

JUDGE SWEET

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

-----X
OLAF SÖÖT DESIGN, LLC,

Plaintiff,

13 CV 7326
Case No. _____

v.

JURY TRIAL DEMANDED

STAGE TECHNOLOGIES INC., and
METROPOLITAN OPERA ASSOCIATION, INC.

Defendants.
-----X

COMPLAINT FOR PATENT INFRINGEMENT

FILED
U.S. DISTRICT COURT
13 OCT 17 AM 11:28
S.D. OF N.Y.

Plaintiff Olaf Sööt Design, LLC (“Plaintiff” or “Sööt Design”) for its Complaint against Stage Technologies Inc. “Stage Technologies” and the Metropolitan Opera Association, Inc. (“the Metropolitan Opera”) (collectively, “Defendants”), hereby alleges as follows:

PARTIES

1. Plaintiff Sööt Design is a limited liability company incorporated under the laws of the Connecticut having a principal place of business at 9 Tomahawk Lane, Greenwich, Connecticut 06830.

2. Defendant Stage Technologies is a corporation organized and existing under the laws of Nevada, having a principal place of business at 6651 Schuster Street, Las Vegas, Nevada 89118.

3. Defendant the Metropolitan Opera is a domestic not-for-profit corporation organized and existing under the laws of New York, with its principal place of business located at Lincoln Center, New York, New York, 10023.

JURISDICTION AND VENUE

4. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over each of the Defendants in that each has, directly or through intermediaries, committed acts within New York giving rise to this action and/or each has established minimum contacts with New York such that the exercise of jurisdiction would not offend traditional notions of fair play and justice.

6. Venue is proper in this district under 28 U.S.C. § 1391(b), (c) and/or (d) and 28 U.S.C. § 1400(b).

PATENT-IN-SUIT

7. On February 18, 2003, United States Patent No. 6,520,485 (“the ’485 patent”), entitled “Winch System for Raising and Lowering Scenery,” was duly and legally issued. Plaintiff is the owner of the ’485 patent.

COUNT I: PATENT INFRINGEMENT BY STAGE TECHNOLOGIES

8. Sööt Design incorporates by reference each and every allegation of paragraphs 1-8 of this Complaint, as though set forth here in their entirety.

9. Plaintiff is the sole owner of the entire right, title and interest in and to the ’485 patent, including the right to sue and recover for any and all infringement thereof.

10. Defendant Stage Technologies has been and is now directly infringing the ’485 patent by making, using, offering to sell, selling, importing, promoting, and/or demonstrating winches for use in theaters and a range of other entertainment applications. For example, without limitation, Defendant Stage Technologies has by its own internet website admission

“provided over 30 BigTow (BT) 300 Lite winches” for two theaters at the Signature Center, 480 West 42nd Street, New York, New York. Defendant Stage Technologies has also supplied “46 BT2-300 Lite Packaged Hoists” for installation at the Goldstein Theatre, Kupferberg Center for Performing Arts at Queens College, 65-30 Kissena Boulevard, Queens, New York. The winches are covered by one or more of the ’485 patent claims and Stage Technologies is thus liable for infringement of the ’485 patent pursuant to 35 U.S.C. § 271.

11. Defendant Stage Technologies is liable for contributory infringement of the ’485 patent by having sold or offered to sell and continuing to sell or offer to sell a material component of the invention embodied in the ’485 patent that is especially made or adapted for use in infringing the ’485 patent and is not suitable for substantial non-infringing use and/or is liable for induced infringement by having knowledge of the ’485 patent and knowingly causing or intending to cause and continuing to knowingly cause or intend to cause infringement of the ’485 patent with specific intent. Specifically, Defendant Stage Technologies contributes to and actively induces infringement of the ’485 patent by, *inter alia*, aggressive promotion and sales of its infringing products to its customers, including those identified herein. Those customers directly infringe the ’485 patent by making, using, and/or demonstrating the Stage Technologies winches.

COUNT II: PATENT INFRINGEMENT BY THE METROPOLITAN OPERA

12. Sööt Design incorporates by reference each and every allegation of paragraphs 1-12 of this Complaint, as though set forth here in their entirety.

13. Plaintiff is the sole owner of the entire right, title and interest in and to the ’485 patent, including the right to sue and recover for any and all infringement thereof.

