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8 Attorneys for Plaintiff  
9 VESELIN MANDARIC, a California resident

10 UNITED STATES DISTRICT COURT  
11 SOUTHERN DISTRICT OF CALIFORNIA

12 VESELIN MANDARIC, DBA  
13 MANDARIC BICYCLES, a resident of  
14 California

15 Plaintiff,

16 vs.

17 CRUCIAL INNOVATION, LLC, DBA  
18 RETUL, a Colorado Corporation,  
19 Defendant.

Case No. '13CV3132 BTM BLM

**COMPLAINT FOR INFRINGEMENT  
OF U.S. PATENT NO. 7,752,767**

**[Demand for Jury Trial]**

20 For its complaint against CRUCIAL INNOVATION, LLC, DBA RETUL, Plaintiff,  
21 VESELIN MANDARIC, DBA MANDARIC BICYCLES alleges as follows:

22 **JURISDICTION AND VENUE**

23 1. This is a civil action arising in part under laws of the United States relating to  
24 patents, 35 U.S.C §271, *et seq.* This Court has federal jurisdiction of such federal question  
25 claims pursuant to 28 U.S.C. §§ 1331 and 1338 (a).

26 2. This Court has specific personal jurisdiction over Defendant since the acts  
27 and transgressions of Defendant stated herein were conceived, carried out, made effective,  
28 and had effect within the State of California and within this District, among other places.

Moreover, this Court has general personal jurisdiction over Defendant since it has availed

1 itself upon the jurisdiction of this Court by conducting regular and systemic business in this  
2 District.

3 3. Venue is proper under 28 U.S.C. §§1391(b) and 1400(b).

4 **THE PARTIES**

5 4. Plaintiff Veselin Mandaric (“Mandaric”), doing business as Mandaric  
6 Bicycles, is a resident of the State of California.

7 5. Defendant Crucial Innovations, LLC, is a limited liability corporation duly  
8 organized and existing under the laws of the State of Colorado. Plaintiff is informed and  
9 believes that Crucial Innovations, LLC, maintains its principal place of business as 5445  
10 Conestoga Ct., Ste. 100, Boulder, Colorado.

11 6. Plaintiff is informed and believes that Crucial Innovations, LLC, does  
12 business as Retul (hereinafter collectively referred to as “Retul”). Plaintiffs are further  
13 informed and believe Retul is a trade name of Crucial Innovations, LLC, and is not a  
14 separate legal entity.

15 **CLAIM FOR RELIEF**

16 **INFRINGEMENT OF THE 7,752,767 PATENT**

17 7. Mandaric incorporates by reference the preceding allegations of this  
18 Complaint as though fully set forth herein.

19 8. Mandaric is the inventor and owner of U.S. Patent No. 7,752,767 (the “767  
20 Patent”), which was duly granted by the United States Patent and Trademark Office on July  
21 13, 2010. The ‘767 is generally directed toward a bicycle fitting machine. A true and  
22 correct copy is attached hereto as Exhibit 1.

23 9. Retul has infringed and continues to infringe the ‘767 Patent by making,  
24 using, selling, or offering to selling in the United States products, devices, or methods, that  
25 embody or otherwise practice one or more of the claims of the ‘767 Patent, or by otherwise  
26 contributing to infringement or inducing other to infringe the ‘767 Patent. The infringing  
27

1 products, devices, or methods include, but are not limited to, Retul’s manufacture, use, and  
2 sale of bicycle fitting machines such as the Retul Müve.

3 10. Retul has known of the ‘767 Patent for nearly two years and despite such  
4 knowledge, continues to sell its infringing Muve and willfully infringe the ‘767 Patent.

5 11. As a direct and proximate result of Retul’s infringement of the ‘767 Patent,  
6 Mandaric has been and continues to be damaged as a result of Retul’s infringement.

7 12. Retul’s infringement is ongoing and has caused, and unless enjoined and  
8 restrained by this Court, will continue to cause Mandaric great and irreparable injury to,  
9 among other things, Mandaric’s good will, business reputation, and market share.  
10 Mandaric is therefore entitled to injunctive relief enjoining and restraining Retul, and its  
11 respective officers, agents, servants, and employees, and all persons acting in concert with  
12 them, and each of them, from further infringement of the ‘767 Patent.

13  
14 **PRAYER FOR RELIEF**

15 WHEREFORE, Mandaric prays for judgment against Retul as follows:

- 16 (1) for a judicial determination and declaration that Retul has infringed the ‘767  
17 Patent;
- 18 (2) for a judicial determination and decree that Retul’s infringement of the ‘767  
19 Patent has been willful;
- 20 (3) for damages resulting from Retul’s infringement of the ‘767 Patent, and the  
21 trebling of such damages because of the willful and deliberate nature of Retul’s  
22 infringement;
- 23 (4) for injunctive relief enjoining against further infringement of the ‘767 Patent by  
24 Retul, its officers, directors, shareholders, agents, servants, employees, and all  
25 other entities and individuals acting in concert with it or on its behalf;
- 26 (5) for an assessment of prejudgment interest on damages;



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**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial by jury of any issue triable by right of a jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

DATED: December 19, 2013

Respectfully submitted,

KNEAFSEY & FRIEND LLP

/s/ Sean M. Kneafsey

By: \_\_\_\_\_

Sean M. Kneafsey  
Attorneys for Plaintiff Veselin Mandaric dba  
Mandaric Bicycles