

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

Bushnell Inc., a Delaware corporation and
Laser Technology, Inc., a Delaware
corporation,

Plaintiffs,

v.

Sakar International, Inc., a New York
corporation,

Defendant.

Civil No. 11-CV-2501 JAR/DJW

Complaint

Plaintiffs Bushnell Inc. and Laser Technology, Inc., for their causes of action against Sakar International, Inc., allege and state as follows:

Parties

1. Plaintiff Bushnell Inc. (“Bushnell”) is a corporation duly organized under the laws of the State of Delaware with a principal place of business at 9200 Cody, Overland Park, Kansas, 66214.

2. Plaintiff Laser Technology, Inc. (“LTI”) is a corporation duly organized under the laws of the State of Delaware with a principal place of business at 7070 South Tucson Way, Centennial, Colorado, 80112. Bushnell and LTI will be collectively referred to as Plaintiffs.

3. Upon information and belief, Defendant Sakar International, Inc. (“Sakar” or “Defendant”) is a New York corporation with a principal place of business at 195 Carter Drive, Edison, New Jersey, 08817.

Jurisdiction and Venue

4. Plaintiffs incorporate by reference and re-allege the allegations in paragraphs 1 – 3, above, as if fully set forth herein.

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

6. This Court has jurisdiction over the subject matter of this action pursuant to the provisions of 28 U.S.C. §§ 1331 and 1338(a).

7. This Court has personal jurisdiction over Sakar pursuant to due process and/or the Kansas long arm statute due to at least Sakar’s distribution, sale, and/or offers to sell throughout the United States, including within Kansas and this District, products accused of infringement herein.

8. Venue is proper in this District in accordance with 28 U.S.C. §§ 1391(b) – (c), and 1400(b). Upon information and belief, Sakar sells various products, including the products complained of herein, throughout the United States and within this judicial district.

Count I – Patent Infringement
(U.S. Patent No. 5,612,779)

9. Plaintiffs incorporate by reference and re-allege the allegations in paragraphs 1 – 8, above, as if fully set forth herein.

10. On March 18, 1997, U.S. Patent No. 5,612,779 (the “ ’779 Patent”), entitled “Automatic Noise Threshold Determining Circuit and Method For a Laser Range Finder,” was duly and legally issued by the United States Patent and Trademark Office. A true and accurate copy of the ’779 Patent is attached hereto as Exhibit A.

11. Except as set forth below, LTI owns all right, title, and interest in and to the ’779 Patent, including full rights to recover past and future damages thereunder. Bushnell is the

exclusive licensee of the '779 Patent within the field including the products accused of infringement herein, and Plaintiffs between them have full rights to recover past and future damages thereunder.

12. Bushnell sells, and/or offers for sale in the United States laser range finders that embody the claimed inventions of the '779 Patent. Bushnell has placed and continues to place the required statutory notice that its laser range finders are protected by the '779 Patent on Bushnell's laser range finders that embody the claimed inventions of the '779 Patent.

13. Upon information and belief, Sakar imports, distributes, sells, and/or offers to sell throughout the United States, including within this District, one or more lines of laser range finders, including, but not limited to, lines of products sold by Sakar under the name Vivitar 6x25. Upon information and belief, by reason of its commercial activities, Sakar has, and is still, directly infringing, contributorily infringing, and/or inducing infringement of, the '779 Patent by making, using, selling, and/or offering for sale laser range finders, including at least the Vivitar 6x25.

14. Upon information and belief, Sakar has deliberately and willfully infringed the '779 Patent and will continue to infringe the '779 Patent and Plaintiffs will be irreparably harmed unless Sakar is enjoined by this Court under 35 U.S.C. § 283 from its continuing infringement.

15. As a direct and proximate result of Sakar's infringement of the '779 Patent, Plaintiffs have been, and are continuing to be, damaged and are entitled to recover damages from Sakar under 35 U.S.C. § 284.

Count II – Patent Infringement
(U.S. Patent No. 5,652,651)

16. Plaintiffs incorporate by reference and re-allege the allegations in paragraphs 1 – 15, above, as if fully set forth herein.

