

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. _____

SENTEGRA, LLC,

Plaintiff,

v.

AZEND GROUP CORP.,

Defendant.

COMPLAINT FOR PATENT INFRINGEMENT AND JURY DEMAND

Plaintiff Sentegra, LLC (“Sentegra” or “Plaintiff”) by and for its Complaint against Defendant Azend Group Corp., (“Azend” or “Defendant”) hereby alleges as follows:

NATURE OF THE CASE

1. This is an action for patent infringement arising under the patent laws of the United States. Sentegra holds the rights in U.S. Patent Nos. 8,706,627 (“the ‘627 patent”) and 7,920,904 (“the ‘904 patent”). The United States patent laws grant the holder of a patent the right to exclude infringers from making, using, selling or importing the invention claimed in a patent, and to recover damages for the infringer’s violations of these rights, and to recover treble damages where the infringer willingly infringed the patent. Under 35 U.S.C. § 282(a), the ‘627 Patent and the ‘904 Patent are entitled to a presumption of validity. Sentegra is suing Defendant for infringing its patents, and doing so willfully. Sentegra seeks to recover damages from Defendant, including treble damages for willful infringement.

THE PARTIES

2. Sentegra is a limited liability company, organized and existing under the laws of the State of Delaware, having a place of business at 869 Homestake Court, Castle Rock, CO 80108.

3. Upon information and belief, Defendant Azend Group Corp. is a corporation, organized and existing under the laws of the State of California with its principal place of business located at 13517 Benson Ave., Chino, CA 91710. Azend Group Corp. can be served via its registered agent Ben LI, located at 17800 Casteleton Street, Suite 180, City of Industry, California 91748.

4. Upon information and belief, Defendant has engaged in the design, manufacture, marketing and sale of one or more Azend Envizen-branded tablet devices which infringe the ‘627 patent and the ‘904 patent, including but not limited to the V700NA, V7011, V7203D, V7028D, EM63, EM63 EVO, EM63 T, EM63 Cosmos, EM63 TX, V8041Q, V917G, V917G T, V917G EVO, V917G Cosmos, V100D, V100M, V100MD, V100MD T, and the V1043Q (collectively the “Accused Products”).

JURISDICTION

5. This is an action for patent infringement arising under the patent laws of the United States of America, more specifically under 35 U.S.C. § 100, *et seq.* Subject matter jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 and 1338.

6. The Court has personal jurisdiction over Defendant because Defendant, among other things, conducts business in, and avails itself of the laws of, the State of Colorado. In addition, upon information and belief, Defendant through its own acts and/or through the acts of its affiliated companies (acting as its agents or alter egos) makes, uses, offers to sell, sells

(directly or through intermediaries), imports, licenses and/or supplies, in this District and elsewhere in the United States, products, through regular distribution channels, knowing such products would be used, offered for sale and/or sold in this District. Plaintiff's cause of action arises directly from Defendant's business contacts and other activities in the State of Colorado and in this District.

7. Upon information and belief, Defendant directly or through its subsidiaries or intermediaries, makes, uses, offers for sale, sells, imports, advertises, makes available and/or markets and, at all relevant times has made, used, offered for sale, sold, imported, advertised and made available and/or marketed products within the District of Colorado, through its www.azendcorp.com website, and through additional websites, including but not limited to www.amazon.com, www.tigerdirect.com, www.walmart.com, www.bestbuy.com, and through Walmart and BestBuy retail locations in this District, that infringe the '627 and '904 patents.

VENUE

8. Venue properly lies within this judicial district and division, pursuant to 28 U.S.C. §§ 1391(b), (c), and (d), and 1400(b).

9. Upon information and belief, Defendant resides in this District for the purposes of venue, insofar as it is subject to the personal jurisdiction in this District, has committed acts of infringement in this District, solicits business in this District, and conducts other business in this District.

INFRINGEMENT OF U.S. PATENT NO. 8,706,627

10. Sentegra incorporates by reference the allegations set forth in the preceding paragraphs.

11. On April 22, 2014, the ‘627 patent, entitled “Apparatus, Systems and Methods for Wirelessly Transacting Financial Transfers, Electronically Recordable Authorization Transfers, and Other Information Transfers,” was duly and lawfully issued based upon an application filed by the inventor, Jon Shore. A true and correct copy of the ‘627 Patent is attached hereto as Exhibit 1.

12. Sentegra is the assignee and the owner of all right, title and interest in and to the ‘627 patent, and has the right to sue and recover damages for infringement thereof.

13. Upon information and belief, Defendant has engaged in the design, manufacture, marketing and sale of one or more Accused Products in the United States generally, and in the District of Colorado specifically.

14. Upon information and belief, Defendant has been and continues to be engaged in making, using, importing, selling and/or offering for sale infringing products, including, but not limited to, the Accused Products in the United States generally, and in the District of Colorado specifically. The Accused Products are available for retail purchase through the www.azendcorp.com website, and through additional websites, including but not limited to www.amazon.com, www.tigerdirect.com, www.walmart.com, www.bestbuy.com, and through Walmart and BestBuy retail locations.

