

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION**

BRIAN ROBERT BLAZER d/b/a
CARPENTER BEE SOLUTIONS,

Plaintiff,

v.

AMAZON.COM, INC.,

Defendant.

Civil Action No. _____

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Brian Robert Blazer d/b/a Carpenter Bee Solutions (“Plaintiff” or “Carpenter Bee Solutions”) by and through its undersigned counsel, files this Original Complaint against Amazon.com, Inc. (“Defendant” or “Amazon”), as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement arising under the patent laws of the United States, Title 35, United States Code, to stop Defendant’s infringement of Plaintiff’s United States Patent No. 8,375,624 (the “’624 Patent”). Plaintiff is the owner of the ’624 Patent and seeks injunctive relief and monetary damages for the Defendant’s infringement of the ’624 Patent.

PARTIES

2. Plaintiff Carpenter Bee Solutions is a sole proprietorship owned and operated by Brian Robert Blazer with a principal place of business located in Cleburne County at 230 County Road 880, Heflin, Alabama 36264.

3. Upon information and belief, Defendant Amazon.com, Inc. is a corporation organized and existing under the laws of the state of Delaware, with its principal place of business located at 410 Terry Avenue North, Seattle, Washington 98109-5210.

4. Defendant may be served via its registered agent for service of process, Corporation Service Company, located at 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808.

JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the Patent Laws of the United States, 35 U.S.C. § 1 et seq., including 35 U.S.C. §§ 271, 281, 283, 284, and 285.

6. The Court has personal jurisdiction over Amazon because: (i) Amazon maintains regular and systematic business contacts with the State of Alabama and within this judicial district and division; (ii) Amazon purposely, regularly, and continuously conducts business in the State of Alabama and within

this judicial district and division; (iii) Amazon purposefully directs its activities at residents of the State of Alabama; (iv) the cause of action set forth herein arises out of or relates to Amazon's activities in the State of Alabama; and (v) the exercise of jurisdiction over Amazon will not offend traditional notions of fair play and substantial justice.

7. Venue is proper in the Northern District of Alabama pursuant to 28 U.S.C. §§ 1331, 1338(a), 1391 and 1400(b).

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 8,375,624

8. On February 19, 2013, the United States Patent and Trademark Office duly and legally issued United States Patent No. 8,375,624, entitled "Carpenter Bee Traps." A true and correct copy of U.S. Patent No. 8,375,624 is attached hereto as Exhibit A.

9. Carpenter Bee Solutions is the owner, by assignment, of all right, title, and interest in and to U.S. Patent No. 8,375,624, including the right to bring suit for past, present and future patent infringement, and to collect past, present, and future damages.

10. Defendant has in the past and continues to directly infringe at least claim 1 of the '624 Patent in violation of 35 U.S.C. §§271(a). Defendant's direct infringing acts include, but are not limited to, Defendant's offering for sale and sale of wooden carpenter bee traps through its website www.amazon.com.

11. Defendant has in the past and continues to indirectly infringe at least claim 1 of the '624 Patent in violation of 35 U.S.C. §271(b) by actively, knowingly, and intentionally inducing direct infringement by other persons, including Defendant's buyers, sellers, patrons, customers and end users, by offering for sale and by selling Defendant's wooden carpenter bee traps in the United States without authority or license from Carpenter Bee Solutions and in a manner understood and intended to infringe the '624 Patent.

12. Plaintiff provided Defendant written notice of the '624 Patent and their infringement thereof as early as March 6, 2013, via email to Defendant's notice@amazon.com email address. A true and correct copy of this correspondence is contained in the attached Exhibit B. As a result, Defendant had notice of its alleged infringement of the '624 Patent on or about March 6, 2013.

13. Defendant responded via email to Plaintiff's March 6, 2013 email on March 7, 2013 and requested that Plaintiff submit its complaint using Defendant's online form. A true and correct copy of this correspondence is contained in the attached Exhibit B.

14. Defendant also responded to Plaintiff's March 6, 2013 email on March 7, 2013 via an email from "Anne Tarpey, Copyright/Trademark Agent" to Plaintiff. Therein, Defendant requested that Plaintiff submit its notice of patent infringement to Defendant's principal place of business located at 410 Terry

Avenue North, Seattle, Washington 98109. A true and correct copy of this correspondence is contained in the attached Exhibit B.

