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11 Attorneys for Plaintiff,
ECOJET, INC.

12 UNITED STATES DISTRICT COURT
13 CENTRAL DISTRICT OF CALIFORNIA
14

15 ECOJET, INC.,
16 Plaintiff,
17 v.
18 LURACO, INC,
19 Defendant.

Case No.:

**COMPLAINT FOR PATENT
INFRINGEMENT**

1 Plaintiff ECOJET, INC. (“Ecojet”) complains of Defendant Luraco, Inc.
2 (“Luraco”) as follows:

3 **JURISDICTION**

4 1. This is a claim for patent infringement arising under the patent laws of
5 the United States, Title 35 of the United States Code. This Court has exclusive
6 jurisdiction over the subject matter of the Complaint under 28 U.S.C. § 1338(a).

7 **VENUE**

8 2. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and (c) and
9 1400(b).

10 3. This Court has personal jurisdiction over Luraco by virtue of its acts of
11 patent infringement which have been committed in this judicial district, and by virtue
12 of its transaction of business in this district.

13 **PARTIES**

14 4. Ecojet is a California corporation having its principal place of business in
15 Orange County, California.

16 5. Luraco is, on information and belief, a Texas corporation having its
17 principal place of business in Arlington, Texas.

18 **THE PATENT AT ISSUE**

19 6. Ecojet has standing to sue for infringement of United States Patent No.
20 RE45,844 (the “‘844 Patent”) entitled “Water Jet Mechanism for Whirlpool Effect in
21 Pedicures or Other Applications” (attached as Exhibit “A”).

22 7. The ‘844 Patent, which reissued in January 19, 2016, is directed to a jet
23 pump for use in the water basin of a pedicure chair or whirlpool bath.

24 8. Ecojet is the exclusive licensee of the ‘844 Patent with right and standing
25 to bring actions for the infringement thereof. Ecojet obtained the exclusive license
26 from Lexor, Inc., the assignee of the ‘844 patent, who has complied with the
27 provisions of 35 U.S.C. § 287 with respect to ‘844 Patent.

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INFRINGEMENT

9. Luraco markets and manufactures, uses, sells, and/or offer for sale water jet pumps for use in the basin of a pedicure chair or whirlpool bath, including a water jet pump identified on Luraco’s website as the “Magna-JET,” “Dura-JET III,” and “Dura-JET 4,” “Magna-JET with built-in LED Lights” and “Dura-JET III with built in LED Lights.” These pumps will be hereinafter referred to as “Accused Products.” The following are photographs the Magna-JET model L0704C and portions thereof, which is exemplary of the Accused Products.



Pump

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Cap, Housing and Impeller

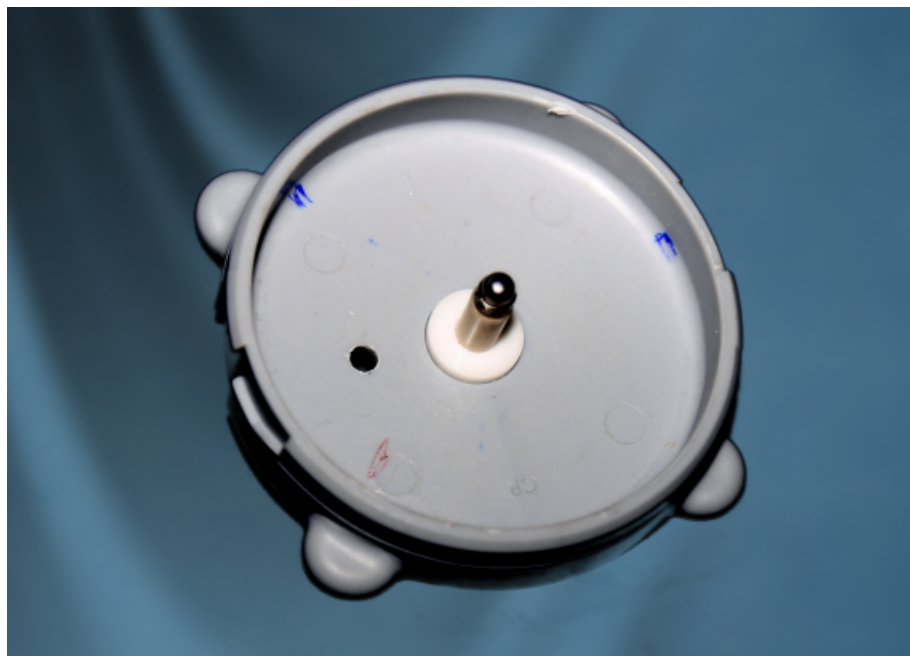


Cap (Top)

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Cap (Bottom)



Housing Inner Surface

1 10. The Accused Products include a housing supporting a motor rotatably
2 coupled to an impeller so as to drive the impeller about an axis.

