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

NATIONAL PRODUCTS INC.,

Plaintiff,

v.

BELKIN INTERNATIONAL, INC.,

Defendant.

Case No. 2:16-cv-402

COMPLAINT

JURY TRIAL DEMANDED

Plaintiff National Products Inc. (“NPI”) brings this action against Defendant BELKIN INTERNATIONAL, INC. (“Defendant” or “Belkin”) 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 mounting platforms for attachment of suction cups, and in particular, suction cup mounting devices, such as, for example, mounting devices for a cellular phone.

3. Upon information and belief, Defendant Belkin is a corporation organized and

1 existing under the laws of the State of California, having its principal place of business at 12045
2 E. Waterfront Drive, Playa Vista, California 90094.

3 4. Upon information and belief, Belkin is a manufacturer and distributor of mounts
4 for cellular phones that can be used, for example, in cars. Belkin advertises, markets, and sells
5 its products, including the products that are the subject of the patent infringement alleged in this
6 lawsuit, to the public throughout the United States, including within this judicial district.

7 **NATURE OF THE ACTION**

8 5. This is a civil action for infringement of United States Patent No. 8,505,861 (“the
9 ’861 patent”) under the patent laws of the United States, including, without limitation,
10 35 U.S.C. § 1 et seq.

11 **JURISDICTION AND VENUE**

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

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

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

THE '861 PATENT

1
2 9. On August 13, 2013, U.S. Patent No. 8,505,861 (“the ’861 patent”), entitled
3 “Suction Cup Mounting Platform Having Flexible Base,” was duly and legally issued to Jeffrey
4 D. Carnevali. The ’861 patent is generally directed towards a mounting platform for attachment
5 of suction cups, and in particular, suction cup mounting devices, such as, for example, mounting
6 devices for a cellular phone.

7 10. NPI is the owner, by assignment, of all right, title, and interest in the ’861 patent,
8 including the rights to exclude others and to sue and recover damages for infringement.

9 11. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff
10 and/or all predecessors in interest and/or implied or express licensees of the ’861 patent, if any,
11 have complied with the marking requirements of 35 U.S.C. § 287 by fixing the word “patented”
12 together with the address of NPI’s website, which is accessible to the public without charge and
13 which associates the patented article with the ’861 patent in the “Patent and Trademarks” page of
14 NPI’s website, on all goods made, offered for sale, sold, and/or imported into the United States
15 that embody one or more claims of the ’861 patent.

16 12. A true and correct copy of the ’861 patent is attached as Exhibit A.

17 **COUNT I**
18 **(Patent Infringement of United States Patent No. 8,505,861)**

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

20 14. Belkin has directly infringed and continues to directly infringe at least claim 1 of
21 the ’861 patent by making, using, offering to sell, and selling within the United States and/or
22 importing into the United States products that infringe the ’861 patent, including all products that
23 incorporate the Dashboard Adapter, including without limitation, the Car Universal Mount.

24 15. Visual inspection of the Car Universal Mount demonstrates that it literally
25 infringes each and every element of claim 1. For example, Belkin’s website depicts the Car
26 Universal Mount as comprising the mounting platform of claim 1:
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<http://www.belkin.com/us/F8M978/p/P-F8M978/>.

16. As a direct and proximate consequence of Belkin's infringement of the '861 patent, NPI has suffered irreparable harm, and NPI will continue to suffer irreparable harm in the future unless Belkin is enjoined from infringing the '861 patent.

17. Upon information and belief, the continued infringement by Belkin of the '861 patent is willful.

PRAYER FOR RELIEF

WHEREFORE, NPI prays for the following relief:

- a. A judgment that Belkin has infringed the '861 patent;
- b. An order preliminarily and permanently enjoining and restraining Belkin, its officers, directors, agents, servants, employees, licensees, attorneys, and all other persons acting under or through it, directly or indirectly, from infringing the '861 patent;
- c. A judgment and order requiring that Belkin pay damages under 35 U.S.C. § 284, with prejudgment interest;
- d. A judgment and order directing Belkin to pay the costs of this action, including all disbursements and attorney fees as provided by 35 U.S.C. § 285, with prejudgment interest;
- e. Such other and further relief as the Court may deem just and equitable.

DEMAND FOR JURY TRIAL

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

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NATIONAL PRODUCTS INC.

By its attorneys,

Dated: March 18, 2016

FENWICK & WEST LLP

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