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UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON

MICHAEL STERN and DIGIFLO, INC.,  
Plaintiffs,  
v.  
SEQUAL TECHNOLOGIES, INC.,  
Defendant.

Cause No.  
  
COMPLAINT FOR PATENT  
INFRINGEMENT  
  
DEMAND FOR JURY TRIAL

16 Plaintiffs Michael Stern (“Mr. Stern”) and DigiFLO, Inc. (“DigiFLO”, collectively  
17 “Plaintiffs”) complain of Defendant Sequal Technologies, Inc., as follows:

18 **NATURE OF LAWSUIT**

19 1. This is a claim for patent infringement arising under the patent laws of the  
20 United States, Title 35 of the United States Code.

21 **THE PARTIES**

22 2. Mr. Stern is an individual residing in this district at Mercer Island, WA.  
23 DigiFLO is a Washington Corporation having a principal place of business in this district at  
24 Mercer Island, WA. Mr. Stern is the named inventor in, and owner of, U.S. Patent No.  
25 5,627,323 (the '323 patent) issued May 6, 1997 and entitled “Ultrasonic Binary Gas  
26 Measuring Device” (copy attached as Exhibit A) DigiFLO is the exclusive licensee of the  
27

1 '323 patent. Plaintiffs own all right, title, and interest in, and have standing to sue for  
2 infringement of U.S. Patent No. 5,627,323.

3 3. Upon information and belief, Defendant SeQual Technologies, Inc. is a  
4 California corporation with a principal place of business at 11436 Sorrento Valley Road  
5 San Diego, CA 92121 USA . Upon information and belief, SeQual Technologies is in the  
6 business of developing, manufacturing, and distributing medical product devices, including  
7 medical oxygen concentrators, and transacts business and has directly or indirectly sold and/or  
8 caused to be distributed to customers in this judicial district and throughout the State of  
9 Washington products and/or services that infringe one or more claims of the '323 patent.

10 **JURISDICTION AND VENUE**

11 4. This Court has exclusive jurisdiction over the subject matter of this Complaint  
12 under 28 U.S.C. §§ 1338(a).

13 5. Personal jurisdiction over the Defendant is proper in this Court. Venue in this  
14 judicial district is proper under 28 U.S.C. §§ 1391(b), (c) and/or 1400(b).

15  
16 **DEFENDANT'S ACTS OF PATENT INFRINGEMENT**

17 6. Defendant SeQual Technologies has been and is directly infringing at least  
18 Claim 1 of the '323 Patent under 35 U.S.C. §271(a) by providing to customers, including  
19 customers in this judicial district, medical oxygen concentrators that include and incorporate  
20 ultrasonic binary gas measuring devices constructed in accordance with those claims. In  
21 particular, Defendant SeQual Technologies has been and is directly infringing at least Claim 1  
22 of the '323 Patent under 35 U.S.C. §271(a) by making, offering for sale, selling, using and/or  
23 importing such ultrasonic binary gas measuring devices in and/or into the United States.

24 Upon information and belief, infringing devices made, offered for sale, sold, or imported into  
25 the United States by Defendant Cooler Master include, by way of example but not limitation,  
26 the ultrasonic binary gas measuring devices utilized in the SeQual Technologies "Eclipse 3"  
27 and "Integra 10" series of medical oxygen concentrators. SeQual Technologies has also

1 infringed the '323 patent under 35 U.S.C. §271(b) by knowingly and actively inducing others  
2 to infringe through the sale, distribution and use of such medical oxygen concentrators  
3 incorporating such ultrasonic binary gas measuring devices. By way of example, not  
4 limitation, a representative claim chart showing how the ultrasonic binary gas measuring  
5 devices made, sold, offered for sale, used or imported into the United States by SeQual  
6 Technologies infringe at least Claim 1 of the '323 patent is attached as Exhibit B.

7 7. SeQual Technologies' direct infringement and inducement to infringe have  
8 been willful and have deliberately injured and will continue to injure Plaintiffs unless and  
9 until the Court enters an injunction prohibiting further infringement and, specifically,  
10 enjoining further manufacture, use, importation, sale and/or offer for sale of products that fall  
11 within the scope of the '323 patent claims.

12  
13 **PRAYER FOR RELIEF**

14 WHEREFORE, Plaintiffs ask this Court to enter judgment against Defendant and  
15 against its subsidiaries, affiliates, agents, servants, employees and all persons in active concert  
16 or participation with them, granting the following relief:

17 A. An award of damages adequate to compensate Plaintiffs for the infringement  
18 that has occurred, together with prejudgment interest from the date infringement of the '323  
19 patent began;

20 B. Increased damages as permitted under 35 U.S.C. § 284;

21 C. A finding that this case is exceptional and an award to Plaintiffs of their  
22 attorneys' fees and costs as provided by 35 U.S.C. § 284;

23 D. A permanent injunction prohibiting further infringement, inducement and  
24 contributory infringement of the '323 patent; and

25 E. Such other and further relief as this Court or a jury may deem proper and just.

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**JURY DEMAND**

Plaintiffs demand trial by jury on all issues presented in this Complaint.

Dated this 5<sup>th</sup> day of August, 2010.

Respectfully submitted,

*/s/ Philip P. Mann*  
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