

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

ARTHUR HINE)	
Plaintiff,)	
)	
vs.)	
)	Civil Action No: 3:06-CV-01225-JBA
KAMAN MUSIC CORPORATION,)	
)	
Defendant)	October 9, 2006
)	

PLAINTIFF'S FIRST AMENDED COMPLAINT

Plaintiff, Arthur H. Hine ("Plaintiff"), files this First Amended Complaint against Defendant, Kaman Music Corporation ("Kaman"), and alleges as follows:

THE PARTIES

1. Plaintiff is an individual with a residence at 33451 Huggins Avenue, Abbotsford, B.C., Canada V2S 2R8.
2. Kaman, on information and belief, is a corporation organized under the laws of the State of Connecticut. Kaman is doing business in Texas, and, on information and belief, has a principal place of business at 20 Old Windsor Road, Bloomfield, CT 06002. Kaman may be served with process by serving its registered agent, CT Corporation System, 350 N. St. Paul Street, Dallas, TX 75201.

JURISDICTION & VENUE

3. This is an action for infringement of a United States patent. Accordingly, this action arises under the patent laws of the United States of America, 35 U.S.C. § 1 et. seq. and jurisdiction

is properly based on Title 35 of the United States Code, particularly § 271, and title 28 of the United States Code, particularly § 1338(a).

4. Kaman, upon information and belief, transacts business in this judicial district by manufacturing, using, selling, or offering to sell products as described and claimed in United States Patent No. 5,877,444, the patent at issue in this lawsuit, and/or by conducting other business in this judicial district.
5. Venue is proper in this court under Title 28 United States Code § 1391(b) and 1400(b).

PATENT INFRINGEMENT COUNT

6. On March 2, 1999, United States Patent No. 5,877,444 (“the ‘444 patent”) entitled “Tuner for Stringed Musical Instruments” was duly and legally issued. A true and correct copy of the ‘444 patent is attached as Exhibit A.
7. Pursuant to 35 U.S.C. § 282, the above-listed United States Patent is presumed valid.
8. Plaintiff, Arthur Hine, is the owner and is a named inventor of the ‘444 patent.
9. Kaman, on information and belief, manufactures, uses, and sells products that infringe at least Claim 1 of the ‘444 patent, including for example and without limitation Takamine’s TP-4t preamp and Ovation’s OP-Pro preamp, as well as any other tuning devices integrated into a guitar or other stringed instrument that act or are capable of acting in the manner described and claimed in the ‘444 patent.
10. Kaman has had knowledge of the ‘444 patent and Plaintiff’s ownership of such patent. Despite such knowledge, Kaman has manufactured, used, and sold, and continues to

manufacture, use, and sell, products covered by Plaintiff's '444 patent. Kaman's infringement of the '444 patent is therefore willful.

11. The infringement of the '444 patent alleged above has injured the Plaintiff and thus, he is entitled to recover damages adequate to compensate for Kaman and Samick's infringement, which in no event can be less than a reasonable royalty.

DEMAND FOR JURY TRIAL

12. Plaintiff hereby demands a jury trial on all claims and issues.

PRAYER FOR RELIEF

Wherefore, Plaintiff prays for entry of judgment:

- A. that Defendant, Kaman, has infringed one or more claims of the '444 patent;
- B. that Defendant, Kaman, account for and pay to Plaintiff all damages caused by the infringement of the '444 patent, which by statute can be no less than a reasonable royalty;
- C. that Defendant, Kaman, be required to pay treble damages as a result of its willful infringement of the '444 patent;
- D. that Plaintiff be granted pre-judgment and post-judgment interest on the damages caused to them by reason of Defendant, Kaman's infringement of the '444 patent;
- E. that Plaintiff be granted its attorneys' fees in this action;
- F. that costs be awarded to Plaintiff;

G. that Plaintiff be granted such other and further relief as the Court may deem just and proper under the current circumstances.

Respectfully submitted,

ARTHUR HINE

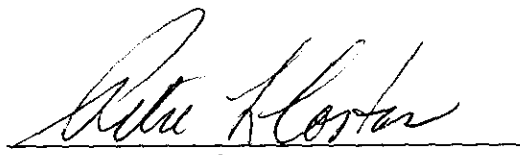
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CERTIFICATE OF SERVICE

I hereby certify that on October 9, 2006, a copy of the foregoing Plaintiff's First Amended Complaint was filed electronically and served by mail on anyone unable to accept electronic filing or service. Notice of this filing will be sent by email to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.


Peter L. Costas