3 11. The housing of the Accused Products comprises a shoulder configured to
4 mount the housing to the wall of a pedicure chair or whirlpool bath so that the housing
5 front part extends into the basin.

6 12. The Accused Products include a cap that has an outer surface, an inner
7 surface, and a circumferential rim.

8 13. The Accused Products include a cap releasably engaged with the housing
9 front part so as to define an interior chamber between the cap inner surface and
10 housing inner surface of the housing front part.

11 14. The Accused Products include a cap that has a plurality of spaced-apart
12 holes formed through the cap and defining an inlet aligned with the axis.

13 15. The Accused Products include a cap that has a plurality of spaced-apart
14 holes formed through the cap and defining an inlet disposed at and adjacent the axis.

15 16. The Accused Products include a wall formed circumferentially on the
16 inner surface of the cap surrounding the plurality of spaced-apart holes of the inlet
17 between the holes of the inlet and the circumferential rim.

18 17. The Accused Products include a cap with a wall formed by the inner
19 surface of the cap between the plurality of spaced apart holes of the inlet and the
20 circumferential rim.

21 18. The Accused Products include a cap with an outlet opening between the
22 inlet and the circumferential rim.

23 19. The Accused Products include a cap with a wall that extends
24 circumferentially so as to substantially surround the holes.

25 20. The Accused Products include a cap with an outlet opening that has a
26 nozzle formed on the outer surface of the cap.

27 21. The Accused Products include a cap with an outlet opening radially
28 spaced from the inlet.

1 22. The housing of the Accused Products includes a flat portion that lies in a
2 plane normal to the axis and has a reference slope.

3 23. The housing of the Accused Products includes an inclined portion
4 disposed radially outward from the flat portion.

5 24. The housing of the Accused Products includes a first point on the
6 inclined portion having a first slope that is greater than the reference slope.

7 25. The housing of the Accused Products includes an inner surface on the
8 housing terminating at an outer edge and having a second slope at or adjacent to the
9 outer edge and the second slope is greater than the first slope.

10 26. The outer part of the housing inner surface of the Accused Products at
11 and adjacent to the outer edge has an axial length and is parallel to the axis along its
12 axial length.

13 27. The slope of the housing inner surface of the Accused Products increases
14 moving radially from the flat portion towards the outer part or edge.

15 28. The housing inner surface of the Accused Products extends radially
16 outwardly from the axis and terminates at a circular outer edge.

17 29. The housing inner surface of the Accused Products has a first portion that
18 is radially spaced a distance from the axis and has a first slope relative to a plane
19 defined normal to axis.

20 30. The housing inner surface of the Accused Products has a second portion
21 that is disposed radially outward from the first portion and defined at and adjacent the
22 outer edge, and a point along the second portion has a slope relative to a plane defined
23 by normal to the axis, and has an axial length and is parallel to the axis along its axial
24 length.

25 31. The slope of the housing inner surface of the Accused Products has a
26 slope that increases moving radially from the aforementioned first to second portions.

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1 32. The cap of the Accused Products comprises an outlet spaced radially
2 from the inlet and that outlet opening is aligned with the aforementioned second
3 portion of the housing inner surface at or adjacent the outer edge.

4 33. The Accused Products have a circular outer edge.

5 34. The Accused Products include a cap with an inner surface that releasably
6 engages with the outer edge so that the outlet opening is aligned with the housing
7 inner surface.

8 35. The cap of the Accused Products is convex at the inlet.

9 36. The Accused Products comprise an inner zone of the cap inner surface in
10 the inlet has a first radial length and is inclined relative to the axis along the first radial
11 length, a medial zone of the cap inner surface has a second radial length and is normal
12 to the axis along the second radial length, and an outer zone of the cap inner surface
13 has a third radial length and is inclined relative to the axis along the third radial
14 length, the medial zone being between the inner and outer zones.

15 37. The Accused Products comprise a cap inner surface with a wall that
16 comprises the medial zone.

17 38. The Accused Products have an impeller disposed within the inner
18 chamber.

19 39. The Accused Products have an impeller that comprises a plurality of
20 vanes that extend radially outwardly from the axis.

21 40. The Accused Products have an impeller that comprises a base on a side
22 of the vanes opposite the cap inner surface and the flat portion of the housing inner
23 surface is at or adjacent to the base.

24 41. The Accused Products have an impeller that comprises a base on a side
25 of the vanes opposite the cap inner surface, the base having a radius and an outermost
26 radius of the flat portion of the housing inner surface that is greater than the impeller
27 base radius.

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1 42. The innermost radius of the flat portion of the housing inner surface of
2 the Accused Products is greater than the impeller base radius.

