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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

<p>VENTURI JET SETS, INC., a Utah Corporation, Plaintiff, vs. CUSTOM MOLDED PRODUCTS, INC., a Georgia corporation, and JOHN DOES 1-10 Defendants.</p>	<p>Civil Action No. 2:13-CV-01031 DBP Magistrate Judge Dustin B. Pead COMPLAINT AND JURY DEMAND</p>
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Plaintiff, Venturi Jet Sets, Inc., (“Venturi”) by and through its counsel, complaining of Custom Molded Products, Inc. (“CMP”) and John Does 1-10, seeks judgment and other relief and alleges:

PARTIES

1. Plaintiff, Venturi, is a Utah entity, organized, licensed and operating under the laws of the State of Utah with a principal place of business at 2483 W 15000 S Bluffdale, UT 84065. By assignment and agreement, Venturi has all necessary legal rights to bring this action.

2. On information and belief, CMP is a Georgia entity having a place of business at 140 Celtic Blvd, Tyrone, GA and is doing and/or facilitating business in Utah and in this judicial district. CMP has designated P. Michael Lynch, III at 1565 Lockridge Drive Cumming, GA 30041 its registered agent. CMP is doing business in this district.

3. CMP and John Does 1-10 manufacture, distribute and/or import the infringing product into the United States and/or into Utah for CMP.

4. CMP and John Does 1-10 are included in the collective terms "Defendants."

JURISDICTION, VENUE

5. This action arises under the patent laws of the United States. 35 U.S.C. § 1 et. seq. (patent statute), including 35 U.S.C. §§ 271, 281, 283, 284, 285, 289 and 292.

6. Subject matter jurisdiction is conferred on this Court by 28 U.S.C. §§ 1331 and 1338.

7. Venue is proper in this District under 28 U.S.C. §§ 1391 and 1400 as CMP has committed the acts complained of herein in this district. Upon information and belief, CMP has solicited business in the State of Utah, transacted business in the State of Utah, and attempted to derive financial benefit from residents of the State of Utah, including benefits directly related to the instant patent infringement cause of action set forth herein.

8. On information and belief, CMP placed its infringing goods, systems, methods, compositions, and/or services, including, without limitation, CMP's Spa Master Jet Array JP4, into the stream of commerce throughout the United States, which goods, systems, methods, compositions, and/or services have been offered for sale, sold, and/or use in the State of Utah and/or the District of Utah.

9. CMP, directly or through its subsidiaries, divisions, groups, or distributors has committed acts of infringement in this district, is subject to personal jurisdiction in this district, and/or is doing business in this district.

FIRST CLAIM FOR RELIEF

Infringement of United States Patent No. 7,766,038

10. On August 3, 2010, United States Patent No. 7,766,038 (“the ‘038 Patent”), entitled “Manifold For Multi-Jet Pool Fixture,” a copy of which is attached hereto as Exhibit A, was duly and legally issued by the United States Patent and Trademark Office. Venturi is the owner of all right, title, and interest in and to the ‘038 Patent, including the right to sue for and recover all past, present, and future damages for infringement of the ‘038 Patent.

11. Upon information and belief, CMP, directly or through its subsidiaries, divisions, or groups, has infringed and continues to infringe the ‘038 Patent by making, using, selling, and/or offering to sell, or allowing others to make, use, sell, and/or offer to sell, in the United States, Utah, and/or this district, goods, systems, methods, compositions, and/or services that are covered by one or more of the claims of the ‘038 Patent, including, but not limited to, claims 1-19.

12. CMP is liable for infringement of the ‘038 Patent pursuant to 35 U.S.C. § 271.

13. CMP’s acts of infringement have caused damage to Venturi, and Venturi is entitled to recover from CMP the damages sustained by Venturi as a result of CMP’s wrongful acts in an amount subject to proof at trial, but no less than a reasonable royalty.

14. As a consequence of the infringement complained of herein, Venturi has been irreparably damaged to an extent not yet determined and will continue to be irreparably damaged by such acts in the future unless CMP is enjoined by the Court from committing further acts of infringement.

15. Upon information and belief, one or more of CMP’s acts of infringement have been or will be undertaken with knowledge of the ‘038 Patent. Such acts constitute willful

infringement and make this case exceptional pursuant to 35 U.S.C. §§ 284 and 285, and further entitle Venturi to enhanced damages and reasonable attorneys' fees.

SECOND CLAIM FOR RELIEF

False Patent Marking of United States Patent No. 6,804,841

16. Venturi incorporates by reference paragraphs 1 through 15 of this Complaint as though set forth here in full.

17. This is a claim for false patent marking under 35 USC §292.

18. CMP, directly or through its subsidiaries, divisions, or groups, has infringed and continues to infringe the '038 Patent by making, using, selling, and/or offering to sell, or allowing others to make, use, sell, and/or offer to sell in Utah and elsewhere the Spa Master line of products. CMP has in the past marked or cause to be marked, and upon information and belief, presently marks, or causes to be marked Spa Master JP4 products with a patent number that does not cover these products.

19. The Spa Master JP4 is marked with "Patent # 6,804,841."

20. Upon information and belief, CMP is a sophisticated company and has experience applying for, obtaining, and maintaining patents, and licenses to practice inventions claimed in patents and therefore knows that patent claims provide a scope of patent protection that is governed by the claims of the patent.

21. Upon information and belief, CMP employs outside intellectual property counsel.

22. Further underscoring its legal sophistication as to patent matters, CMP is listed as the assignee for U.S. patents.

23. CMP provides detailed installation instructions for the Spa Master JP4 on the internet.

24. Despite its sophistication in applying for and maintaining a patent ownership and licensing portfolio, CMP nevertheless, upon information and belief, continues to mark every Spa Master JP4 with “Patent # 6,804,841.”

25. On information and belief, CMP, with knowledge that the Spa Master JP4 is not covered by the 6,804,841 patent, marked and, upon information and belief, continues to mark the Spa Master JP4 with the 6,804,841 patent with the intent of deceiving the public.

26. CMP knows, or reasonably should know (itself or by its representatives), that marking the Spa Master JP4 of products with a patent that does not cover the Spa Master JP\$ will deceive the public.

27. CMP knows, or reasonably should know (itself or by its representatives), that marking the Spa Master JP4 line of products with a patent that does not cover the Spa Master JP4 is a violation of 35 U.S.C. § 292.

28. For at least the reasons set forth herein, and/or for other reasons which will later be evidenced, CMP has falsely marked and, upon information and belief, continues to mark its products, with the intent to deceive the public, in violation of 35 U.S.C. § 292.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, Venturi, prays for judgment and relief as follows:

- A. Judgment that CMP has infringed the '038 Patent;
- B. Judgment that CMP account for and pay to Venturi all damages caused by its infringement of the '038 Patent, and to enhance such damages for the exceptional nature of the case and CMP's willful infringement as appropriate, all in accordance with 35 U.S.C. § 284;
- C. Judgment that CMP has falsely marked its Spa Master JP4 in violation of 35 U.S.C. 292;
- D. CMP, its officers, agents, servants, employees, and those persons in active concert or participation with it be permanently enjoined from its infringing conduct pursuant to 35 U.S.C. §

