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**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON**

BIGBEN INTERACTIVE, SA

Plaintiff,

v.

NINTENDO OF AMERICA, INC.

Defendant.

Case No.

**COMPLAINT FOR PATENT  
INFRINGEMENT**

**JURY TRIAL DEMANDED**

This is an action for patent infringement in which BIGBEN INTERACTIVE, SA (“BIGBEN” or “Plaintiff”) makes the following allegations against Nintendo of America, Inc. (“Nintendo” or “Defendant”).

**THE PARTIES**

1. Plaintiff is a European corporation organized and existing under the laws of France, having a principal place of business at 4 rue de la Voyette, CRT2, 59818 Lesquin, France.

2. On information and belief, Defendant is a corporation organized under the laws of Delaware, with its principal place of business at 4600 150<sup>th</sup> Avenue, N.E., Redmond, Washington 98052.

**JURISDICTION AND VENUE**

1  
2 3. This is an action for patent infringement arising under the patent laws of the  
3 United States, Title 35 of the United States Code.

4 4. This Court has original jurisdiction over the subject matter of this claim pursuant  
5 to 28 U.S.C. §§ 1331 and 1338(a).  
6

7 5. On information and belief, Defendant is subject to personal jurisdiction in the  
8 Western District of Washington consistent with the principles of due process and the  
9 Washington Long Arm Statute, because Defendant maintains offices and facilities in this  
10 District, offers its products for sale in this District, has transacting business in this district, has  
11 committed and/or induced acts of patent infringement in this District, and/or has placed  
12 infringing products into the stream of commerce through established distribution channels with  
13 the expectation that such products will be purchased by residents of this District.  
14

15 6. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b), 1391(c), and  
16 1400.

17 **COUNT I**  
18 **INFRINGEMENT OF U.S. REISSUE PATENT NO. RE44,895**

19 7. Plaintiff repeats and realleges Paragraphs 1-6 as though fully set forth herein

20 8. Plaintiff is the owner by assignment of United States Reissue Patent No.  
21 RE44,895 entitled Interactive Step-Type Gymnastics Practice Device, (the “‘895 Patent”)  
22 which is a reissue of U.S. Patent No. 7,938,751. A true and correct copy of the ‘895 patent is  
23 attached hereto as Exhibit A.  
24

25 9. Nintendo has infringed at least one claim of the ‘895 Patent by having made,  
26 used, sold or offered for sale a product known as the “Wii Balance Board,” which embodies the  
27 invention as claimed in the ‘895 patent.  
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- D. Award BIGBEN treble damages as provided in 35 U.S.C. § 284;
- E. Find that this case is exceptional and award BIGBEN its costs in this action together with reasonable attorneys’ fees as provided in 35 U.S.C. § 285; and
- F. Such other relief to which BIGBEN is entitled under law, and any other and further relief that this Court or a jury may deem just and proper.

**DEMAND FOR JURY TRIAL**

BIGBEN demands a trial by jury on all issues so triable.

Respectfully submitted this 17<sup>th</sup> day of April, 2015.

s/Daniel D. DeLue  
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(\*Pro Hac Vice applications pending)

ATTORNEYS FOR PLAINTIFF  
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