

2. The '627 patent generally relates to wireless handheld devices for facilitating and executing mobile transactions, including financial transfers, recordable authorization transfers, and other information transfers.

THE PARTIES

3. Sentegra is a limited liability company, organized and existing under the laws of the State of Delaware, having a place of business at 869 Homestake Court, Castle Rock, CO 80108.

4. Upon information and belief, Defendant F5CS Limited is a foreign corporation, organized and existing under the laws of the United Kingdom, and is headquartered at Fusion5, Unit 3, Evans Business Centre, Belmont Industrial Estate, Durham, DH1 1ST.

5. Upon information and belief, Defendant Fusion5 Tablets Limited is a foreign corporation, organized and existing under the laws of the United Kingdom, and is headquartered at Fusion5, Unit 3, Evans Business Centre, Belmont Industrial Estate, Durham, DH1 1ST.

6. Upon information and belief, Defendants F5CS Limited and Fusion5 Tablets Limited have United States subsidiaries under the same names: F5CS Limited and Fusion5 Tablets Limited. Upon information and belief, the United States subsidiaries are organized and existing under the laws of the State of Delaware, and have a principal place of business at 207 King Road, Suite 104, Hackberry Business Park, Frisco, Texas 75034.

7. Upon information and belief, Defendants have engaged in the design, manufacture, marketing and sale of one or more Fusion5-branded mobile devices, including but not limited to the 10.1" Fusion5 Android 7.0 Nougat (SKU: NK-2HSB-64PB-US), Fusion5 7" Ergonomic Designed Kids Tablet (SKU: RZ-P4XD-VPBL), Fusion5 7" Quad Core 774 IPS Google Android Lollipop 5.1 Tablet (SKU: J4-DVMO-6YVW), Fusion5 7" Ergonomic Design Kids Tablet (SKU: N1-XVW7-ZBCS), Fusion5 10.1" 104A (SKU: PP-AQNF-OR4B), Fusion5 10.1" Android Tablet

(SKU: KO-KZOP-WMXL), Fusion5 Android 4.4 KitKat 10.1” (SKU: MD-WEPZ-5DM7), Fusion5 10.1” 104 (SKU: 4G-STMM-10D8), Fusion5 7” 3G Phone Calling Tablet (SKU: P4-FUUO-F22T), Fusion5 108 Octa Core Android Tablet (SKU: 9K-2O7J-CKZL), Fusion5 10” Windows Tablet (SKU: 07-VNOT-LRFX), Fusion5 Ultra Slim Windows Tablet (SKU: K3-9OUR-ML99), Fusion5 Ultra Slim Windows Tablet (SKU: MU-ANFY-VTRB), and the Fusion5 5.5” Gen II (SKU: I1-JAFZ-DG7R-USA) (collectively the “Fusion5 Accused Products”).

JURISDICTION

8. This is an action for patent infringement arising under the patent laws of the United States of America, more specifically under 35 U.S.C. § 100, *et seq.* Subject matter jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 and 1338.

9. The Court has personal jurisdiction over Defendants because Defendants, among other things, conduct business in, and avail themselves of the laws of, the State of New York. Upon information and belief, Defendants through their own acts and/or through the acts of their affiliated companies (acting as its agents or alter egos) make, use, offer to sell, sell (directly or through intermediaries), import, license and/or supply, in this District and elsewhere in the United States, products, through regular distribution channels, knowing such products would be used, offered for sale and/or sold in this District. Plaintiff’s cause of action arises directly from Defendants’ business contacts and other activities in the State of New York and in this District.

10. Upon information and belief, Defendants directly or through their subsidiaries or intermediaries, make, use, offer for sale, sell, import, advertise, make available and/or market and, at all relevant times have made, used, offered for sale, sold, imported, advertised and made available and/or marketed products within the Southern District of New York, through their

www.fusion5store.com website, and including but not limited to through the www.amazon.com, and other websites thereby infringing the '627 patent.

VENUE

11. Venue properly lies within this judicial district and division, pursuant to 28 U.S.C. §§ 1391(b), (c), and (d), and 1400(b).