17. On July 29, 1997, U.S. Patent No. 5,652,651 (the “ ’651 Patent”), entitled “Laser Range Finder Having Selectable Target Acquisition Characteristics and Range Measuring Precision,” was duly and legally issued by the United States Patent and Trademark Office. A true and accurate copy of the ’651 Patent is attached hereto as Exhibit B.

18. Except as set forth below, LTI owns all right, title, and interest in and to the ’651 Patent, including full rights to recover past and future damages thereunder. Bushnell is the exclusive licensee of the ’651 Patent within the field including the products accused of infringement herein, and Plaintiffs between them have full rights to recover past and future damages thereunder.

19. Upon information and belief, Sakar imports, distributes, sells, and/or offers to sell throughout the United States, including within this District, one or more lines of laser range finders, including, but not limited to, lines of products sold by Sakar under the name Vivitar 6x25. Upon information and belief, by reason of its commercial activities, Sakar has, and is still, directly infringing, contributorily infringing, and/or inducing infringement of, the ’651 Patent by making, using, selling, and/or offering for sale laser range finders, including at least the Vivitar 6x25.

20. Upon information and belief, Sakar has deliberately and willfully infringed the ’651 Patent and will continue to infringe the ’651 Patent and Plaintiffs will be irreparably harmed unless Sakar is enjoined by this Court under 35 U.S.C. § 283 from its continuing infringement.

21. As a direct and proximate result of Sakar's infringement of the '651 Patent, Plaintiffs have been, and are continuing to be, damaged and are entitled to recover damages from Sakar under 35 U.S.C. § 284.

Count III – Patent Infringement
(U.S. Patent No. 5,926,259)

22. Plaintiffs incorporate by reference and re-allege the allegations in paragraphs 1 – 21, above, as if fully set forth herein.

23. On July 20, 1999, U.S. Patent No. 5,926,259 (the “ '259 Patent”), entitled “Laser Range Finder with Target Quality Display,” was duly and legally issued by the United States Patent and Trademark Office. A true and accurate copy of the '259 Patent is attached hereto as Exhibit C.

24. Bushnell owns all right, title, and interest in and to the '259 Patent, including full rights to recover past and future damages thereunder.

25. Upon information and belief, Sakar imports, distributes, sells, and/or offers to sell throughout the United States, including within this District, one or more lines of laser range finders, including, but not limited to, lines of products sold by Sakar under the name Vivitar 6x25. Upon information and belief, by reason of its commercial activities, Sakar has, and is still, directly infringing, contributorily infringing, and/or inducing infringement of, the '259 Patent by making, using, selling, and/or offering for sale laser range finders, including at least the Vivitar 6x25.

26. Upon information and belief, Sakar has deliberately and willfully infringed the '259 Patent and will continue to infringe the '259 Patent and Bushnell will be irreparably harmed unless Sakar is enjoined by this Court under 35 U.S.C. § 283 from its continuing infringement.

27. As a direct and proximate result of Sakar's infringement of the '259 Patent, Bushnell has been, and is continuing to be, damaged and is entitled to recover damages from Sakar under 35 U.S.C. § 284.

Count IV – Patent Infringement
(U.S. Patent No. 6,057,910)

28. Plaintiffs incorporate by reference and re-allege the allegations in paragraphs 1 – 27, above, as if fully set forth herein.

29. On May 2, 2000, U.S. Patent No. 6,057,910 (the “ '910 Patent”), entitled “Self-Calibrating Precision Timing Circuit and Method for a Laser Range Finder,” was duly and legally issued by the United States Patent and Trademark Office. A true and accurate copy of the '910 Patent is attached hereto as Exhibit D.

30. Except as set forth below, LTI owns all right, title, and interest in and to the '910 Patent, including full rights to recover past and future damages thereunder. Bushnell is the exclusive licensee of the '910 Patent within the field including the products accused of infringement herein, and Plaintiffs between them have full rights to recover past and future damages thereunder.

31. Bushnell sells, and/or offers for sale in the United States laser range finders that embody the claimed inventions of the '910 Patent. Bushnell has placed and continues to place the required statutory notice that its laser range finders are protected by the '910 Patent on Bushnell's laser range finders that embody the claimed inventions of the '910 Patent.

