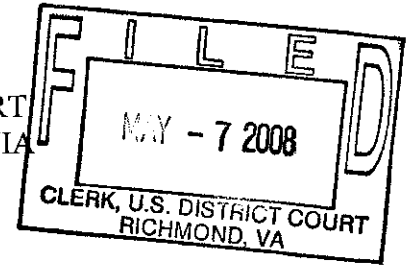


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA



HARALD RICHTER, individually,)
)
Plaintiff,)
)
v.)
)
OFFICE DEPOT, INC.,)
MAXX DIGITAL LIMITED,)
and CENTRAL PACIFIC ELECTRONICS)
(SHENZHEN) LIMITED,)
)
Defendants.)

Civil Action No.: 3:08CV283 (REP)

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

The plaintiff HARALD RICHTER states as his Complaint the following:

Nature of the Action

1. This is an action for patent infringement arising under the U. S. Patent Act, 35 U.S.C. §§ 1, *et seq.*

Parties

2. Plaintiff HARALD RICHTER is a German citizen having an address at Höhenstrasse 32, 75331 Engelsbrand (DE), Germany ("Plaintiff" or "Harald Richter").

3. Office Depot, Inc. ("Office Depot" or "Defendant") is a Delaware corporation with its principal place of business at 2200 Old Germantown Road, Delray Beach, Florida 33445.

4. On information and belief, Maxx Digital Limited ("Maxx" or "Defendant") is a Hong Kong corporation having an address at 5/F, Unit 5, Honour Industrial Building, 6 Sun Yip Street, Chai Wan, Hong Kong.

5. On information and belief, Central Pacific Electronics (Shenzhen) Limited (“CPIT” or “Defendant”) is a China corporation having an address at Shenjian Building, Maqueling Industrial Zone, Hi-Tech Science Park, Nanshan District, Shenzhen, Guangdong, China 518057.

Jurisdiction and Venue

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

7. Office Depot is a Delaware corporation that has qualified with the Virginia State Corporation Commission to transact business in Virginia. Office Depot operates multiple retail stores throughout Virginia, including within this judicial district and division and is, therefore, subject to the general jurisdiction of this Court. Further, on information and belief, Office Depot sells or has sold the infringing support mount products at issue in this suit (the “Infringing Products”) in its retail stores throughout Virginia including in this district and division and, therefore, is subject to the specific jurisdiction of this Court pursuant to Va. Code § 8.01-328.1(A)(1) and (3).

8. On information and belief, Maxx Digital is importing and selling or offering to sell the Infringing Products to retailers and others in the United States, including but not limited to Office Depot, for sale and use throughout the United States. While, on information and belief, Maxx Digital has directed its infringing activities into the United States and has itself performed activities that infringe the patents-in-suit or has caused others to perform such infringing activities in the United States, by among other actions importing, selling and/or offering to sell Infringing Products to retailers and others in or to be imported into the United States, Plaintiff believes, and therefore asserts on information and belief, that Maxx Digital is not subject to

jurisdiction in any state's courts of general jurisdiction with respect to the claims asserted in this action. Therefore, pursuant to Federal Rule of Civil Procedure ("F.R.C.P.") 4(k)(2), Maxx Digital is subject to the personal jurisdiction of this Court.

9. On information and belief, CPIT is manufacturing Infringing Products outside the United States for sale to Maxx Digital and others to be imported into, offered for sale, sold and used in the United States. While, on information and belief, CPIT has directed its infringing activities into the United States and has itself performed activities that infringe the patents-in-suit or has caused others to perform such infringing activities in the United States, by among other actions selling and offering to sell Infringing Products to retailers and other resellers in or to be imported into the United States, Plaintiff believes, and therefore asserts on information and belief, that CPIT is not subject to jurisdiction in any state's courts of general jurisdiction with respect to the claims asserted in this action. Therefore, pursuant to Federal Rule of Civil Procedure ("F.R.C.P.") 4(k)(2), CPIT is subject to the personal jurisdiction of this Court.

10. Venue is proper in this district and division as to Office Depot pursuant to 28 U.S.C. § 1391(b) and (c) and § 1400(b).

11. Venue is proper in this district and division as to Maxx Digital and CPIT pursuant to 28 U.S.C. § 1391(d).

Claim for Relief

12. Plaintiff Harald Richter is the president and CEO of Herbert Richter Metallwaren-Apparatebau GmbH & Co. KG ("HR-Germany"). Harald Richter is also a member of HR US LLC.

13. HR-Germany is an innovator in the development of new accessory products used in the automobile industry, and manufactures and distributes a wide array of automobile

accessory products, including accessories used in the field of automotive aftermarket electronics. Among other accessory products, HR-Germany manufactures mounts and similar devices for supporting electronics products, such as GPS navigation devices, in automobiles.

14. On February 20, 2007, United States Patent No. 7,178,771 (“the ‘771 patent”), entitled “Support Console With Pivotal Support Plate,” was issued to Harald Richter. A copy of the ‘771 patent is attached to this Complaint as Exhibit A. Harald Richter is the inventor and owner of the ‘771 Patent.

15. On June 15, 2004, United States Patent No. 6,749,160 (“the ‘160 patent”) entitled “Suction Disc Mounting Arrangement,” was issued to its inventor, Herbert Richter, an individual residing in Germany. A copy of the ‘160 patent is attached to this Complaint as Exhibit B. On April 8, 2008, Herbert Richter assigned the ‘160 patent to Harald Richter. This assignment was recorded in the U.S. Patent Office on April 22, 2008. Harald Richter is the owner of the ‘160 Patent.

