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PATENT CATEGORY CORPORATION

7
8 UNITED STATES DISTRICT COURT
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10 CENTRAL DISTRICT OF CALIFORNIA
11
12 WESTERN DIVISION

13 **PATENT CATEGORY**
14 **CORPORATION**, a California
corporation,

15 Plaintiff,

16 v.

17 **TIME TO PLAY CORPORATION**
18 **LTD.**, a Hong Kong corporation, and
19 **TIME TO PLAY CORPORATION**
LIMITED, a California corporation,

20 Defendants.

) Case No. CV 07-6479 ABC (SSx)

) **FIRST AMENDED**
) **COMPLAINT FOR PATENT**
) **INFRINGEMENT**

) **DEMAND FOR JURY TRIAL**

21
22 Plaintiff Patent Category Corporation (“PCC”), by and through its attorneys,
23 alleges as follows:

24 **Jurisdiction and Venue**

25 1. This is a civil action for patent infringement arising under the Acts of
26 Congress relating to patents, 35 U.S.C. § 1 *et seq.* This Court has jurisdiction over
27 the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).
28

1 2. Venue is proper in this Judicial District pursuant to 28 U.S.C. §§
2 1391(b)-(c) and 1400(b). Upon information and belief, Defendants have engaged in
3 the complained of activities in this Judicial District.

4 **The Parties**

5 3. Plaintiff Patent Category Corporation is a California corporation
6 having its principal place of business in Walnut, California.

7 4. Defendant Time to Play Corporation Ltd. is a company organized and
8 existing under the laws of Hong Kong, having its principal place of business at 10/F
9 Inter-Continental Plaza, 94 Granville Road, Tsim Sha Tsui East, Kowloon, Hong
10 Kong.

11 5. Defendant Time to Play Corporation Limited is a California
12 corporation having its principal place of business at 2149 East Garvey Avenue
13 North, Unit A5, West Covina, California 91791.

14 6. Plaintiff is informed and believes, and on that basis alleges, that
15 Defendants have ongoing and systematic contacts with this Judicial District, and
16 have placed the products accused of infringement herein into the stream of
17 commerce knowing and expecting that such products would end up in this Judicial
18 District.

19 **Claim for Patent Infringement**

20 7. Plaintiff hereby incorporates Paragraphs 1-6 herein by reference.

21 8. On February 27, 2001, the United States Patent and Trademark Office
22 duly issued U.S. Patent No. 6,192,635 (“the ‘635 patent”) to PCC as the assignee of
23 inventor Yu Zheng. Attached hereto as **Exhibit 1** is a true and correct copy of the
24 ‘635 patent.

25 9. On July 31, 2001, the United States Patent and Trademark Office duly
26 issued U.S. Patent No. 6,266,904 (“the ‘904 patent”) to PCC as the assignee of
27 inventor Yu Zheng. Attached hereto as **Exhibit 2** is a true and correct copy of the
28 ‘904 patent.

1 10. On July 6, 2004, the United States Patent and Trademark Office duly
2 issued U.S. Patent No. 6,758,003 (“the ‘003 patent”) to PCC as the assignee of
3 inventor Yu Zheng. Attached hereto as **Exhibit 3** is a true and correct copy of the
4 ‘003 patent.

5 11. On February 15, 2005, the United States Patent and Trademark Office
6 duly issued U.S. Patent No. 6,856,504 (“the ‘504 patent”) to PCC as the assignee of
7 inventor Yu Zheng. Attached hereto as **Exhibit 4** is a true and correct copy of the
8 ‘504 patent.

9 12. On information and belief, Defendants have made, used, sold, offered
10 for sale and/or imported one or more products that infringe the ‘635 patent, the ‘904
11 patent, the ‘003 patent and/or the ‘504 patent, including but not limited to
12 Defendants’ Item No. 41004 “My Pet Shop” product, Item No. 42006 “Big Burger”
13 product, and Item No. 42004 “Le Café” product (collectively the “Accused
14 Collapsible Products”).

15 13. On information and belief, Defendants have induced others, including
16 each other, to infringe one or more of the patents-in-suit by encouraging and
17 promoting the use, manufacture, sale, offer for sale and/or importation of infringing
18 products, including but not limited to the Accused Collapsible Products.

19 14. On information and belief, Defendants had notice and actual
20 knowledge of each of the patents-in-suit before the filing of this suit, and
21 Defendants’ infringement of the patents-in-suit has been and continues to be willful
22 and deliberate.

23 15. Plaintiff has been damaged by Defendants’ infringement of the
24 patents-in-suit in an amount to be determined at trial. Furthermore, by these acts,
25 Defendants have irreparably injured Plaintiff and such injury will continue unless
26 Defendants are enjoined by this Court.

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PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

A. Defendants be adjudged to have infringed the patents-in-suit;

B. Defendants be adjudged to have induced infringement of the patents-in-suit;

C. Defendants' patent infringement be adjudged willful and deliberate;

D. This case be deemed exceptional under 35 U.S.C. § 285, and the damages for patent infringement be enhanced accordingly;

E. Defendants, their subsidiaries, parents, affiliates, successors, assigns, officers, agents, servants, employees, attorneys, and all persons acting in concert or in affiliation with Defendants be preliminarily and permanently enjoined from infringing or inducing infringement of the patents-in-suit, and specifically from directly or indirectly making, using, selling, offering for sale or importing any of the Accused Collapsible Products;

F. An award of monetary damages suffered by Plaintiff in an amount to be determined, and the trebling thereof;

G. Judgment, relief, and requests as set forth in this Complaint;

H. Reasonable attorneys' fees, prejudgment interest, and costs of this action; and

I. All such other, further, and different relief as the Court deems proper.

Respectfully submitted,

Dated: November 6, 2007

MANATT, PHELPS & PHILLIPS, LLP

By: /s/ Raphael A. Gutierrez

Stephen M. Lobbin

Raphael A. Gutierrez

Attorneys for Plaintiff
**PATENT CATEGORY
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DEMAND FOR JURY TRIAL

Pursuant to Fed. R. Civ. P. 38(b), Plaintiff hereby demands a trial by jury in this action of all issues so triable.

Respectfully submitted,

Dated: November 6, 2007

MANATT, PHELPS & PHILLIPS, LLP

By: /s/ Raphael A. Gutierrez
Stephen M. Lobbin
Raphael A. Gutierrez

Attorneys for Plaintiff
**PATENT CATEGORY
CORPORATION**

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