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

NATIONAL PRODUCTS, INC.,

Plaintiff,

v.

BRACKETRON, INC.,

Defendant.

Case No. 2:16-cv-00109

COMPLAINT

JURY TRIAL DEMANDED

Plaintiff National Products, Inc. (“NPI”) brings this action against Defendant Bracketron, Inc. (“Defendant” or “Bracketron”) for an injunction, damages, and other appropriate relief to stop Defendant from violating NPI’s patent rights. NPI states and alleges as follows:

THE PARTIES

1. NPI is a corporation organized and existing under the laws of the State of Washington, having its principal place of business at 8410 Dallas Ave S., Seattle, Washington 98108.

2. NPI is a market leader in the design, manufacture, and sale of innovative mounting systems, including mounts for tablets, cellular phones, and other portable devices, which are used, for example, in cars, trucks, bikes, planes, boats and motorcycles.

3. Upon information and belief, Defendant Bracketron is a corporation organized and existing under the laws of the State of Minnesota, having its principal place of business at 5624 Lincoln Drive, Edina, Minnesota 55436.

1 4. Upon information and belief, Bracketron is a distributor of mounting systems for
2 mobile and handheld technologies, including cellular phones, tablets, GPS systems, cameras and
3 MP3 devices. Bracketron advertises, markets, and sells its products, including the products that
4 are the subject of the patent infringement alleged in this lawsuit, to the public throughout the
5 United States, including within this judicial district.

6 **NATURE OF THE ACTION**

7 5. This is a civil action for infringement of United States Patent No. 6,585,212 (“the
8 ’212 patent”) under the patent laws of the United States, including, without limitation,
9 35 U.S.C. § 1 et seq.

10 **JURISDICTION AND VENUE**

11 6. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

12 7. This Court has personal jurisdiction over Bracketron because, among other things,
13 Bracketron has committed, aided, abetted, contributed to, and/or participated in the commission
14 of patent infringement in this judicial district and elsewhere that led to foreseeable harm and
15 injury to NPI. Bracketron sells and offers to sell its infringing products directly through its
16 website to the public throughout the United States, including this judicial district. Bracketron
17 also sells and offers to sell its infringing products directly through Amazon.com, an online retailer
18 with headquarters in this judicial district, throughout the United States, including this judicial
19 district. Upon information and belief, Bracketron has contracted or otherwise formed agreements
20 with Amazon.com to receive services related to its selling and offering to sell its infringing
21 products, including storage, shipping, and customer service through Amazon.com’s facilities and
22 services. Bracketron also distributes its infringing products to retailers throughout the United
23 States, including this judicial district, such as Sears, Best Buy, KMart, IPC Store, and Staples.

24 8. Venue is proper in this judicial district under 28 U.S.C. §§ 1391 and 1400(b).

25 **THE ’212 PATENT**

26 9. On July 1, 2003, U.S. Patent No. 6,585,212 (“the ’212 patent”), entitled “Quick
27 Release Electronics Platform,” was duly and legally issued to Jeffrey D. Carnevali. The ’212

1 patent is generally directed towards a mounting platform for an accessory device, such as, for
2 example, a cellular phone, phablet, tablet, laptop, radar detector, handheld device, or the like.

3 10. NPI is the owner, by assignment, of all right, title, and interest in the '212 patent,
4 including the rights to exclude others and to sue and recover damages for infringement.

5 11. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff
6 and/or all predecessors in interest and/or implied or express licensees of the '212 patent, if any,
7 have complied with the marking requirements of 35 U.S.C. § 287 by fixing the word “patented”
8 together with the address of NPI’s website, which is accessible to the public without charge and
9 which associates the patented article with the '212 patent in the “Patent and Trademarks” page of
10 NPI’s website, on all goods made, offered for sale, sold, and/or imported into the United States
11 that embody one or more claims of the '212 patent.

12 12. A true and correct copy of the '212 patent is attached as **Exhibit A**.

13 **COUNT I**

14 **(Patent Infringement of United States Patent No. 6,585,212)**

15 13. NPI realleges and reincorporates the allegations in paragraphs 1-12 above.