14. Defendant the Metropolitan Opera has been and is now directly infringing the '485 patent by making, using, and/or demonstrating winches for use in its theater. For example, without limitation, Defendant the Metropolitan Opera has had installed and is using Stage Technologies winches at the Metropolitan Opera House, 30 Lincoln Center Plaza, New York, New York. The winches are covered by one or more of the '485 patent claims and the Metropolitan Opera is thus liable for infringement of the '485 patent pursuant to 35 U.S.C. § 271.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter:

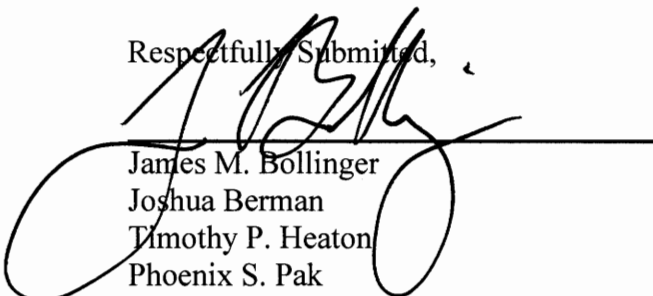
1. A judgment in favor of Plaintiff that Defendants have infringed, directly, jointly, and/or indirectly by way of inducing and/or contributing to the infringement of the '485 patent;
2. A permanent injunction enjoining Defendants and their officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringement, inducing the infringement of, or contributing to the infringement of the '485 patent;
3. A judgment and order requiring Defendants to pay Plaintiff its damages, costs, expenses, and prejudgment and post-judgment interest for Defendants' infringement of the '485 patent as provided under 35 U.S.C. § 284;
4. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Plaintiff its reasonable attorneys' fees; and
5. Any and all other relief to which Plaintiff may show itself to be entitled.

DEMAND FOR JURY TRIAL

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Respectfully Submitted,

Dated: October 16, 2013



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Attorneys for Plaintiff Olaf Sööt Design, LLC

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

OCT 17 2013

PLAINTIFFS

OLAF SÖÖT DESIGN, LLC

DEFENDANTS

STAGE TECHNOLOGIES INC., and METROPOLITAN OPERA ASSOCIATION, INC.

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Troutman Sanders LLP
405 Lexington Avenue, New York, NY 10174
(212) 704-6000

ATTORNEYS (IF KNOWN)

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

35 U.S.C. § 271

Has this or a similar case been previously filed in SDNY at any time? No Yes Judge Previously Assigned

If yes, was this case Vol. Invol. Dismissed. No Yes If yes, give date _____ & Case No. _____