15. Upon information and belief, by acts including, but not limited to use, making, importation, offers to sell, sales and marketing of products that fall within the scope of at least claim 1 of the ‘627 patent, Defendant has directly infringed literally and/or upon information and belief, equivalently, and is continuing to infringe the ‘627 patent and is thus liable to Sentegra pursuant to 35 U.S.C. § 271.

16. Defendant has indirectly infringed and continues to infringe at least claim 1 of the ‘627 patent by inducement under 35 U.S.C. 271(b). Defendant has induced and continues to induce users and retailers of the Accused Products to directly infringe at least claim 1 of the ‘627 patent.

17. Upon information and belief, Defendant knowingly induced customers to use its Accused Products, including, for example, by promoting such products online (e.g., www.azendcorp.com) and/or providing customers with instructions and/or manuals for using the Accused Products. Likewise, Defendant knowingly induced retailers to market and sell the Accused Products.

18. Defendant’s infringement of the ‘627 patent is without consent of, authority of, or license from Sentegra.

19. Upon information and belief, Defendant’s infringement of the ‘627 patent is willful. This action, therefore, is “exceptional” within the meaning of 35 U.S.C. § 285 entitling Sentegra to its attorneys’ fees and expenses.

20. As a result of Defendant’s acts of infringement, Sentegra has suffered and will continue to suffer damages in an amount to be proven at trial.

INFRINGEMENT OF U.S. PATENT NO. 7,920,904

21. Sentegra incorporates by reference the allegations set forth in the preceding paragraphs.

22. On April 5, 2011, the ‘904 patent, entitled “Mobile Terminal,” was duly and lawfully issued based upon an application filed by inventors, Eu-Gene Kim and Ha-yong Kim. A true and correct copy of the ‘904 Patent is attached hereto as Exhibit 2.

23. Sentegra is the assignee and the owner of all right, title and interest in and to the ‘904 patent, and has the right to sue and recover damages for infringement thereof.

24. Upon information and belief, by acts including, but not limited to use, making, importation, offers to sell, sales and marketing of products that fall within the scope of at least claim 1 of the '904 patent, Defendant has directly infringed literally and/or upon information and belief, equivalently, and is continuing to infringe the '904 patent and is thus liable to Sentegra pursuant to 35 U.S.C. § 271.

25. Defendant has indirectly infringed and continues to infringe at least claim 1 of the '904 patent by inducement under 35 U.S.C. 271(b). Defendant has induced and continues to induce users and retailers of the Accused Products to directly infringe at least claim 1 of the '904 patent.

26. Upon information and belief, Defendant knowingly induced customers to use its Accused Products, including, for example, by promoting such products online (e.g., www.azendcorp.com) and/or providing customers with instructions and/or manuals for using the Accused Products. Likewise, Defendant knowingly induced retailers to market and sell the Accused Products.

27. Defendant's infringement of the '904 patent is without consent of, authority of, or license from Sentegra.

28. Upon information and belief, Defendant's infringement of the '904 patent is willful. This action, therefore, is "exceptional" within the meaning of 35 U.S.C. § 285 entitling Sentegra to its attorneys' fees and expenses.

29. As a result of Defendant's acts of infringement, Sentegra has suffered and will continue to suffer damages in an amount to be proven at trial.

PRAYER FOR RELIEF

WHEREFORE, Sentegra requests this Court enter judgment as follows:

- A. That the '627 and '904 patents are valid and enforceable;
- B. That Defendant has directly and indirectly infringed the '627 patent;
- C. That Defendant has directly and indirectly infringed the '904 patent;
- D. That such infringement is willful;
- E. That Defendant accounts for and pays to Sentegra all damages pursuant to 35 U.S.C. § 284 to adequately compensate Sentegra for Defendant's infringement of the '627 and '904 patents, but in no event less than a reasonable royalty for the use made by Defendant of the inventions set forth in the '627 and '904 patents;
- F. That Sentegra receives enhanced damages, in the form of treble damages, pursuant to 35 U.S.C. § 284;
- G. That this is an exceptional case under 35 U.S.C. § 285;
- H. That Defendant pays Sentegra all of Sentegra's reasonable attorneys' fees and expenses pursuant to 35 U.S.C. § 285;
- I. That Sentegra be granted pre-judgment and post-judgment interest in accordance with 35 U.S.C. § 284 on the damages caused to it by reason of Defendant's infringement of the '627 and '904 patents, including pre-judgment and post-judgment interest on any enhanced damages or attorneys' fees award;
- J. That costs be awarded in accordance with 35 U.S.C. § 284 to Sentegra; and
- K. That Sentegra be granted such other and further relief as the Court may deem just and proper under the circumstances.

DEMAND FOR JURY TRIAL

Sentegra hereby demands a trial by jury on all issues so triable in this action.

Dated: February 4, 2016

KROUB, SILBERSHER & KOLMYKOV PLLC

By: /s/ Gaston Kroub
Gaston Kroub
gkroub@kskiplaw.com
Sergey Kolmykov
skolmykov@kskiplaw.com
Zachary Silbersher
zsilbersher@kskiplaw.com

305 Broadway, 7th Floor
New York, NY 10007
Telephone No.: (212) 323-7442

ATTORNEYS FOR PLAINTIFF SENTEGRA, LLC.