16 14. Bracketron has directly infringed and continues to directly infringe at least claim
17 27 of the '212 patent by making, using, offering to sell, and selling within the United States
18 and/or importing into the United States products that infringe the '212 patent, including all
19 products that incorporate the low-profile holder, including without limitation, Mi-T Grip
20 Smartphone Dash & Window Mount (BT1-776-2), Mi-T Grip Smartphone Dash & Window
21 Mount (IPM-495-BL), Mi-T Grip GPS Dash & Window Mount (IPM-496-BL), and Mi-T Grip
22 Handlebar Mount (XV1-704-2) (collectively, “low-profile holder products”); all products that
23 incorporate the padded smartphone holder, including without limitation, Mi-T Grip Vent Mount
24 (BT1-545-2), Twist N Grip with USB Socket Charger (BT1-541-1), CaddyStrap Mount (XV1-
25 620-2), CaddyCup Mount (XV1-621-2), CaddyCart Mount (XV1-684-2), and All-In-One
26 RoadTripper Travel Pack (collectively, “padded smartphone holder products”); and all products
27 that incorporate the padded tablet holder, including without limitation, Universal Tablet Cup

1 Holder Mount (UCH-373-BX), Swing N Click Kit (XV6-622-2), Click N Vu Kit (XV6-623-2),
2 Mount N Click Kit (XV6-624-2), Universal Tablet Headrest Mount (IPD-362-BX), TriCaddy XL
3 (XV1-561-2), and Xlip-iT (XV1-551-2) (collectively, “padded tablet holder products”)
4 (collectively, “the Accused Products”).

5 15. Visual inspection of the low-profile holder products demonstrates that they
6 literally infringe each and every element of claim 27. For example, Bracketron’s Product Sell
7 Sheet for the Mi-T Grip Smartphone Dash & Window Mount (BT1-776-2) a true and correct
8 copy of which is attached as Exhibit B, depicts the low-profile holder as comprising the mounting
9 platform of claim 27:



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19 16. Visual inspection of the padded smartphone holder products demonstrates that
20 they literally infringe each and every element of claim 27. For example, Bracketron’s Website
21 Product Description for the Mi-T Grip Vent Mount (BT1-545-2) depicts the padded smartphone
22 holder as comprising the mounting platform of claim 27:

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<http://www.bracketron.com/mi-t-grip-vent-mount#.VpBcVPkrKUk>.

17. Visual inspection of the padded tablet holder products demonstrates that they literally infringe each and every element of claim 27. For example, Bracketron’s Product Sell Sheet for the Universal Tablet Cup Holder Mount (UCH-373-BX) a true and correct copy of which is attached as Exhibit C, depicts the padded tablet holder as comprising the mounting platform of claim 27:



18. As a direct and proximate consequence of Bracketron’s infringement of the ’212 patent, NPI has suffered irreparable harm, and NPI will continue to suffer irreparable harm in the

1 future unless Bracketron is enjoined from infringing the '212 patent.

2 19. Upon information and belief, the continued infringement by Bracketron of the
3 '212 patent is willful.

4 **Prayer For Relief**

5 WHEREFORE, NPI prays for the following relief:

- 6 a. A judgment that Bracketron has infringed the '212 patent;
- 7 b. A judgment that Bracketron's continued infringement of the '212 patent has been
8 willful and deliberate;
- 9 c. An order preliminarily and permanently enjoining and restraining Bracketron, its
10 officers, directors, agents, servants, employees, licensees, attorneys, and all other persons acting
11 under or through it, directly or indirectly, from infringing the '212 patent;
- 12 d. A judgment and order requiring that Bracketron pay damages under 35 U.S.C. §
13 284, with prejudgment interest;
- 14 e. A judgment and order directing Bracketron to pay the costs of this action,
15 including all disbursements and attorney fees as provided by 35 U.S.C. § 285, with prejudgment
16 interest;
- 17 f. Such other and further relief as the Court may deem just and equitable.

18 **Demand For Jury Trial**

19 NPI hereby demands a trial by jury of all issues so triable.

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NATIONAL PRODUCTS, INC.

By its attorneys,

Dated: January 25, 2016

FENWICK & WEST LLP

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