, to FireKing's injury and loss.

WHEREFORE, FireKing for its relief seeks judgment as follows:

1. That this Court declare that the '098 Patent is valid, has been, and is being infringed by AmSec;

2. That this Court preliminarily and permanently enjoin AmSec, and anyone acting in concert with AmSec, from infringing the '098 Patent as provided in 35 U.S.C. § 283, and specifically bar AmSec, and anyone acting in concert with AmSec, from making, using, selling or offering for sale in the United States, or importing into the United States, products that infringe the '098 Patent;

3. That this Court award FireKing damages, as provided in 35 U.S.C. § 284, in an amount to be proven at trial, for infringement of the '098 Patent by AmSec;

4. That this Court award FireKing increased damages up to three times the amount found or assessed for infringement of the '098 Patent by AmSec pursuant to 35 U.S.C. § 284;

5. That this Court award FireKing pre- and post-judgment interest and costs as provided in 35 U.S.C. § 284;

6. That this Court declare this case exceptional and award FireKing its reasonable costs and attorneys' fees as provided in 35 U.S.C. § 285;

7. That FireKing be awarded such other and further relief, general and special, at law or in equity, which this Court, in its discretion, may deem just and proper.

JURY DEMAND

FireKing hereby demands a trial by jury for all issues so triable.

Respectfully submitted,

/s/John W. Woodard Jr.

John W. Woodard, Jr. (Atty. No. 15880-49)

jwoodard@wyattfirm.com

Stephen C. Hall (*application for admission
forthcoming*)

schall@wyattfirm.com

Allison L. Brown (*application for admission
forthcoming*)

abrown@wyattfirm.com

WYATT, TARRANT & COMBS, LLP

500 West Jefferson Street, Suite 2800

Louisville, KY 40202-2898

502.589.5235

Matthew M. Lubozynski (*application for
admission forthcoming*)

mlubozynski@wyattfirm.com

WYATT, TARRANT & COMBS, LLP

1715 Aaron Brenner Drive, Suite 800

Memphis, TN 38120

901.537.1087

Counsel for Plaintiff FireKing Security
Products, LLC

61541278.10