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10 IN THE UNITED STATES DISTRICT COURT

11 FOR THE DISTRICT OF UTAH

15 BRANDON ROBINSON, an individual

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18 Plaintiff,

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20 DEFY WATERFLIGHT, LLC

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23 Defendants.

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Verified

COMPLAINT

Civil Action No. 2:16-cv-00833-EJF

(Patent Infringement)

(Jury Trial Demanded)

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26 For its complaint against Defendant Defy Waterflight, LLC, Plaintiff Brandon Robinson
27 alleges as follows:
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1 9. Plaintiff incorporates by reference and re-alleges each of the allegations set forth in
2 Paragraphs 1 through 8 as if set forth fully herein.

3 10. By manufacturing, using, importing, selling and/or offering the Defy Jetdeck X3 for
4 sale in the United States without authority from Plaintiff, Defendant has infringed, and continues to
5 infringe, one or more claims of the '206 Patent.

6 11. Plaintiff has suffered and will continue to suffer damages on account of Defendant's
7 infringement and continuing infringement of the '206 Patent.

8 12. Plaintiff is entitled to damages adequate to compensate for Defendant's wrongful acts
9 as provided by 35 U.S.C. § 284 including, but not limited to, a reasonable royalty from the sales of
10 infringing products and parts therefore and for its lost profits.

11 13. Plaintiff is entitled to recover its costs as provided by 35 U.S.C. § 284.

12 14. Plaintiff is entitled to recover its attorneys' fees as provided by 35 U.S.C. §285.

13 **DEMAND FOR JURY TRIAL**

14 15. Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff respectfully
15 requests a trial by jury of all issues properly triable by jury.

16 **PRAYER FOR RELIEF**

17 WHEREFORE, Plaintiff prays for relief as follows:

18 A. For a judgment declaring that Defendant has infringed the '206 Patent;

19 B. For a judgment awarding Plaintiff compensatory damages as a result of Defendant's
20 infringement of the '206 Patent, together with interest and costs, and in no event less than
21 a reasonable royalty;

22 C. For a judgment declaring that Defendant's infringement of the '206 Patent has been
23 willful and deliberate; since the date of service of this lawsuit,

24 D. For a judgment awarding Plaintiff treble damages and pre-judgment interest under 35
25 U.S.C. § 284 as a result of Defendant's willful and deliberate infringement of the '206
26 Patent;

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- 1 E. For a judgment declaring that this case is exceptional and awarding Plaintiff its expenses,
2 costs, and attorneys' fees in accordance with 35 U.S.C. §§ 284 and 285 and Rule 54(d) of
3 the Federal Rules of Civil Procedure;
4 F. For such other and further relief as the Court deems just and proper.
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6
7 DATED this 26th day of July, 2016.
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10 By: /s/ Scott D. Swanson

11 Scott D. Swanson

12 **Shaver & Swanson, LLP**

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14 Boise, ID 83701

15
16 Rick Martin

17 **Patent Law Offices of Rick Martin, P.C.**

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