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10	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH	
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14		Verified
15) COMPLAINT
16	BRANDON ROBINSON, an individual) Civil Action No. 2:16-cv-00833-EJF
17)
18	Plaintiff,) (Patent Infringement)
19	-V-)
20))
21	DEFY WATERFLIGHT, LLC) (Jury Trial Demanded)
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23	Defendants.)
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27	For its complaint against Defendant Defy Waterflight, LLC, Plaintiff Brandon Robinson	
28	alleges as follows:	

- 1. Plaintiff, Brandon Robinson is an individual having a residence address at 26404 Lake Unity Road, Fruitland Park, FL 34731 (Robinson).
- 2. Defendant Defy Waterflight, LLC is a Utah limited liability company having a business address at 204 West 1700 South, Salt Lake City, UT 84115 (Defy).
- 3. This is an action arising under the Patent Laws of the United States, Title 35 of the United States Code. Original jurisdiction is predicated under 28 U.S.C. §§ 1332 and 1338. Venue in Utah is proper under 28 U.S.C. §§ 1391 and 1400.

GENERAL ALLELGATIONS

- 4. Plaintiff is the owner of U.S. Patent No. 9,145,206 titled WATER PROPELLED FLYING BOARD (the "'206 Patent"). The '206 Patent was issued on September 29, 2015 from an application filed October 30, 2013 with a provisional application No. 61/720,791 filed 10/31/2012 as a priority date. A copy of the '206 Patent is attached hereto as Exhibit A.
- 5. Defendant is infringing the '206 Patent by making, using, importing, offering to sell, and/or selling in the United States products or processes that practice one or more claims of the '206 Patent, including the Defy Jetdeck X3. Copies of the web pages advertising the Defy Jetdeck X3 are attached hereto as Exhibit B.
- 6. Defendant markets and sells their Defy Jet Deck X3 directly to consumers through a website at www.defywaterflight.com.
- 7. The Defy Jetdeck X3 has "independent foot movement" as described in Claim 1 of the '206 Patent.
- 8. Defendant has profited through infringement of the '206 Patent. As a result of Defendant's unlawful infringement of the '206 Patent, Plaintiff has suffered and will continue to suffer damage. Plaintiff is entitled to recover from Defendant the damages suffered by Plaintiff, at least a reasonable royalty, as a result of Defendant's unlawful acts.

CLAIM FOR RELIEF

(PATENT INFRINGEMENT)

- 9. Plaintiff incorporates by reference and re-alleges each of the allegations set forth in Paragraphs 1 through 8 as if set forth fully herein.
- 10. By manufacturing, using, importing, selling and/or offering the Defy Jetdeck X3 for sale in the United States without authority from Plaintiff, Defendant has infringed, and continues to infringe, one or more claims of the '206 Patent.
- 11. Plaintiff has suffered and will continue to suffer damages on account of Defendant's infringement and continuing infringement of the '206 Patent.
- 12. Plaintiff is entitled to damages adequate to compensate for Defendant's wrongful acts as provided by 35 U.S.C. § 284 including, but not limited to, a reasonable royalty from the sales of infringing products and parts therefore and for its lost profits.
 - 13. Plaintiff is entitled to recover its costs as provided by 35 U.S.C. § 284.
 - 14. Plaintiff is entitled to recover its attorneys' fees as provided by 35 U.S.C. §285.

DEMAND FOR JURY TRIAL

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

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for relief as follows:

- A. For a judgment declaring that Defendant has infringed the '206 Patent;
- B. For a judgment awarding Plaintiff compensatory damages as a result of Defendant's infringement of the '206 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 the '206 Patent has been willful and deliberate; since the date of service of this lawsuit,
- 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 '206
 Patent;

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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7	DATED this 26th day of July, 2016.	
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10	By: /s/ Scott D. Swanson	
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