

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WERNER PADDLES, INC., a Washington
corporation,

Plaintiff,

vs.

EXE CORPORATION, a Minnesota
corporation, doing business as **ACCENT
PADDLES**,

Defendant.

CV No. _____

**COMPLAINT FOR PATENT
INFRINGEMENT**

JURY TRIAL REQUESTED

Plaintiff Werner Paddles, Inc. (“Werner”) brings this action against Exe Corporation
doing business as Accent Paddles (“Accent Paddles”), and alleges as follows:

THE PARTIES

1.

Plaintiff Werner is a Washington corporation duly authorized to do business in the
State of Washington with its principal place of business located in Snohomish County,

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1 Washington. Werner designs and manufactures high quality paddles for touring, whitewater
2 and canoeing.

3 2.

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 seq.

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

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

3 **FACTS COMMON TO ALL CLAIMS**

4 8.

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

10 9.

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

14 10.

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

18 **FIRST CLAIM FOR RELIEF**
19 **(Infringement of the ‘111 Patent)**

20 11.

21 Plaintiff incorporates and realleges paragraphs 1-10 above.

22 12.

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

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13.

Accent Paddles' infringement is ongoing and willful.

14.

Accent Paddles' ongoing infringement is irreparably harming Werner's business opportunities and sales. Accent Paddles' ongoing infringement will continue unless enjoined by this Court, preliminarily and/or permanently under 35 U.S.C. § 283.

15.

Werner is entitled to damages for Accent Paddles' infringement and may be entitled to enhanced damages and attorneys' fees under 35 U.S.C. § 284 and § 285.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Werner requests the Court to order or enter the following relief:

A. Damages adequate to compensate Werner for infringement of the patent-in-suit based on lost profits, price erosion, or at least a reasonable royalty;

B. A declaration that Accent Paddles' infringement of the patent-in-suit has been willful and that this case is exceptional under 35 U.S.C. § 285;

C. Enhanced damages, costs and attorneys' fees if appropriate under 35 U.S.C. § 284 and § 285.

D. A preliminary and permanent injunction barring Accent Paddles from continuing to sell infringing products and an order requiring Accent Paddles to destroy or deliver to Werner all infringing products; and

E. Any other relief the Court deems to be just and appropriate.

DEMAND FOR JURY TRIAL

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

DATED this 3rd day of September, 2015.

MARKOWITZ HERBOLD PC

By: /s/ Renée E. Rothauge

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