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8 Attorneys for Plaintiff SureFire, LLC

9 **UNITED STATES DISTRICT COURT**  
10 **SOUTHERN DISTRICT OF CALIFORNIA**

11 SUREFIRE, LLC, a California company,  
12 Plaintiff,

13 v.

14 EAGTAC, LLC, a Washington limited  
15 liability company,  
16 Defendant.

Case No. '12CV0129 WQHRBB

**COMPLAINT**

**JURY TRIAL DEMANDED**

17  
18  
19 Plaintiff SureFire, LLC (“SureFire”) for its Complaint avers as follows:

20 **PARTIES**

21 1. Plaintiff SureFire is a limited liability company organized and existing under the  
22 laws of the State of California, having a principal place of business in Fountain Valley,  
23 California.

24 2. Defendant EagTac, LLC d/b/a EagleTac-USA (“EagleTac”) is a Washington  
25 limited liability company with its principal place of business at 331 Valley Mall Parkway,  
26 Suite 245, E. Wenatchee, Washington, 98802.

1 **JURISDICTION AND VENUE**

2 3. This is a civil action for patent infringement arising under the patent laws of the  
3 United States of America, 35 U.S.C. § 1, et seq.

4 4. This Court has jurisdiction over the subject matter of the Complaint pursuant to  
5 28 U.S.C. §§1331 & 1338.

6 5. This Court has personal jurisdiction over all defendants because, on information  
7 and belief, defendant purposefully ships the infringing products through established  
8 distribution channels into and throughout the State of California.

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

10 **BACKGROUND**

11 7. SureFire manufactures, markets, and sells a complete line of extremely high-  
12 quality flashlights and related products.

13 8. On April 24, 2001, United States Patent No. 6,222,138 (the ‘138 patent), on  
14 an invention entitled “Battery Operated Appliance, Flashlight and Switching Systems  
15 Technical Field” was duly and legally issued by the United States Patent and Trademark  
16 Office.

17 9. On March 4, 2008, United States Patent No. RE40,125 (the ‘125 patent), on  
18 an invention entitled “Battery Operated Appliance, Flashlight and Switching Systems” was  
19 duly and legally issued by the United States Patent and Trademark Office as a reissue of  
20 the ‘138 patent. A true and correct copy of the ‘125 patent is attached as Exhibit A of this  
21 Complaint.

22 10. The ‘138 patent was in force and effect from its issuance until its surrender  
23 upon issuance of the ‘125 patent, and the ‘125 patent has been in force and effect since its  
24 issuance. SureFire has been at all times, and still is, the owner of the entire right, title and  
25 interest in and to both the ‘138 and ‘125 patents.

26 11. On May 25, 2010, United States Patent No. 7,722,209 (the ‘209 patent), on  
27 an invention entitled “Flashlight with Selectable Output Level Switching” was duly and  
28

1 legally issued by the United States Patent and Trademark Office. A true and correct copy  
2 of the '209 patent is attached as Exhibit B of this Complaint.

3 12. The '209 patent has been in force and effect since its issuance. SureFire has  
4 been at all times, and still is, the owner of the entire right, title and interest in and to the  
5 '209 patent.

6 13. EagleTac sells throughout the United States various flashlights under the  
7 EagleTac brand, including without limitation the T20C2 MKII and G25C2 model  
8 flashlights.

9 **COUNT I**

10 **(INFRINGEMENT OF THE '125 PATENT)**

11 14. SureFire realleges and incorporates the previous paragraphs of this  
12 Complaint as though set forth in full herein.

13 15. Defendant has used, manufactured, offered for sale, sold and/or caused to be  
14 imported into the United States products which literally and under the doctrine of  
15 equivalents infringe one or more claims of the '125 patent in violation of 35 U.S.C. §271.

16 16. SureFire has been damaged and has suffered irreparable injury due to acts of  
17 infringement by defendant and will continue to suffer irreparable injury unless defendant's  
18 activities are enjoined.

19 17. SureFire has suffered and will continue to suffer substantial damages by  
20 reason of defendant's acts of patent infringement alleged above, and SureFire is entitled to  
21 recover from defendant the damages sustained as a result of defendant's acts.

22 18. Defendant has willfully and deliberately infringed the '125 patent in  
23 disregard of SureFire's rights.

