

1 Jeffrey W. Johnson (#024435)
2 Sean Kealii Enos (#023634)
3 SCHMEISER, OLSEN & WATTS, LLP
4 18 E. University Drive, Suite 101
5 Mesa, Arizona 85201
6 Telephone: (480) 655-0073
7 Facsimile: (480) 655-9536
8 kenos@IPlawUSA.com
9 jjohnson@IPlawUSA.com

10 Attorneys for Plaintiff

11 UNITED STATES DISTRICT COURT
12 DISTRICT OF ARIZONA

13 1445 Designs Corporation, Inc., an
14 Arizona Corporation,

15 Plaintiff,

16 vs.

17 3LS, Inc., a Corporation,

18 Defendant.

Case No.

**COMPLAINT SEEKING
INJUNCTIVE AND MONETARY
RELIEF FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

19
20 Plaintiff 1445 Designs Corporation (hereinafter "1445 Designs") hereby
21 complains against defendant 3LS, Inc. ("3LS"), and for its causes of action alleges as
22 follows:
23

24 **NATURE OF THE ACTION**

25 1. This is an action brought by Plaintiff against Defendant 3LS for preliminary and permanent injunctive relief and monetary damages to remedy

1 16. Upon information and belief, Defendant 3LS derives revenue from
2 activities within the State of Arizona and the District of Arizona, and has sold a number
3 of products within or for delivery or distribution into this State and District.

4 17. This Court has personal jurisdiction over Defendant 3LS pursuant to the
5 provisions of the Arizona's long arm statute, Rule 4.2, *Ariz. R. Civ. P.*, and the laws of
6 the United States.

7 18. 3LS has established minimum contacts with the State of Arizona.

8 19. Defendant 3LS directly and/or through intermediaries (including
9 distributors, retailers, and others), ships, distributes, offers for sale, sells, and advertises
10 its products or services that infringe one or more claims of Plaintiff 1445 Designs'
11 patents in the District of Arizona.
12

13 20. Additionally, Defendant 3LS, directly and/or through its distribution
14 networks, regularly places its products within the stream of commerce, with the
15 knowledge and/or understanding that such products will be sold in the District of
16 Arizona.

17 21. Defendant 3LS has purposefully and voluntarily sold one or more of its
18 products with the expectation that they will be purchased by consumers in the District
19 of Arizona, and Defendant 3LS's products have been and continue to be purchased by
20 consumers in the District of Arizona.

21 22. Defendant has committed acts of patent infringement within the State of
22 Arizona and in the District of Arizona, and has purposefully availed itself of the
23 benefits of the State of Arizona such that the exercise of jurisdiction over Defendant
24 3LS would not offend traditional notions of fair play and substantial justice.
25

INFRINGER and Its Accused Devices

1
2 30. Upon information and belief, at least one device made, imported or
3 offered for sale by Defendant 3LS infringes the ‘536 Patent (hereinafter referred to as
4 the “ACCUSED INFRINGING DEVICE”).

5
6 31. The at least one ACCUSED INFRINGING DEVICE is being marketed
7 and sold on 3LS’s website www.gutsforlife.com at the specific URL
8 <http://www.gutsforlife.com/#!/hm1/c1yc2>, a printout of which is attached as Exhibit C.

9
10 32. The at least one ACCUSED INFRINGING DEVICE is identified as
GUTS HM1 in the attached Exhibit C.

11
12 33. Defendant 3LS has neither entered into a license agreement with Plaintiff
1445 Designs, nor ceased its infringement of the ‘536 Patent.

13
14 34. On or about July 7, 2014, Plaintiff 1445 sent a letter to Defendant 3LS
regarding the ‘536 Patent and Defendant 3LS’s product.

15
16 35. Defendant’s ACCUSED INFRINGING DEVICE competes directly with
Plaintiff’s products sold under the ‘536 Patent.

17
18
19 **FIRST CLAIM FOR RELIEF**
(Infringement of U.S. Patent No. 7,156,536)

20 **[35 U.S.C. § 271(a)]**

21
22 36. Plaintiff 1445 Designs incorporates by reference all averments set forth in
the paragraphs above as if fully rewritten herein.

