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10 Attorneys for Plaintiff

11 VINOTEMP INTERNATIONAL CORPORATION

12
13 **UNITED STATES DISTRICT COURT**
14 **CENTRAL DISTRICT OF CALIFORNIA-WESTERN DIVISION**

15 VINOTEMP INTERNATIONAL)
16 CORPORATION, a California)
17 corporation,)

18 Plaintiff,)

19 v.)
20)

21 LA CROSSE TECHNOLOGY, LTD. a)
22 Wisconsin Corporation,)
23)

24 Defendant.)
25)
26)
27)
28)

) Case No.
)
) **COMPLAINT FOR PATENT**
) **INFRINGEMENT**
)
) **DEMAND FOR JURY TRIAL**

1 Plaintiff VINOTEMP INTERNATIONAL CORPORATION ("Vinotemp"), for its
2 Complaint against Defendant LA CROSSE TECHNOLOGY, LTD. ("La Crosse") alleges
3 as follows:

4 **JURISDICTION AND VENUE**

5 1. This is a civil action for patent infringement arising under the Patent Laws,
6 35 U.S.C. §§101 *et. seq.*

7 2. This Court has exclusive subject-matter jurisdiction over this action under
8 28 U.S.C. §§ 1331 and 1338(a).

9 3. This Court has personal jurisdiction over La Crosse because La Crosse has
10 committed one or more of the infringing acts here in California and in this district, La
11 Crosse has made sales in California and in this district, and La Crosse regularly conducts
12 business in California and in this district.

13 4. Venue lies in this judicial district pursuant to 28 U.S.C. §§ 1391(b), and
14 1400(b).

15
16 **PARTIES**

17 5. Plaintiff Vinotemp is a corporation organized and existing under the laws of
18 the State of California, with its principal place of business at 17631 S. Susana Road,
19 Rancho Dominguez, California, 90221. Vinotemp is an industry leader in the field of
20 wine cellars, wine cooling units, wine storage cabinets, and wine storage management
21 and monitoring devices.

22 6. On information and belief, defendant La Crosse is a foreign business
23 corporation organized and existing under the laws of the State of Wisconsin, with its
24 principal place of business at 2809 S. Losey Blvd., La Crosse, Wisconsin, 54601.

25
26 **FIRST CAUSE OF ACTION**

27 (Infringement of U.S. Patent No. 8,710,985)

28 7. Vinotemp incorporates by reference the allegations contained in paragraphs

1 1 - 6 above.

2 8. On April 29, 2014 United States Letters Patent No. US 8,710,985 B2 (the
3 "'985 Patent") were issued to Vinotemp for an invention in a Wine Cellar Alarm System.
4 Vinotemp owned the '985 Patent throughout the period of La Crosse's infringing acts and
5 still owns the '985 Patent. A true and correct copy of the '985 Patent is attached hereto as
6 Exhibit 1.

7 9. La Crosse has infringed the '985 Patent, and is still infringing the '985
8 Patent, by making, using, offering to sell, and/or selling one or more products that
9 embody and infringe the patented invention, and La Crosse will continue to do so unless
10 enjoined by this Court. One such product that infringes the '985 Patent is shown on a
11 webpage from the La Crosse website. The infringing product is identified on that
12 webpage as a "Wine Cellar Wireless Remote Temperature & Humidity Monitor with
13 Early Warning Alerts" bearing La Crosse model number D111.E1.BP.WI. A true and
14 correct printout of that webpage is attached hereto as Exhibit 2.

15 10. The application for the '985 Patent was published on December 17, 2009 as
16 Pub. No. US 2009/0309719 A1 (the "'719 Application"). On information and belief, by
17 no later than October 31, 2012, La Crosse had actual notice of the '719 Application.
18 Therefore, under 35 U.S.C. §154(d), Vinotemp is entitled to damages in an amount no
19 less than a reasonable royalty from the date of its actual notice to La Crosse of the '719
20 Application.

21 11. Vinotemp has given defendant La Crosse written notice of the infringement.
22 A copy of Vinotemp's letter in this regard is attached hereto as Exhibit 3.

23 12. As a direct and proximate result of the foregoing acts of La Crosse,
24 Vinotemp has suffered monetary damages in an amount not yet determined, but not less
25 than a reasonable royalty. Vinotemp is entitled to an award of monetary damages under
26 35 U.S.C. §284.

27 13. On information and belief that La Crosse had actual notice of the '719
28 Application and '985 Patent, La Crosse's continuing acts of infringement are in conscious

1 and willful disregard of Vinotemp's rights and constitute willful infringement entitling
2 Vinotemp to an award of treble damages under 35 U.S.C. §284.

3 14. La Crosse's conduct and actions make this an exceptional case under 35
4 U.S.C. §285 thereby entitling Vinotemp to an award of its reasonable attorney's fees.

5
6 **VINOTEMP'S DEMANDS**

7 Therefore, Vinotemp respectfully demands judgment in its favor and against La
8 Crosse, such judgment including without limitation:

9 A. A finding that the '985 Patent is valid and enforceable;

10 B. A finding that La Crosse is liable for infringement of the '985 Patent;

11 C. A preliminary and permanent injunction pursuant to 35 U.S. C. §283
12 enjoining La Crosse, and all of its affiliates, subsidiaries, officers, employees, agents,
13 representatives, licensees, successors, assigns, and all those acting in concert with, or for
14 or on behalf of La Crosse from infringing, inducing infringement of or contributing to the
15 infringement of the '985 Patent;

16 D. An accounting for damages and an award of damages resulting from La
17 Crosse's infringement of the '985 Patent in an amount not less than a reasonable royalty
18 pursuant to 35 U.S.C. §284;

19 E. An award of a reasonable royalty for infringement after receiving notice of
20 the publication of the Application.

21 F. Increasing the damages by three times the amount found or assessed as
22 authorized by 35 U.S.C. §284;

23 G. A finding that La Crosse's continuing patent infringement has been willful
24 and that La Crosse's actions and conduct make this an exceptional case under 35 U.S.C.
25 §285;

26 H. Awarding Vinotemp its reasonable attorneys' fees pursuant to 35 U.S.C.
27 §285;

28 I. Awarding Vinotemp prejudgment interest and post-judgment interest on the

1 damages;

2 J. Awarding Vinotemp its costs and expenses incurred in connection with this
3 action; and

4 K. Such other and further relief as to the Court deems just.
5
6

7 KLEINBERG & LERNER, LLP
8

9 DATED: August 1, 2014

By: /s/ Marvin H. Kleinberg

10 Marvin H. Kleinberg

11 Michael Hurey

12 Steven J. Kim

13 Bradford E. Mattes

14 Attorneys for Plaintiff VINOTEMP
15 INTERNATIONAL CORP.
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JURY DEMAND

Vinotemp demands a jury trial on all issues that are triable to a jury as a matter of right.

KLEINBERG & LERNER, LLP

DATED: August 1, 2014

By: /s/ Marvin H. Kleinberg
Marvin H. Kleinberg
Michael Hurey
Steven J. Kim
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Attorneys for Plaintiff VINOTEMP
INTERNATIONAL CORP.

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