24 **COUNT II**

25 **(INFRINGEMENT OF THE '209 PATENT)**

26 19. SureFire realleges and incorporates the previous paragraphs of this  
27 Complaint as though set forth in full herein.

28

1           20.     Defendant has used, manufactured, offered for sale, sold and/or caused to be  
2 imported into the United States products which literally and under the doctrine of  
3 equivalents infringe one or more claims of the '209 patent in violation of 35 U.S.C. §271.

4           21.     SureFire has been damaged and has suffered irreparable injury due to acts of  
5 infringement by defendant and will continue to suffer irreparable injury unless defendant's  
6 activities are enjoined.

7           22.     SureFire has suffered and will continue to suffer substantial damages by  
8 reason of defendant's acts of patent infringement alleged above, and SureFire is entitled to  
9 recover from defendant the damages sustained as a result of defendant's acts.

10          23.     Defendant has willfully and deliberately infringed the '209 patent in  
11 disregard of SureFire's rights.

12   **PRAYER FOR RELIEF**

13           WHEREFORE, SureFire prays that judgment be entered by this Court in its favor  
14 and against defendant as follows:

15           A.     That defendant has infringed the '125 patent;

16           B.     That defendant has infringed the '209 patent;

17           C.     Permanently enjoining and restraining defendant, its agents, affiliates,  
18 subsidiaries, servants, employees, officers, directors, attorneys and those persons in active  
19 concert with or controlled by defendant from further infringing the '125 patent, or the '209  
20 patent;

21           D.     That defendant's acts of infringement were willful;

22           E.     For an award of damages adequate to compensate SureFire for the damages  
23 it has suffered as a result of defendant's conduct, including pre-judgment interest and a  
24 trebling of such damages due to defendant's willful infringement;

25           F.     That defendant be directed to withdraw from distribution all infringing  
26 products, whether in the possession of defendant or its distributors or retailers, and that all  
27 infringing products or materials be impounded or destroyed;

28

- 1 G. For monetary damages in an amount according to proof;
- 2 H. For interest on said damages at the legal rate from and after the date such
- 3 damages were incurred;
- 4 I. That this is an exceptional case and for an award of SureFire's attorney fees
- 5 and costs;
- 6 J. For such other relief as the Court may deem just and proper.

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8 **DEMAND FOR JURY TRIAL**

9 Plaintiff SureFire hereby demands a jury trial as to all issues that are so triable.

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11 Dated: January 17, 2012 X-PATENTS, APC

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13 By: /s/Jonathan Hangartner

14 JONATHAN HANGARTNER

15 Attorneys for Plaintiff SureFire, LLC

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CIVIL COVER SHEET

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 the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS
SUREFIRE, LLC
(b) County of Residence of First Listed Plaintiff Orange
(c) Attorney's (Firm Name, Address, and Telephone Number)
X-Patents, APC, 5670 La Jolla Blvd., La Jolla, CA 92037

DEFENDANTS
EAGTAC, LLC
County of Residence of First Listed Defendant
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.
Attorneys (If Known)
'12CV0129 WQHRBB

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)
1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
PTF DEF
Citizen of This State 1 1
Citizen of Another State 2 2
Citizen or Subject of a Foreign Country 3 3
Incorporated or Principal Place of Business In This State 4 4
Incorporated and Principal Place of Business In Another State 5 5
Foreign Nation 6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)
CONTRACT REAL PROPERTY
TORTS CIVIL RIGHTS PRISONER PETITIONS
FORFEITURE/PENALTY LABOR IMMIGRATION
BANKRUPTCY SOCIAL SECURITY FEDERAL TAX SUITS
OTHER STATUTES

V. ORIGIN (Place an "X" in One Box Only)
1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from another district (specify)
6 Multidistrict Litigation
7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
35 U.S.C. Section 1, et seq.
Brief description of cause:
Patent infringement case

VII. REQUESTED IN COMPLAINT:
CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23
DEMAND \$
CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY
(See instructions): JUDGE DOCKET NUMBER

DATE 01/17/2012
SIGNATURE OF ATTORNEY OF RECORD /s/Jonathan Hangartner

FOR OFFICE USE ONLY
RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE