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10	IN THE UNITED STATES DISTRICT COURT	
11	WESTERN DISTRICT OF WASHINGTON	
12	AT SEATTLE	
13	WERNER PADDLES, INC., a Washington corporation,	CV No.
14	Plaintiff,	COMPLAINT FOR PATENT
15	VS.	INFRINGEMENT
16	EXE CORPORATION, a Minnesota corporation, doing business as ACCENT PADDLES,	
17 18		
19	Defendant.	
20	Plaintiff Werner Paddles, Inc. ("Werner") brings this action against Exe Corporation	
21	doing business as Accent Paddles ("Accent Paddles"), and alleges as follows:	
22	THE PARTIES	
23	1.	
24	Plaintiff Werner is a Washington corporation duly authorized to do business in the	
25	State of Washington with its principal place of business located in Snohomish County,	
26		
	COMPLAINT (Case No)	MARKOWITZ HERBOL SUITE 3000 PACWEST CE 1211 SW FIFTH AVENU

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Washington. Werner designs and manufactures high quality paddles for touring, whitewater 1 and canoeing. 2 2. 3 4 On information and belief, defendant Exe Corporation is a Minnesota corporation 5 doing business as Accent Paddles, licensed to do business in the State of Minnesota with its 6 principal place of business located in Minneapolis, Minnesota. It also sells paddles in several 7 states, including Washington. 8 JURISDICTION AND VENUE 9 3. 10 The amount in controversy between the parties exceeds \$75,000. 11 4. 12 This action arises under the patent laws of the United States, including 35 U.S.C. § 13 271 et seg. 14 5. 15 This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 (actions 16 arising under the laws of the United States), and 28 U.S.C. § 1338(a) (actions arising under 17 patent law). 18 6. 19 Venue is appropriate under 28 U.S.C. § 1391(a) and (b) in that a substantial part of 20 the events or omissions giving rise to the claims occurred within the Western District of 21 Washington, and 28 U.S.C. § 1400(a) in that plaintiff Werner and/or their agents may be 22 found within the Western District of Washington. 23 7. 24 Defendant Accent Paddles is subject to this Court's personal jurisdiction, consistent 25 with the principles of due process and the Washington Long Arm Statute, because Accent 26 Paddles offers their infringing products for sale in the Western District of Washington, have

transacted business in this District, and/or have committed and/or induced acts of patent infringement in this District.

## **FACTS COMMON TO ALL CLAIMS**

8.

Plaintiff Werner is owner of all right, title and interest in U.S. Patent No. 6,881,111 ("the '111 Patent") issued on April 19, 2005 and entitled "Shaft coupler with positive angular and axial locking features for coupling paddle sections together and angularly positioning the sections relative to each other." A true and correct copy of the '111 Patent is attached hereto as Exhibit A.

9.

Defendant Accent Paddles makes, uses, sells and offers to sell, and/or contributes to or induces others to make, use, sell or offer to sell products that infringe the patent-in-suit. One such line of infringing products are the Accent Paddles.

10.

Accent Paddles has continued to sell infringing products such as its Accent Paddles paddle, even though it has actual notice of the patent-in-suit. Accent Paddles has been recklessly indifferent to Werner's patent rights and is willfully infringing its patent-in-suit.

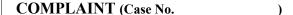
## FIRST CLAIM FOR RELIEF (Infringement of the '111 Patent)

11.

Plaintiff incorporates and realleges paragraphs 1-10 above.

12.

Defendant Accent Paddles makes, uses, sells, and offers to sell within the United States, and/or import into the United States, products called Accent Paddles that infringe claim 24 of the '111 Patent. A true and correct copy of an advertisement describing many of the features of the Accent Paddles products is attached hereto as Exhibit B.



13. 1 Accent Paddles' infringement is ongoing and willful. 2 14. 3 Accent Paddles' ongoing infringement is irreparably harming Werner's business 4 opportunities and sales. Accent Paddles' ongoing infringement will continue unless enjoined 5 by this Court, preliminarily and/or permanently under 35 U.S.C. § 283. 6 15. 7 Werner is entitled to damages for Accent Paddles' infringement and may be entitled 8 to enhanced damages and attorneys' fees under 35 U.S.C. § 284 and § 285. 9 PRAYER FOR RELIEF 10 WHEREFORE, Plaintiff Werner requests the Court to order or enter the following relief: 11 A. Damages adequate to compensate Werner for infringement of the 12 patent-in-suit based on lost profits, price erosion, or at least a reasonable royalty; 13 B. A declaration that Accent Paddles' infringement of the patent-in-suit 14 has been willful and that this case is exceptional under 35 U.S.C. § 285; 15 C. Enhanced damages, costs and attorneys' fees if appropriate under 35 16 U.S.C. § 284 and § 285. 17 A preliminary and permanent injunction barring Accent Paddles from D. 18 continuing to sell infringing products and an order requiring Accent Paddles to 19 destroy or deliver to Werner all infringing products; and 20 Ε. Any other relief the Court deems to be just and appropriate. 21 22 23 24 25 26 COMPLAINT (Case No.

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1	DEMAND FOR JURY TRIAL	
2	Werner demands a trial by jury on all issues so triable.	
3		
4	DATED this 3rd day of September, 2015.	
5		
6	MARKOWITZ HERBOLD PC	
7	By: /s/ Renée E. Rothauge	
8	Renée E. Rothauge, WSBA #20661 ReneeRothauge@MarkowitzHerbold.com	
9	Kristin M. Malone, WSBA # 46251 KristinMalone@MarkowitzHerbold.com MARKOWITZ HERBOLD PC	
11	Suite 3000 Pacwest Center 1211 SW Fifth Avenue	
12	Portland, OR 97204-3730 Tel: (503) 295-3085	
13	Fax: (503) 323-9105 Attorneys for Plaintiff	
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