23
24 37. Upon information and belief, Defendant 3LS has been and is now directly
25 infringing the ‘536 Patent by making, using, selling, offering for sale, importing into the
United States and/or exporting its products that practice or embody one or more claims

1 of the '536 Patent. Defendant 3LSS's products practice at least claims 1, 2, 5 and 6 of
2 the '536 Patent.

3 38. Upon information and belief, Defendant 3LS is making, using, importing,
4 selling, or offering to sell in the United States the ACCUSED INFRINGING DEVICE
5 identified in Exhibit C, which ACCUSED INFRINGING DEVICE infringes one or
6 more claims of the '536 Patent.

7 39. Upon information and belief, Defendant's ACCUSED INFRINGING
8 DEVICE infringes at least claims 1, 2, 5 and 6 of the '536 Patent.

9 40. Upon information and belief, at least as early as July 17, 2014, and prior
10 to making, using, importing, selling, or offering to sell in the United States the
11 ACCUSED INFRINGING DEVICE, Defendant 3LS was aware of the '536 Patent.
12

13 41. On information and belief, Defendant 3LS had notice of Plaintiff's rights
14 under the '536 Patent, yet willfully and intentionally commenced and has continued
15 infringement of the '536 Patent.

16 42. Defendant 3LS's acts of direct infringement are willful, wanton, and
17 deliberate, without license, and with full knowledge and awareness of the '536 Patent.
18

19 43. As a result of Defendant 3LS's acts of infringement, Plaintiff 1445
20 Designs will suffer irreparable harm, and will continue to suffer irreparable harm until
21 and unless Defendant 3LS's infringing activities are enjoined for the duration of this
22 action and thereafter.

23 44. Harm to Plaintiff 1445 Designs within this judicial district and elsewhere
24 in the United States resulting from the acts of direct infringement of the '536 Patent by
25 Defendant 3LS as set forth above is irreparable, continuing, and not fully compensable
by money damages alone.

1 57. Defendant 3LS has infringed and/or continues to infringe one or more
2 claims of the '536 Patent as set forth above. Defendant 3LS is liable for direct
3 infringement, as well as indirect infringement by way of inducement, for the '536
4 Patent pursuant to 35 U.S.C. § 271 (a) and (b) as set forth above.

5 58. Defendant 3LS's acts of infringement have caused damage to Plaintiff
6 1445 Designs.

7 59. Plaintiff 1445 Designs is entitled to recover from Defendant 3LS the
8 damages sustained by Plaintiff 1445 Designs as a result of Defendant 3LS's wrongful
9 acts in an amount subject to proof at trial.

10 60. In addition, Plaintiff 1445 Designs has been irreparably harmed by
11 Defendant 3LS's acts of infringement of the '536 Patent, and will continue to be
12 harmed unless and until Defendant 3LS's acts of infringement are enjoined by this
13 Court.

14 61. Defendant 3LS's infringement of Plaintiff 1445 Designs' rights under the
15 '536 Patent will continue to damage Plaintiff 1445 Designs' business, causing
16 irreparable injury and damage, for which there is no adequate remedy of law, unless
17 restrained and enjoined by this Court.

18 62. The hardships that would be imposed upon Defendant 3LS by an
19 injunction are less than those faced by Plaintiff 1445 Designs should an injunction not
20 issue. Furthermore, the public interest would be served by issuance of an injunction.
21

22 63. Defendant 3LS's infringement of the '536 Patent is willful and deliberate,
23 entitling Plaintiff 1445 Designs to enhanced damages and to attorneys' fees incurred in
24 prosecuting this action.
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DEMAND FOR JURY TRIAL

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VERIFICATION OF THE COMPLAINT

I, Christopher McCorkle, am the owner of 1445 Designs Corporation, and have personal knowledge of the matters set forth in the Complaint, and I verify that I have read the foregoing Complaint and the allegations and statements therein. I further verify that the allegations and statements are true to the best of our knowledge, except as to those matters stated upon information and belief and, as to those, I believe them to be true.

DATED this 7 day of October, 2014.



Christopher McCorkle, President – 1445 Designs Corporation