12. Upon information and belief, Defendants conduct substantial business directly and/or through third parties or agents in this District by selling and/or offering to sell the Fusion5 Accused Products and/or by conducting other business in this District.

13. Venue is also proper in this judicial district pursuant to 28 U.S.C. §1391(c)(3) because Defendants are not residents in the United States.

INFRINGEMENT OF U.S. PATENT NO. 8,706,627

14. Sentegra incorporates by reference the allegations set forth in the preceding paragraphs.

15. On April 22, 2014, the '627 patent, entitled "Apparatus, Systems and Methods for Wirelessly Transacting Financial Transfers, Electronically Recordable Authorization Transfers, and Other Information Transfers," was duly and lawfully issued based upon an application filed by the inventor, Jon Shore. A true and correct copy of the '627 Patent is attached hereto as Exhibit 1.

16. Sentegra is the assignee and the owner of all right, title and interest in and to the '627 patent, and has the right to sue and recover damages for infringement thereof.

17. Upon information and belief, Defendants have been and continue to be engaged in making, using, importing, selling and/or offering for sale infringing products, including, but not limited to, the Fusion5 Accused Products in the United States generally, and in the Southern

District of New York specifically. The Fusion5 Accused Products are available for retail purchase through the www.fusion5store.com, and www.amazon.com websites.

18. Upon information and belief, by acts including, but not limited to use, making, importation, offers to sell, sales and marketing of products that fall within the scope of at least claim 1 of the '627 patent, Defendants have directly infringed literally and/or upon information and belief, equivalently, and is continuing to infringe the '627 patent and is thus liable to Sentegra pursuant to 35 U.S.C. § 271.

19. Defendants have indirectly infringed and continue to infringe at least claim 1 of the '627 patent by inducement under 35 U.S.C. 271(b). Defendants have induced and continue to induce users and retailers of the Fusion5 Accused Products to directly infringe at least claim 1 of the '627 patent.

20. Upon information and belief, Defendants knowingly induced customers to use their Fusion5 Accused Products, including, for example, by promoting such products online (e.g., www.fusion5store.com) and/or providing customers with instructions and/or manuals for using the Fusion5 Accused Products. Likewise, Defendants knowingly induced retailers to market and sell the Fusion5 Accused Products.

21. Defendants' infringement of the '627 patent is without consent of, authority of, or license from Sentegra.

22. Upon information and belief, Defendants' infringement of the '627 patent is willful. This action, therefore, is "exceptional" within the meaning of 35 U.S.C. § 285 entitling Sentegra to its attorneys' fees and expenses.

23. As a result of Defendants' acts of infringement, Sentegra has suffered and will continue to suffer damages in an amount to be proven at trial.

PRAYER FOR RELIEF

WHEREFORE, Sentegra requests this Court enter judgment as follows:

- A. That the '627 patent is valid and enforceable;
 - B. That Defendants have directly and indirectly infringed at least claim 1 of the '627 patent;
 - C. That such infringement is willful;
 - D. That Defendants account for and pay to Sentegra all damages pursuant to 35 U.S.C. § 284 to adequately compensate Sentegra for Defendants' infringement of the '627 patent, but in no event less than a reasonable royalty for the use made by Defendants of the invention set forth in the '627 patent;
 - E. That Sentegra receives enhanced damages, in the form of treble damages, pursuant to 35 U.S.C. § 284;
 - F. That this is an exceptional case under 35 U.S.C. § 285;
 - G. That Defendants pay Sentegra all of Sentegra's reasonable attorneys' fees and expenses pursuant to 35 U.S.C. § 285;
 - H. That Sentegra be granted pre-judgment and post-judgment interest in accordance with 35 U.S.C. § 284 on the damages caused to it by reason of Defendants' infringement of the '627 patent, including pre-judgment and post-judgment interest on any enhanced damages or attorneys' fees award;
 - I. That costs be awarded in accordance with 35 U.S.C. § 284 to Sentegra;
- and
- J. That Sentegra be granted such other and further relief as the Court may deem just and proper under the circumstances.

DEMAND FOR JURY TRIAL

Sentegra hereby demands a trial by jury on all issues so triable in this action.

Dated: March 19, 2019

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