

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

NEWTON ENTERPRISES LTD.,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:16-cv-1496
)	
SINGLETON TRADING INC. d/b/a ELAMA)	Jury Trial Demanded
d/b/a BLUE SPOTLIGHT)	
)	
Defendant.)	
)	

COMPLAINT

Newton Enterprises Ltd. (“Plaintiff”), by counsel, for its Complaint against Singleton Trading Inc. d/b/a Elama d/b/a Blue Spotlight (“Defendant”), states as follows:

The Parties

1. Plaintiff is a limited company organized under the laws of the Hong Kong with its principal place of business located at Room 702-703, Empire Centre, 68 Mody Road, Tsim Sha Tsui East, Kowloon, Hong Kong.

2. On information and belief, Defendant is a corporation organized under the laws of the State of Delaware with its principal place of business located at 198 Middleton Street, Brooklyn, NY 11206.

Jurisdiction and Venue

3. This is an action for patent infringement arising under the patent laws of the United States, Title 35, United States Code.

4. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. Defendant is subject to personal jurisdiction in the Southern District of Indiana (the “District”), consistent with the principles of due process and the Indiana Long Arm Statute, because Defendant offer its products for sale in this District, has transacted business in this District, has committed and/or induced acts of patent infringement in this District, and/or has placed infringing products into the stream of commerce through established distribution channels with the expectation that such products will be purchased by residents of this District.

6. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b), 1391(c), 1391(d), and 1400(b).

Background Facts

7. On August 4, 2009, U.S. Patent No. 7,568,720 (the “’720 Patent”) was issued for an invention entitled “WHEELED VEHICLE,” listing Matthew E. Golias as the inventor. A true and correct copy of the ‘720 Patent is attached hereto as **Exhibit A**.

8. The ‘720 Patent covers a wheeled vehicle such as a tricycle able to be folded from an in use position to a carryable storage position.

9. All right, title and interest in and to the ‘720 Patent was assigned by the inventor to Funtastic Limited on December 24, 2013. Subsequently, Funtastic Limited assigned all right, title and interest in and to the ‘720 Patent to Plaintiff on March 13, 2014.

10. Plaintiff is currently the owner of all right, title, and interest in ‘720 Patent.

11. Defendant has infringed and/or induced others to infringe the ‘720 Patent by making, using, offering to sell, and/or selling in the United States, and/or importing into the United States, a foldable tricycle that practices at least one invention claimed in the ‘720 Patent.

12. By way of example and not limitation, Defendant's Zoom Bike product, a photograph of which is submitted herewith as **Exhibit B**, infringes all of the elements of at least one or more of independent claims 1, 2, 4, and 12 of the '720 Patent.

13. Defendant has profited through infringement of the '720 Patent. As a result of Defendant's unlawful infringement of the '720 Patent, Plaintiff has suffered damage. Plaintiff is entitled to recover from Defendant the damages suffered by Plaintiff as a result of Defendant's unlawful acts.

14. On information and belief, Defendant's infringement of the '720 Patent has been willful and deliberate, entitling Plaintiff to enhanced damages and reasonable attorney fees and costs.

15. In the event that Defendant continues its unlawful infringing activity, Plaintiff will suffer irreparable harm unless Defendant is enjoined from further infringement by this Court.

COUNT I
Infringement of '720 Patent

16. Plaintiff incorporates by reference the allegations of the foregoing paragraphs, inclusive, as if the same were here set out in full.

17. Plaintiff is the owner of all right, title, and interest in the '720 Patent.

18. Defendant has used, sold or offered to sell products that infringe each of the elements of one or more claims of the '720 Patent, without license from Plaintiff, in this judicial district and elsewhere throughout the United States.

19. Defendant directly infringed, induced infringement of, and/or contributorily infringed the '720 Patent by, among other things, making, using, offering to sell or selling in the United States, or importing into the United States, products that infringe each of the elements of one or more claims of the '720 Patent.

20. On information and belief, Defendant's infringement of the '720 Patent was willful and deliberate.

21. As a direct and proximate consequence of the acts and practices of Defendant, Plaintiff has been injured in its business and property rights, and has suffered injury and damages for which it is entitled to relief under 35 U.S.C. § 284.

Relief Requested

Wherefore, Plaintiff prays for relief as follows:

- A. For a judgment declaring that Defendant has infringed the '720 Patent;
- B. For a judgment awarding Plaintiff compensatory damages as a result of Defendant's infringement of the '720 Patent, together with interest and costs, and in no event less than a reasonable royalty;
- C. For a judgment declaring that Defendant's infringement of '720 Patent has been willful and deliberate;
- D. For a judgment awarding Plaintiff treble damages and pre-judgment interest under 35 U.S.C. § 284 as a result of Defendant's willful and deliberate infringement of the '720 Patent;
- E. For a judgment declaring that this case is exceptional and awarding Plaintiff its expenses, costs, and attorneys' fees in accordance with 35 U.S.C. §§ 284 and 285 and Rule 54(d) of the Federal Rules of Civil Procedure;
- F. For a grant of a permanent injunction pursuant to 35 U.S.C. § 283, enjoining Defendant from further acts of infringement; and
- G. For such other and further relief as the Court deems just and proper.

DATED this 17th day of June, 2016

Respectfully submitted,

s/Bradley M. Stohry

Bradley M. Stohry

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