32. Upon information and belief, Sakar imports, distributes, sells, and/or offers to sell throughout the United States, including within this District, one or more lines of laser range finders, including, but not limited to, lines of products sold by Sakar under the name Vivitar 6x25. Upon information and belief, by reason of its commercial activities, Sakar has, and is still,

directly infringing, contributorily infringing, and/or inducing infringement of, the '910 Patent by making, using, selling, and/or offering for sale laser range finders, including at least the Vivitar 6x25.

33. Upon information and belief, Defendants have deliberately and willfully infringed the '910 Patent and will continue to infringe the '910 Patent and Plaintiffs will be irreparably harmed unless Defendants are enjoined by this Court under 35 U.S.C. § 283 from their continuing infringement.

34. As a direct and proximate result of the Defendants' infringement of the '910 Patent, Plaintiffs have been, and are continuing to be, damaged and are entitled to recover damages from Defendants under 35 U.S.C. § 284.

Count V – Patent Infringement
(U.S. patent No. 6,226,077)

35. Plaintiffs incorporate by reference and re-allege the allegations in paragraphs 1 – 34, above, as if fully set forth herein.

36. On May 1, 2001, U.S. Patent No. 6,226,077 (the “ '077 Patent”), entitled “Self-Calibrating Precision Timing Circuit and Method for A Laser Range Finder,” was duly and legally issued by the United States Patent and Trademark Office. A true and accurate copy of the '077 Patent is attached hereto as Exhibit E.

37. Except as set forth below, LTI owns all right, title, and interest in and to the '077 Patent, including full rights to recover past and future damages thereunder. Bushnell is the exclusive licensee of the '077 Patent within the field including the products accused of infringement herein, and Plaintiffs between them have full rights to recover past and future damages thereunder.

38. Bushnell sells, and/or offers for sale in the United States laser range finders that embody the claimed inventions of the '077 Patent. Bushnell has placed and continues to place the required statutory notice that its laser range finders are protected by the '077 Patent on Bushnell's laser range finders that embody the claimed inventions of the '077 Patent.

39. Upon information and belief, Sakar imports, distributes, sells, and/or offers to sell throughout the United States, including within this District, one or more lines of laser range finders, including, but not limited to, lines of products sold by Sakar under the name Vivitar 6x25. Upon information and belief, by reason of its commercial activities, Sakar has, and is still, directly infringing, contributorily infringing, and/or inducing infringement of, the '077 Patent by making, using, selling, and/or offering for sale laser range finders, including at least the Vivitar 6x25.

40. Upon information and belief, Sakar has deliberately and willfully infringed the '077 Patent and will continue to infringe the '077 Patent and Plaintiffs will be irreparably harmed unless Sakar is enjoined by this Court under 35 U.S.C. § 283 from its continuing infringement.

41. As a direct and proximate result of Sakar's infringement of the '077 Patent, Plaintiffs have been, and are continuing to be, damaged and are entitled to recover damages from Sakar under 35 U.S.C. § 284.

WHEREFORE, Plaintiffs request that this court enter a judgment:

(a) Preliminarily and permanently enjoining and restraining Sakar, its officers, directors, agents, dealers, representatives, servants, and employees, and all parties in active concert with Sakar, from directly infringing, contributorily infringing, or inducing infringement of U.S. Patents No. 5,612,779, 5,652,651, 5,926,259, 6,057,910, and 6,226,077;

(b) Finding Sakar's infringement of U.S. Patents No. 5,612,779, 5,652,651, 5,926,259, 6,057,910, and 6,226,077 to be willful;

(c) Granting to Plaintiffs an award of damages, together with prejudgment interest, for the damages suffered by Plaintiffs as a result of infringement by Sakar, and an award trebling said damages as a result of the willful nature of Sakar's infringement in accordance with 35 U.S.C. § 284;

(d) Awarding Plaintiffs their costs and attorneys' fees, pursuant to 35 U.S.C. § 285; and

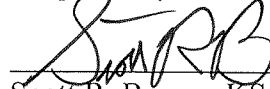
(e) Granting Plaintiffs such other and further relief and remedy as justice may require.

Jury Demand

Plaintiffs Bushnell and LTI demand a trial by jury in this matter.

Dated: September 2, 2011

Respectfully Submitted,



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