

3. Defendant Wal-Mart Stores, Inc. d/b/a Sam's Club is a corporation organized under the laws of the State of Delaware having a place of business at 702 S.W. 8th Street, Bentonville, Arkansas 72716.

JURISDICTION AND VENUE

4. This patent infringement action arises under the patent laws of the United States, including 35 U.S.C. §§ 271, et seq.

5. This Court has subject-matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because it arises under United States Patent law.

6. This Court has personal jurisdiction over the Defendant because they (either directly or through their subsidiaries, divisions, groups or distributors) have sufficient minimum contacts with the forum as a result of business conducted within the State of Texas and this district; and/or specifically over the Defendant (either directly or through their subsidiaries, divisions, groups or distributors) because of their infringing conduct within or directed at the State of Texas and this district. At a minimum, upon information and belief, Defendants have offered for sale inflatable water slides that infringe on the '895 Patent, and targeted sales in the State of Texas and in this district on their webpage www.samsclub.com

7. Venue is proper in this district pursuant to 28 U.S.C. §1391(c) and 1400(b) because Defendants are deemed to reside in this district. In addition, at a minimum, Defendant is subject to this Court's personal jurisdiction in the acts and transactions including the sale of inflatable water slides which incorporate the technology covered by the claims of the '895 Patent throughout the State of Texas and this district.

FACTS

8. Plaintiff is the owner, by assignment, of the '895 Patent, entitled "Water Slide with Banked Curve Obstacle Region," which was duly and legally issued on January 29, 2013, by the United States Patent and Trademark Office.
9. A copy of the '895 Patent is attached to this Complaint as Exhibit A.
10. The claims of the '895 Patent are valid and enforceable.

COUNT I

CLAIM FOR PATENT INFRINGEMENT UNDER 35 U.S.C. § 271 ('895 PATENT)

11. Plaintiff hereby incorporates by reference the allegations of paragraphs 1 through 10 of this Complaint as if fully set forth herein.
12. Defendant make, have made, sell, offers for sale, used and/or import into the United States inflatable water slides, including without limitation the Tornado Water Slide. (the "Curved Inflatable Water Slide System"). At a minimum Defendant is the exclusive seller of the Curved Inflatable Water Slide System. See Exhibit B.
13. Defendant's Curved Inflatable Water Slide System infringes on at least claim one of the '895 patent.
14. Unless enjoined by this Court, Defendant will continue to infringe the '895 patent.
15. Plaintiff has been, and will continue to be, irreparably harmed by Defendant's ongoing infringement of the '895 patent.
16. As a direct and proximate result of Defendant's infringement of the '895 Patent, Plaintiff has been and will continue to be damaged in an amount yet to be determined, including Plaintiff's lost profits, reasonable royalties or both.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for relief against Defendant as follows:

- A. In favor of Plaintiff that Defendant has infringed the ‘895 Patent;
- B. Requiring Defendant to pay Plaintiff its damages, costs, expenses, and pre-judgment and postjudgment interest for Defendant’s infringement of the ‘895 Patent as provided under 35 U.S.C § 284; but not less than a reasonable royalty; and
- C. For such other and further relief as may be just and equitable.

DEMAND FOR TRIAL BY JURY

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff hereby demands a jury trial on all issues and causes of action triable to a jury.

DATED: November 30, 2015

Respectfully submitted,

By: /s/ Daniel C. Cotman

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