16. In or around 2004, HR-Germany began manufacturing and selling support consoles embodying one or more of the inventions claimed in the ‘771 and ‘160 patents. These support consoles have been sold in the United States and worldwide and have enjoyed considerable commercial success.

17. HR-Germany has marked support mount products sold in the United States with the ‘160 and ‘771 patent numbers. HR-Germany and its affiliated companies currently offer these products for sale and sell them worldwide.

18. In January 2008, HR-Germany became aware that Office Depot was selling a Maxx Digital, Explorer I, Model No. PN3000. Upon investigation, HR-Germany determined that the Maxx Digital Explorer I sold by Office Depot includes a support mount that infringes

one or more claims of both the '771 and '160 patents.

19. In January 2008, counsel for Harald Richter and HR-Germany advised Office Depot that the support consoles in the Maxx Digital, Explorer I product infringe the '771 and '160 patents.

20. In or around February 2008, Maxx Digital contacted Plaintiff's counsel, who advised Maxx Digital that the support consoles in its Explorer I product infringe the '771 and the '160 patents. On information and belief, notwithstanding its knowledge that the support mounts in the Explorer I product infringe the '771 and '160 patents, Maxx Digital has continued to sell Infringing Products, including the support mounts included with the Explorer I product, in or for importation into the United States.

21. In the course of Plaintiff's counsel's discussions with Maxx Digital, Maxx Digital represented that it purchased the Infringing Products from CPIT. In reliance on such representation, Plaintiff alleges, on information and belief, that CPIT manufactures Infringing Products and sells, offers for sale and/or imports Infringing Products in or for importation into the United States.

22. On information and belief, notwithstanding their knowledge of Plaintiff's patents, each of the Defendants has continued to infringe, induce infringement and/or contribute to the infringement of one or more claims of each of the '771 and '160 patents.

23. Each Defendant's direct, contributory and/or induced infringement of the '771 and '160 patents has, on information and belief, been willful and deliberate and with actual notice and knowledge of the '771 and '160 patents.

24. Each of the Defendant's infringement of the '771 and '160 patents has caused and will continue to cause damage and irreparable injury to Harald Richter for which there is no

adequate remedy at law. On information and belief, unless enjoined by this Court, the Defendants will continue to infringe, directly or indirectly, and/or to induce others to infringe or to contribute to the infringement of the '771 and '160 Patents, thereby causing Harald Richter to suffer further substantial and irreparable harm.

COUNT I
(Infringement of the '771 Patent)

25. Harald Richter incorporates the allegations in paragraphs 1 – 24 as if fully set forth herein.

26. On information and belief, each Defendant has infringed and continues to infringe the '771 patent, directly or indirectly; has induced others to infringe; and/or has contributed to the infringement of the '771 patent and, unless enjoined, will continue such infringement.

27. On information and belief, each Defendant's infringement of the '771 patent has been and continues to be willful.

28. Each Defendant's infringement of the '771 patent has caused Plaintiff to incur economic damages in an amount not yet determined and to suffer other harm for which Plaintiff has no adequate remedy at law.

COUNT II
(Infringement of the '160 Patent)

29. Harald Richter incorporates the allegations in paragraphs 1 – 28 as if fully set forth herein.

30. On information and belief, each Defendant has infringed the '160 patent, directly or indirectly, and/or has induced others to infringe and/or contributed to the infringement of the '160 patent and unless enjoined, will continue such infringement.

31. On information and belief, each Defendant's infringement of the '160 patent has

been and continues to be willful.

32. Each Defendant's infringement of the '160 patent has caused Plaintiff to incur economic damages in an amount not yet determined and to suffer other harm for which Plaintiff has no adequate remedy at law.

Requested Relief

WHEREFORE, Plaintiff requests the following relief against the Defendants, jointly and severally:

A. That each Defendant be found to have infringed one or more of the claims of each of the '771 and '160 patents;

B. That a preliminary and final injunction against the continuing infringement of the '771 patent be entered against the Defendants, jointly and severally, their respective officers, directors, agents, servants, employees, attorneys, parents, subsidiaries, affiliates, successors, and all others in active concert or participation with them or acting in their behalf;

C. That a preliminary and final injunction against the continuing infringement of the '160 patent be entered against the Defendants, jointly and severally, their respective officers, directors, agents, servants, employees, attorneys, parents, subsidiaries, affiliates, successors, and all others in active concert or participation with them or acting in their behalf;

D. That, pursuant to 35 U.S.C. § 284, each Defendant be ordered to account to Plaintiff for such Defendant's infringement of the '771 and/or '160 patents and to pay Plaintiff money damages sufficient to compensate him for such infringement.

E. That, pursuant to 35 U.S.C. § 284, the money damages awarded Plaintiff be increased up to three times the amount awarded;

F. That Plaintiff be awarded pre-judgment and post-judgment interest at the

judgment rate or such other rate as the Court may establish on all damages awarded Plaintiff herein;

G. That this be declared an exceptional case pursuant to 35 U.S.C. § 285, and that Plaintiff be awarded his reasonable attorneys fees and costs; and

H. That Plaintiff be granted such other and further relief as this Court may require and deem just and proper.

Jury Demand

Plaintiff demands a jury trial on all issues triable to a jury in this matter.

Date: 5/7/08

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