15. A course of correspondence, both physical and electronic, ensued between Plaintiff and Defendant. Much of this course of correspondence is contained in the attached Exhibit B. Throughout this correspondence, Defendant refused to alter its course of conduct.

16. Plaintiff again sent Defendant notice of its patent and of Defendant's infringement thereof via certified letter, delivered April 29, 2013. A copy of this letter is attached hereto as Exhibit C.

17. Defendant ultimately sent an email from Emily Lewis, Patent Paralegal, on behalf of Scott Sanford, Senior Corporate Counsel, Patents, again declining to alter its course of conduct. This email is attached hereto as Exhibit D.

18. Defendant has also in the past and continues to indirectly infringe at least claim 1 of the '624 Patent in violation of 35 U.S.C. § 271(c) by actively, knowingly, and intentionally contributing to an underlying direct infringement by other persons, such as Defendant's buyers, sellers, patrons, customers and end users, by offering to sell and selling Defendant's wooden carpenter in the United States without authority or license from Plaintiff and in a manner understood and intended to infringe the '624 Patent.

19. Certain of Defendant's wooden carpenter bee traps are (i) a

component and material part of the inventions claimed in at least claim 1 of the '624 Patent, (ii) knowingly and especially designed for use in infringing at least claim 1 of the '624 Patent, (iii) intended to be used to infringe at least claim 1 of the '624 Patent, and (iv) not a staple item of commerce suitable for noninfringing use.

20. For example, certain of Defendant's wooden carpenter bee traps are sold with the "receptacle adapter" of claim 1, but without the claimed "receptacle." These wooden carpenter bee traps are a component part of the claimed invention, are knowingly and especially designed for use with the claimed receptacle, are intended to be used with the claimed receptacle, and have no substantial noninfringing use since they would not work to trap carpenter bees without addition of the claimed receptacle.

21. On information and belief, Defendant has deliberately avoided confirming its high probability of wrongdoing and therefore has and continues to willfully infringe, and willfully and actively induce the direct infringement by others, and willfully and actively contribute to the infringement of others, of at least claim 1 of the '624 Patent.

22. Defendant's infringement of the '624 Patent has been, and continues to be, objectively reckless, willful and deliberate, entitling Carpenter Bee Solutions to enhanced damages pursuant to 35 U.S.C. § 284 and to attorneys' fees pursuant

to 35 U.S.C. § 285.

23. Carpenter Bee Solutions is actively engaged in the business of selling its patented carpenter bee traps, a business which has been severely damaged by Defendant's infringement of the '624 Patent. Carpenter Bee Solutions has suffered and continues to suffer damages as a direct and proximate result of Defendant's infringement of the '624 Patent and will suffer additional and irreparable damages unless Defendant is permanently enjoined by this Court from continuing its infringement. Carpenter Bee Solutions has no adequate remedy at law.

24. Carpenter Bee Solutions is entitled to: (i) damages adequate to compensate it for Defendant's infringement of the '624 Patent, which amounts to, at a minimum, a reasonable royalty; (ii) Carpenter Bee Solutions' lost profits; (iii) treble damages; (iv) attorneys' fees; (v) costs; and (vi) a permanent injunction.

DEMAND FOR JURY TRIAL

25. Plaintiff hereby requests a trial by jury pursuant Rule 38(b) of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

Plaintiff respectfully requests that the Court find in its favor and against Defendant, and that the Court grant Plaintiff the following relief:

- A. An adjudication that one or more claims of the '624 Patent have been infringed, either literally and/or under the doctrine of equivalents, by

Defendant and/or by others to whose infringement Defendant has contributed and/or by others whose infringement has been induced by Defendant;

- B. An award to Plaintiff of damages adequate to compensate Plaintiff for Defendant's acts of infringement together with pre-judgment and post-judgment interest;
- C. That one or more of Defendant's acts of infringement be found to be willful from March 6, 2013, which is the time that Defendant became aware of the infringing nature of its actions, and that the Court award treble damages for the period of such willful infringement pursuant to 35 U.S.C. § 284;
- D. A grant of permanent injunction pursuant to 35 U.S.C. § 283, enjoining Defendant from further acts of (1) infringement, (2) contributory infringement, and (3) actively inducing infringement with respect to the '624 Patent;
- E. That this Court declare this to be an exceptional case and award Plaintiff reasonable attorneys' fees and costs in accordance with 35 U.S.C. § 285; and
- F. Any further relief that this Court deems just and proper.

Respectfully submitted this 24th day of June, 2015.

/s/ M. Blair Clinton

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