

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

STEVEN J. OROSZ, JR. and
FLORENCE L. SCHROEDER

Plaintiffs,

vs.

STAR ASIA, U.S.A., LLC

Defendant.

) Case No.:

) Judge:

) **COMPLAINT FOR PATENT**
) **INFRINGEMENT AND DEMAND**
) **FOR JURY TRIAL**

) Mark C. Schaffer (OSCT #0000665)
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_____)
Plaintiffs Steven J. Orosz, Jr. ("Orosz") and Florence L. Schroeder ("Schroeder")
bring this action against defendant Star Asia, U.S.A., LLC ("Star Asia"), and allege as
follows:

THE PARTIES

1. Orosz is an individual having an address in the city of Oregon in Lucas County, Ohio. Orosz is the inventor of and owns an interest in the patent at issue in this case.

2. Schroeder is an individual having an address in the city of Sylvania in Lucas County, Ohio, and owns an interest in the patent at issue in this case.

3. Star Asia is a limited liability company organized and existing under the laws of the State of Washington, having a principal place of business at 6528 S. 216th Street, Kent, Washington 98032, and is doing business in this judicial district and elsewhere in the United States. Star Asia may be served with process by serving its registered agent, Steve Tsitsis, 7638 S. Mission Drive, Seattle, Washington 98178-3140.

JURISDICTION

4. This is an action for patent infringement arising under the provisions of the Patent Laws of the United States of America, Title 35, United States Code.

5. Subject-matter jurisdiction over Orosz and Schroeder's claims is conferred upon this Court by 28 U.S.C. §§ 1331 and 1338(a).

6. On information and belief, Star Asia has directly or indirectly solicited business in the State of Ohio, transacted business within the State of Ohio and attempted to derive financial benefit from residents of the State of Ohio, including benefits directly related to the instant patent infringement cause of action set forth herein.

7. On information and belief, Star Asia has placed infringing laser level devices into the stream of commerce throughout the United States, which laser level devices have

been offered for sale, sold and/or used in the State of Ohio and in the Northern District of Ohio.

8. Star Asia has, directly or through its subsidiaries, divisions, groups or retailers, committed acts of infringement in this judicial district, is subject to personal jurisdiction in this judicial district, and/or is doing business in this judicial district.

9. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(c) and 1400(b) and Rule 3.8 of the Local Civil Rules for the Northern District of Ohio.

PATENT INFRINGEMENT

10. On November 17, 1998, U.S. Patent No. 5,836,081 (“the ‘081 patent”), entitled “Light Beam Leveling Means and Method”, a copy of which is attached hereto as Exhibit A, was duly and legally issued to inventor Orosz. Orosz owns two-thirds (2/3) of the ‘081 patent, and Schroeder owns the other one-third (1/3) of the ‘081 patent.

11. The ‘081 patent is presumed valid.

12. Upon information and belief, Star Asia has in the past and continues to infringe, contribute to infringement, and/or induce infringement of the ‘081 patent by making, using, selling and/or offering to sell, directly or through others, in this judicial district and elsewhere in the United States, one or more laser level products that are covered by claim 1 of the ‘081 patent.

13. Star Asia is liable for infringement of the ‘081 patent pursuant to 35 U.S.C. § 271.

14. Star Asia’s acts of infringement have caused damage to Orosz and Schroeder, and Orosz and Schroeder are entitled to recover from Star Asia the damages sustained as a result of its wrongful acts in an amount subject to proof at trial.

15. As a consequence of the infringement complained of herein, Orosz and Schroeder have been irreparably damaged to an extent not yet determined and will continue to be irreparably damaged by such acts in the future unless Star Asia is enjoined by this Court from committing further acts of infringement.

PRAYER FOR RELIEF

WHEREFORE, Orosz and Schroeder pray for entry of judgment that:

A. Star Asia has infringed, contributed to infringement of and/or induced infringement of claim 1 of the '081 patent;

B. Star Asia account for and pay to Orosz and Schroeder all their damages caused by the infringement of the '081 patent;

C. Orosz and Schroeder be granted permanent injunctive relief pursuant to 35 U.S.C. § 283 enjoining Star Asia, and its officers, agents, servants, employees and those persons in active concert or participation with them from further acts of patent infringement;

D. Orosz and Schroeder be granted pre-judgment and post-judgment interest on the damages caused to them by reason of Star Asia's patent infringement;

E. Costs be awarded to Orosz and Schroeder; and,

F. Orosz and Schroeder be granted such other and further relief as the Court may deem just and proper under the circumstances.

DEMAND FOR JURY TRIAL

Orosz and Schroeder demand trial by jury on all claims and issues so triable.

Respectfully submitted,

EMCH, SCHAFFER, SCHAUB
& PORCELLO CO.

Dated: September 3, 2009

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