

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

HUNTS POINT VENTURES, INC.

Plaintiff,

v.

EPSON AMERICA, INC.,

Defendant.

CASE NO.

DEMAND FOR JURY TRIAL

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Hunts Point Ventures, Inc. hereby alleges for its complaint against defendant Epson America, Inc. (“Epson”) on personal information as to Plaintiff’s own activities, and upon information and belief as to the activities of others, as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

PARTIES

2. Plaintiff HUNTS POINT VENTURES is a Washington corporation with its principal place of business in Washington State.

3. Hunts Point Ventures is the owner of U.S. Patent No. 7,574,272 (“the ‘272 Patent”), entitled “System and Method for Data Transfer Optimization in a Portable Audio Device”, issued August 11, 2009 (copy attached as Exhibit A).

4. Hunts Point Ventures is the owner of the entire right, title, and interest in the ‘272 Patent and has standing to sue for all past, present, and future infringement of the ‘272 Patent.

5. Upon information and belief, Defendant EPSON AMERICA, INC. is a California corporation with its principal business address at 3840 Kilroy Airport Way, Long Beach, California 90806. Upon information and belief, Epson transacts business and has provided to customers in this judicial district and throughout the State of Wisconsin products that infringe and/or induce infringement of, and/or contribute to infringement of, one or more claims of the '272 Patent.

6. Upon information and belief, Epson manufactures, imports into the United States, sells, offers for sale, and/or uses portable media player products that infringe one or more claims of the '272 Patent, including its Multimedia Viewer P-3000 and Multimedia Storage Viewer P-5000 portable media players. Upon information and belief, such products are offered for sale to customers in this judicial district and throughout the State of Wisconsin.

JURISDICTION AND VENUE

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

8. Personal jurisdiction over Defendant is proper in this court. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b), (c) and/or 1400(b).

DEFENDANT'S INFRINGEMENT OF THE '272 PATENT

9. Upon information and belief, Defendant Epson has infringed and continues to infringe the '272 Patent under 35 U.S.C. § 271(a) by making, using, modifying, upgrading, performing quality control, and providing support for its portable media player products.

10. Upon information and belief, Defendant Epson has also been and is directly infringing the '272 Patent under 35 U.S.C. § 271(a) by selling, offering for sale, and/or importing into the United States portable media player products that infringe one or more claims of the '272 patent.

11. Upon information and belief, Defendant Epson's customers and other users of Defendant's products and the services provided by means of those products, have been and are directly infringing one or more claims of the '272 Patent under 35 U.S.C. § 271(a).

12. Upon information and belief, Defendant Epson has been and is actively inducing infringement of one or more claims of the '272 Patent under 35 U.S.C. § 271(b) by providing to customers, including customers in this judicial district, its portable media player products, as well as services provided by means of its portable media player products, along with instructions and directions that result in the use of the invention disclosed and claimed in the '272 Patent. On information and belief, Defendant knew, or should have known, that its customers and other users of its products would use that Defendant's portable media player products to infringe the '272 Patent and intended such infringement.

13. Upon information and belief, Defendant Epson has been and is contributorily infringing one or more claims of the '272 Patent under 35 U.S.C. § 271(c) by making, selling, and/or offering for sale to customers, including customers in this judicial district, its portable media player products, as well as services provided by means of its portable media player products. Defendant's portable media player products are a material part of the invention claimed in the '272 patent, are not staple articles or

commodities of commerce, and have no substantial non-infringing use. Upon information and belief, Defendant knew, or should have known, that its portable media player products were especially made or adapted for an infringing use.

14. Defendant Epson's infringement, contributory infringement, and inducement to infringe the '272 Patent has been willful and has deliberately injured and will continue to injure Hunts Point Ventures unless and until the Court enters a preliminary and permanent injunction prohibiting further infringement and, specifically, enjoining further manufacture, use, importation, sale, and/or offer for sale of products that infringe the '272 Patent.

**CAUSE OF ACTION
INFRINGEMENT OF U.S. PATENT NO. 7,574,272**

15. Defendant Epson has infringed and is infringing the '272 Patent by making, using, offering for sale, and selling in the United States, without authority, products that infringe at least claims 1-3 and 10 of the '272 Patent.

16. Defendant's infringement of the '272 Patent is willful and deliberate, justifying an increase of damages of up to three times under 35 U.S.C. § 284.

17. Defendant's infringement of the '272 Patent is exceptional and entitles Hunts Point Ventures to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

18. Defendant's acts of infringement have caused damage to Hunts Point Ventures, and Hunts Point Ventures is entitled to recover from Defendant compensation as a result of Defendant's wrongful acts in an amount subject to proof at trial, injunctive relief, and such other relief as may be appropriate.

DEMAND FOR JURY TRIAL

19. Hunts Point Ventures demands a trial by jury under Federal Rule of Civil Procedure 38(b).

RELIEF REQUESTED

WHEREFORE, Hunts Point Ventures asks this Court to enter judgment against Epson America, Inc. and its subsidiaries, affiliates, agents, servants, and employees and all persons in active concert or participation with them, granting the following relief:

- A. A judgment or order declaring that Defendant has infringed, induced others to infringe, and/or contributorily infringed the '272 Patent;
- B. A judgment, order, or award of damages adequate to compensate Hunts Point Ventures for Defendant's infringement of the '272 Patent, based on lost sales, lost profits, price erosion, loss of market share, or any other applicable theory, together with prejudgment interest from the date infringement of the '272 Patent began;
- C. Preliminary and permanent injunctions prohibiting further infringement, inducement, and contributory infringement of the '272 Patent;
- D. A finding that this case is exceptional and an award to Hunts Point Ventures of its attorneys' fees and costs as provided by 35 U.S.C. § 285;
- E. Increased damages as permitted by 35 U.S.C. § 284, together with prejudgment interest; and
- F. Such other and further relief as this Court or a jury may deem proper and just.

Dated December 13, 2011.

Respectfully Submitted,

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