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A Hawaii Limited Liability Law Company

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FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

at 3 o'clock and — min. — M.
MAR 22 2011
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Attorneys for Plaintiff
HAWAII AIRBOARDS, LLC

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII**

HAWAII AIRBOARDS, LLC,
a Hawaii Limited Liability Company,

Plaintiff,

v.

THE COLEMAN COMPANY, INC.,
a Delaware Corporation, and SEVCA,
LLC, a Delaware Limited Liability
Company,

Defendants.

Civil No. CV11 00186 DAE - RLP

**COMPLAINT FOR PATENT
INFRINGEMENT; EXHIBIT A;
DEMAND FOR JURY TRIAL;
SUMMONS**

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, HAWAII AIRBOARDS, LLC, by and through its attorneys,
MOSELEY BIEHL TSUGAWA LAU & MUZZI, LLLC, hereby complains of
Defendants THE COLEMAN COMPANY, INC. and SEVCA, LLC, as follows:

I.

PARTIES

1. Plaintiff HAWAII AIRBOARDS, LLC (“HAWAII AIRBOARDS”) is a Hawaii limited liability company with its principal office located in Kailua, Hawaii.

2. Defendant THE COLEMAN COMPANY, INC. (“COLEMAN”) is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at 3600 North Hydraulic St., Wichita, Kansas 67219.

3. Defendant SEVCA, LLC (“SEVCA”) is a limited liability company organized and existing under the laws of the State of Delaware, with its principal place of business located at 3600 North Hydraulic St., Wichita, Kansas 67219.

II.

JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, including 35 U.S.C. § 271 *et seq.* This Court has personal jurisdiction over Defendants because they have committed acts giving rise to this action within Hawaii and this judicial district and has established minimum contacts within the

forum such that the exercise of jurisdiction over Defendants would not offend traditional notions of fair play and substantial justice.

4. Venue properly lies in the District of Hawaii pursuant to 28 U.S.C. §§ 1391(b), 1391(c), and 1400(b), because Defendants have committed acts within this judicial district giving rise to this action, and Defendants do business in this judicial district, including one or more of the infringing acts of offering for sale or selling to consumers in this district.

III.

CLAIMS

5. HAWAII AIRBOARDS realleges and incorporates by reference the allegations set forth in Paragraphs 1-4 above as if fully set forth herein.

6. United States Patent Number 6,066,016 (the “’016 patent” or the “patent-in-suit”) is entitled “Inflatable Transportable Water Craft for Survival or Other Recreational Applications” and was duly and legally issued to Robert N. Yonover on May 23, 2000. All rights and interest in the patent-in-suit have been assigned to HAWAII AIRBOARDS. A true and correct copy of the patent-in-suit as issued is attached hereto as Exhibit A.

7. Defendants are engaged in the business of making, offering for sale, selling, and distributing inflatable stand-up paddleboards (“inflatable SUPs”), under the Sevylor brand, including, for example, those inflatable SUPs bearing

product numbers 2000003420 and U265GRY-00-000, to consumers throughout the United States, including Hawaii.

8. Defendants offer for sale and sells its Sevylor inflatable SUPs through brick-and-mortar retailers though out the United States, including this District, as well as through the internet.

9. Defendants have infringed and continues to infringe under 35 U.S.C. § 271 the patent-in-suit. The infringing acts include, but are not limited to, making, offering for sale, selling and distributing the products identified in Paragraphs 7 and 8, above.


10. Defendants' acts of infringement have caused damage to HAWAII AIRBOARDS. Under 35 U.S.C. § 284, HAWAII AIRBOARDS is entitled to recover from Defendants the damages sustained by HAWAII AIRBOARDS as a result of its infringement of the patent-in-suit. Defendants' infringement on HAWAII AIRBOARD's exclusive rights under the patent-in-suit will continue to damage HAWAII AIRBOARD causing irreparable harm, for which there is no adequate remedy of law, unless enjoined by this Court under 35 U.S.C. § 283.

PRAYER FOR RELIEF

WHEREFORE, HAWAII AIRBOARDS, LLC respectfully requests that this Court enter judgment against Defendant THE COLEMAN COMPANY, INC., and Defendant SEVCA, LLC as follows:

- (a) that Defendants have infringed and continue to infringe the patent-in-suit.
- (b) that Defendants and their respective directors, officers, employees, agents, subsidiaries, parents, attorneys, and all persons acting in concert, on behalf of, in joint venture, or in partnership with Defendant be preliminary and permanently enjoined under 35 U.S.C. § 283 against any further acts of infringement;
- (c) For damages to be paid by Defendants adequate to compensate HAWAII AIRBOARDS, LLC for all infringement of the '016 patent, including interest, costs and disbursements as justified under 35 U.S.C. § 284;
- (d) For judgment finding this to be an exceptional case, and awarding HAWAII AIRBOARDS, LLC attorney fees under 35 U.S.C. § 285; and
- (e) For such further relief at law and in equity as the Court may deem just and proper.

DATED: Honolulu, Hawaii, March 22, 2011.


ALAN K. LAU
TEDSON H. KOJA
Attorneys for Plaintiff
HAWAII AIRBOARDS, LLC