

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

NATIONAL PRODUCTS INC.,

Case No. 2:16-cv-390

Plaintiff,

COMPLAINT

v.

JURY TRIAL DEMANDED

TRIPPE MANUFACTURING COMPANY,
d/b/a TRIPP LITE, AND TRIPP LITE
HOLDINGS, INC.,

Defendants.

Plaintiff National Products Inc. (“NPI”) brings this action against Defendant Trippe Manufacturing Company, d/b/a Tripp Lite, and Tripp Lite Holdings, Inc. (collectively “Defendants” or “Tripp Lite”) for an injunction, damages, and other appropriate relief to stop Defendants 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, Tripp Lite is a corporation organized and existing

1 under the laws of the State of Illinois, having its principal place of business at 1111 W. 35th
2 Street, Chicago, Illinois 60609.

3 4. Upon information and belief, Tripp Lite is a manufacturer and distributor of
4 mounting systems for consumer electronics, including cellular phones and tablets. Tripp Lite
5 advertises, markets, and sells its products, including the products that are the subject of the patent
6 infringement alleged in this lawsuit, to the public throughout the United States, including within
7 this judicial district.

8 **NATURE OF THE ACTION**

9 5. This is a civil action for infringement of United States Patent No. 6,585,212 (“the
10 ’212 patent”) under the patent laws of the United States, including, without limitation,
11 35 U.S.C. § 1 et seq.

12 **JURISDICTION AND VENUE**

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

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

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

THE '212 PATENT

9. On July 1, 2003, U.S. Patent No. 6,585,212 (“the ’212 patent”), entitled “Quick Release Electronics Platform,” was duly and legally issued to Jeffrey D. Carnevali. The ’212 patent is generally directed towards a mounting platform for an accessory device, such as, for example, a cellular phone, phablet, tablet, laptop, radar detector, handheld device, or the like.

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

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

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

COUNT I

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

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

14. Tripp Lite has directly infringed and continues to directly infringe at least claim 27 of the ’212 patent by making, using, offering to sell, and selling within the United States and/or importing into the United States products that infringe the ’212 patent, including all products that incorporate the desk clamp, including without limitation, the Full Motion Universal Tablet and Phone Desk Clamp (DDR0310SC) and the Full Motion Universal Tablet Desk Clamp (DDR1013SC) (collectively, “the Accused Products”).

15. Visual inspection of the Accused Products demonstrates that they literally infringe each and every element of claim 27. For example, Tripp Lite’s Product Description for the Full Motion Universal Tablet and Phone Desk Clamp (DDR0310SC) , a true and correct copy of

which is attached as **Exhibit B**, depicts the desk clamp as comprising the mounting platform of claim 27:



<https://www.tripp-lite.com/full-motion-universal-tablet-phone-desk-clamp~DDR0310SC/>.

16. As a direct and proximate consequence of Tripp Lite's infringement of the '212 patent, NPI has suffered irreparable harm, and NPI will continue to suffer irreparable harm in the future unless Tripp Lite is enjoined from infringing the '212 patent.

17. Upon information and belief, the continued infringement by Tripp Lite of the '212 patent is willful.

Prayer For Relief

WHEREFORE, NPI prays for the following relief:

- a. A judgment that Tripp Lite has infringed the '212 patent;
- b. A judgment that Tripp Lite's continued infringement of the '212 patent has been willful and deliberate;

1 c. An order preliminarily and permanently enjoining and restraining Tripp Lite, its
2 officers, directors, agents, servants, employees, licensees, attorneys, and all other persons acting
3 under or through it, directly or indirectly, from infringing the '212 patent;

4 d. A judgment and order requiring that Tripp Lite pay damages under 35 U.S.C. §
5 284, with prejudgment interest;

6 e. A judgment and order directing Tripp Lite to pay the costs of this action,
7 including all disbursements and attorney fees as provided by 35 U.S.C. § 285, with prejudgment
8 interest;

9 f. Such other and further relief as the Court may deem just and equitable.

10 **Demand For Jury Trial**

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

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13
14 NATIONAL PRODUCTS INC.

15 By its attorneys,

16 Dated: March 16, 2016

FENWICK & WEST LLP

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