3 43. The distance along the axis between the impeller vanes and the inner
4 surface of the cap at the inlet in the Accused Products is greater than the distance
5 along the axis between the impeller vanes and the wall.

6 44. The Accused Products have an impeller that is rotatable by the motor to
7 draw water axially through the inlet.

8 45. The Accused Products have an impeller that is rotatable by the motor to
9 direct the water radially within the interior of the chamber so that the water flows over
10 the included portion and through the outlet opening and nozzle, such that water is
11 projected from the nozzle into the basin.

12 46. At least part of the flat portion of the housing inner surface of the
13 Accused Products is aligned with the inlet such that the impeller is interposed between
14 part of the housing inner surface and the cap inner surface.

15 47. The flat portion of the housing inner surface of the Accused Products lies
16 in the reference plane that is normal to the axis.

17 48. The cap inner surface of the Accused Products comprises an inlet and an
18 outlet, which are spaced radially and axially relative to each other, and the outlet point
19 is closer than the inlet point to a plane defined by the flat portion of the housing inner
20 surface.

21 49. The cap inner surface of the Accused Products comprises an inlet and a
22 wall, and a point along the wall is closer than the inlet point to a plane defined by the
23 flat portion of the housing inner surface.

24 50. The Accused Products comprise a wall that comprises the radially flat
25 portion of the cap inner surface.

26 51. The Accused Products comprise a wall that is defined by the inner
27 surface of the cap.

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1 52. The Accused Products comprise a wall that extends in a direction
2 transverse to the reference plane.

3 53. The cap inner surface of the Accused Product comprises an inlet and an
4 outlet, which are spaced radially and axially relative to each other, and a radially flat
5 portion that is interposed radially between the inlet and the outlet.

6 54. The Accused Products include a cap with a nozzle that extends from the
7 cap inner surface to a downstream nozzle opening that is spaced from the cap outer
8 surface.

9 CLAIM FOR PATENT INFRINGEMENT

10 55. Ecojet is the exclusive licensee of the '844 Patent, attached as Exhibit
11 "A" and fully incorporated as if set forth herein.

12 56. Lucaro has infringed, and continues to infringe, literally or under the
13 doctrine of equivalents, at least claims 4, 5, 6, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20,
14 21, 22, 24, 25, 26, 27, 28, 29, 30, 31, 32 and 33 by making, using, importing,
15 exporting, offering to sell, and selling water jet pumps, including the Accused
16 Products.

17 57. Luraco's infringement of the '844 Patent has caused, and continues to
18 cause, Ecojet irreparable harm for which there is no adequate remedy at law, unless
19 the Court enjoins Luraco from continuing its infringing activities.

20 58. Lucaro's infringement has injured Ecojet and Ecojet is entitled to recover
21 damages adequate to compensate it for such infringement, but in no event less than a
22 reasonable royalty.

23 59. Upon information and belief, Luraco's infringement of the '844 Patent is
24 willful.

25 PRAYER FOR RELIEF

26 WHEREFORE, Ecojet, asks this Court to enter judgment against Luraco and
27 against its subsidiaries, affiliates, agents, servants, employees, and all persons in
28 active concert or participation with them, granting the following relief:

1 1. Judgement in favor of Ecojet and against Luraco that Luraco infringed
2 the '844 Patent literally and under the doctrine of equivalents.

3 2. An award of damages adequate to compensate Ecojet for the
4 infringement that has occurred, together with prejudgment interest from the date
5 infringement of the '844 Patent began.

6 3. A preliminary and permanent injunction prohibiting further infringement
7 of the '844 Patent.

8 4. An award of attorneys' fees for willful and deliberate infringement
9 pursuant to 35 U.S.C. § 284.

10 5. A determination that this is an "exceptional case" pursuant to 35 U.S.C. §
11 285 and award Ecojet its reasonable legal fees, costs and expenses that it incurs in
12 prosecuting this action.

13 6. Such other and further relief as this Court or a jury may deem proper and
14 just.

15 Dated: March 15, 2016

FOX ROTHSCHILD LLP
KLEIN, O'NEILL & SINGH, LLP

17
18 By /s/ Jeff Grant
19 John Shaeffer
20 Jeff Grant
21 Tom Dao
22 Attorneys for Plaintiff,
23 ECOJET, INC.
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JURY DEMAND

Plaintiff Ecojet, Inc. hereby demands a jury on all claims and issues so triable.

Dated: March 15, 2016

FOX ROTHSCHILD LLP
KLEIN, O'NEILL & SINGH, LLP

By /s/ Jeff Grant
John Shaeffer
Jeff Grant
Tom Dao
Attorneys for Plaintiff,
ECOJET, INC.

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