IS THIS AN INTERNATIONAL ARBITRATION CASE? No Yes

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

TORTS		ACTIONS UNDER STATUTES			
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
[] 110 INSURANCE	[] 310 AIRPLANE	[] 362 PERSONAL INJURY -	[] 610 AGRICULTURE	[] 422 APPEAL	[] 400 STATE
[] 120 MARINE	[] 315 AIRPLANE PRODUCT	MED MALPRACTICE	[] 620 OTHER FOOD &	28 USC 158	[] 410 ANTITRUST
[] 130 MILLER ACT	LIABILITY	[] 365 PERSONAL INJURY	DRUG	[] 423 WITHDRAWAL	[] 430 BANKS & BANKING
[] 140 NEGOTIABLE	[] 320 ASSAULT, LIBEL &	PRODUCT LIABILITY	[] 625 DRUG RELATED	28 USC 157	[] 450 COMMERCE
INSTRUMENT	SLANDER	[] 368 ASBESTOS PERSONAL	SEIZURE OF		[] 460 DEPORTATION
[] 150 RECOVERY OF	[] 330 FEDERAL	INJURY PRODUCT	PROPERTY	PROPERTY RIGHTS	[] 470 RACKETEER INFLU-
OVERPAYMENT &	EMPLOYERS'	LIABILITY	[] 630 LIQUOR LAWS	[] 820 COPYRIGHTS	ENCED & CORRUPT
ENFORCEMENT	LIABILITY		[] 640 RR & TRUCK	[] 830 PATENT	ORGANIZATION ACT
OF JUDGMENT	[] 340 MARINE	PERSONAL PROPERTY	[] 650 AIRLINE REGS	[] 840 TRADEMARK	(RICO)
[] 151 MEDICARE ACT	[] 345 MARINE PRODUCT		[] 660 OCCUPATIONAL		[] 480 CONSUMER CREDIT
[] 152 RECOVERY OF	LIABILITY	[] 370 OTHER FRAUD	SAFETY/HEALTH		[] 490 CABLE/SATELLITE TV
DEFAULTED	[] 350 MOTOR VEHICLE	[] 371 TRUTH IN LENDING	[] 690 OTHER	SOCIAL SECURITY	[] 810 SELECTIVE SERVICE
STUDENT LOANS	[] 355 MOTOR VEHICLE	[] 380 OTHER PERSONAL		[] 861 HIA (1395ff)	[] 850 SECURITIES/
(EXCL VETERANS)	PRODUCT LIABILITY	PROPERTY DAMAGE	LABOR	[] 862 BLACK LUNG (923)	COMMODITIES/
[] 153 RECOVERY OF	[] 360 OTHER PERSONAL	[] 385 PROPERTY DAMAGE	[] 710 FAIR LABOR	[] 863 DIWC/DIWW (405(g))	EXCHANGE
OVERPAYMENT	INJURY	PRODUCT LIABILITY	STANDARDS ACT	[] 864 SSID TITLE XVI	[] 875 CUSTOMER
OF VETERAN'S			[] 720 LABOR/MGMT	[] 865 RSI (405(g))	CHALLENGE
BENEFITS			RELATIONS		[] 890 OTHER STATUTORY
[] 160 STOCKHOLDERS			[] 730 LABOR/MGMT	FEDERAL TAX SUITS	ACTIONS
SUITS			REPORTING &	[] 870 TAXES (U.S. Plaintiff or	[] 891 AGRICULTURAL ACTS
[] 190 OTHER	ACTIONS UNDER STATUTES	[] 510 MOTIONS TO	DISCLOSURE ACT	Defendant)	[] 892 ECONOMIC
CONTRACT	CIVIL RIGHTS	VACATE SENTENCE	[] 740 RAILWAY LABOR ACT	[] 871 IRS-THIRD PARTY	STABILIZATION ACT
CONTRACT	[] 441 VOTING	20 USC 2255	[] 790 OTHER LABOR	26 USC 7609	[] 893 ENVIRONMENTAL
PRODUCT	[] 442 EMPLOYMENT	[] 530 HABEAS CORPUS	LITIGATION		MATTERS
LIABILITY	[] 443 HOUSING/	[] 535 DEATH PENALTY	[] 791 EMPL RET INC		[] 894 ENERGY
[] 196 FRANCHISE	ACCOMMODATIONS	[] 540 MANDAMUS & OTHER	SECURITY ACT		[] 895 FREEDOM OF
	WELFARE		IMMIGRATION		INFORMATION ACT
REAL PROPERTY	[] 444 AMERICANS WITH	PRISONER CIVIL RIGHTS	[] 462 NATURALIZATION		[] 900 APPEAL OF FEE
[] 210 LAND	DISABILITIES -	[] 550 CIVIL RIGHTS	APPLICATION		DETERMINATION
CONDEMNATION	EMPLOYMENT	[] 555 PRISON CONDITION	[] 463 HABEAS CORPUS-		UNDER EQUAL
[] 220 FORECLOSURE	[] 446 AMERICANS WITH		ALIEN DETAINEE		ACCESS TO JUSTICE
[] 230 RENT LEASE &	DISABILITIES -OTHER		OTHER IMMIGRATION		CONSTITUTIONALITY
EJECTMENT	(Non-Prisoner)		ACTIONS		OF STATE STATUTES
[] 240 TORTS TO LAND	[] 440 OTHER CIVIL RIGHTS				
[] 245 TORT PRODUCT					
LIABILITY					
[] 290 ALL OTHER					
REAL PROPERTY					

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.? IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint

JURY DEMAND: YES NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from (Specify District)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judge Judgment
- a. all parties represented
- b. At least one party is pro se.

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

- 1 U.S. PLAINTIFF
- 2 U.S. DEFENDANT
- 3 FEDERAL QUESTION (U.S. NOT A PARTY)
- 4 DIVERSITY

IF DIVERSITY, INDICATE CITIZENSHIP BELOW. (28 USC 1332, 1441)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

	PTF	DEF		PTF	DEF		PTF	DEF
CITIZEN OF THIS STATE	[]	[]	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	[]	[]	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	[]	[]
CITIZEN OF ANOTHER STATE	[]	[]	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[]	[]	FOREIGN NATION	[]	[]

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Olaf Sööt Design, LLC, 9 Tomahawk Lane, Greenwich, Connecticut 06830

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Stage Technologies, Inc., 6651 Schuster Street, Las Vegas, Nevada 89118

Metropolitan Opera Association, Inc., Lincoln Center, New York, New York 10023

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: WHITE PLAINS MANHATTAN (DO NOT check either box if this a PRISONER PETITION/PRISONER CIVIL RIGHTS COMPLAINT.)

DATE 10/16/13
RECEIPT #

SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO
[X] YES (DATE ADMITTED Mo. Feb. Yr. 1988)
Attorney Bar Code # JB3399

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____

MAG. JUDGE DECK is so designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)