

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

LYNK, INC.)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. <u>06-2515 JWL</u>
)	
VARIMPO USA d/b/a)	
SIMPLY STORAGE)	
)	
Defendant.)	

COMPLAINT

For its Complaint, plaintiff Lynk, Inc. (“Lynk”) alleges as follows against defendant Varimpo USA d/b/a Simply Storage (“Varimpo”):

1. Plaintiff Lynk is a corporation duly organized and existing under the laws of the State of Kansas and has its principal place of business at 8241 Melrose Drive, Lenexa, Kansas 66214.

2. On information and belief, defendant Varimpo is a New Jersey corporation having its principal place of business at 401 Dewey Avenue, Saddle Brook, New Jersey 07663-5901.

3 This is an action for patent infringement under the Patent Laws of the United States, Title 35 of the U.S. Code. This Court has jurisdiction under 28 U.S.C. § 1338(a). Defendant Varimpo is doing business in this judicial district and has sold and offered to sell infringing devices in this district. Venue is proper under 28 U.S.C. § 1391(b) and (c).

4. Plaintiff Lynk is the owner by assignment of all right, title and interest in and to United States Letters Patent Nos. 6,793,080 (“’080 patent”) and 5,855,279 (“’279 patent”) which duly and legally issued and are in full force and effect. The ‘080 and ‘279 patents were assigned

to Lynk by the inventors by written instruments which have been duly recorded in the United States Patent and Trademark Office.

5. Defendant Varimpo has made, used, sold and/or offered to sell products which embody the inventions of the '080 patent and the '279 patent and has infringed the '080 and '279 patents under 35 U.S.C. § 271. The infringement is willful and deliberate and has been done with knowledge of the '080 and '279 patents and their coverage of the Varimpo products.

6. Varimpo has been notified of its infringing conduct. Plaintiff Lynk has been damaged by the infringement and will be damaged irreparably by ongoing infringement unless Varimpo is enjoined by this Court from further infringement.

7. Plaintiff Lynk has marked its patented products pursuant to 37 U.S.C. §287(a).

8. Varimpo has long known of the '080 and '279 patents and has long known that they cover Varimpo's products. The infringement is deliberate and willful.

WHEREFORE, plaintiff Lynk prays:

(a) For entry of a judgment that Varimpo has infringed the '080 and '279 patents;

(b) For preliminary and permanent injunctions prohibiting Varimpo and its officers, agents, directors and employees, and those in active concert with them, from infringing the '080 and '279 patents;

(c) For an award of damages to Lynk and against Varimpo in an amount sufficient to compensate Lynk for the damage it has suffered by reason of the infringement;

(d) For entry of a finding that the infringement is willful and that this is an exceptional case entitling Lynk to an award of treble damages under 35 U.S.C. § 284 and an award of its reasonable attorneys' fees under 35 U.S.C. § 285;

(e) For an award to Lynk of its costs; and

(f) For an award to Lynk of such other and further relief as the Court deems to be just and appropriate.

Plaintiff Lynk demands a trial by jury of all issues.

Plaintiff designates Kansas City, Kansas as the place of trial.

BLACKWELL SANDERS PEPER MARTIN

By /s/ Richard R. Johnson

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