



3. On information and belief, Defendant, Prairie Labs, Inc. has its principal place of business at 637 12th Avenue South, Hopkins, MN 55343-7820.

4. On information and belief, Defendant, Rexton, Inc. has its principal place of business at 5010 Cheshire Parkway North, Suite 2, Plymouth, MN 55446

### **JURISDICTION AND VENUE**

5. This is an action for patent infringement under the patent laws of the United States, Title 35 U.S.C. § 1, *et seq.* This Court has subject matter jurisdiction of this action under 28 U.S.C. §§ 1331 and 1338(a).

6. This Court has personal jurisdiction over Defendants because, upon information and belief, Defendants directly, or indirectly through their agents, are doing business in this judicial district and/or have committed acts of infringement within this judicial district giving rise to this action.

7. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 and 1400 because the Defendants have conducted business here and/or have committed acts of infringement here.

### **COUNT I** **INFRINGEMENT OF U.S. PATENT NO. 7,720,245**

8. Plaintiff realleges and incorporates Paragraphs 1-7 by reference herein.

9. Plaintiff is the owner by assignment of the entire right, title, and interest in United States Patent No. 7,720,245 (the “‘245 patent”) entitled “Hearing Aid System,” which was duly and legally issued by the United States Patent and Trademark Office on or about May 18, 2010. A true and accurate copy of the ‘245 patent is attached hereto as Exhibit A.

10. Defendant Audina Hearing Instruments, Inc. has infringed, directly or indirectly, the ‘245 patent by importing, making, using, offering for sale and/or selling products, including

but not necessarily limited to its Intellio products, which are covered by one or more claims of the '245 patent and will continue to do so unless enjoined therefrom by this Court.

11. Defendant Prairie Labs, Inc has infringed, directly or indirectly, the '245 patent by importing, making, using, offering for sale and/or selling products, including but not necessarily limited to its Revolution (RIC) products, which are covered by one or more claims of the '245 patent and will continue to do so unless enjoined therefrom by this Court.

12. Defendant Rexton, Inc. has infringed, directly or indirectly, the '245 patent by importing, making, using, offering for sale and/or selling products, including but not necessarily limited to its Cobalt+ and Gen+ products, which are covered by one or more claims of the '245 patent and will continue to do so unless enjoined therefrom by this Court.

13. Upon information and belief, the Defendants' infringement of the '245 patent has been and/or continues to be knowing and/or willful.

14. Plaintiff has been damaged by Defendants' infringement of the '245 patent.

15. Plaintiff has suffered irreparable harm from Defendants' infringement. Because the infringement is continuing, Plaintiff will suffer additional irreparable harm unless Defendants are enjoined from continuing to infringe the '245 patent.

**COUNT II**  
**INFRINGEMENT OF U.S. PATENT NO. 7,751,580**

16. Plaintiff realleges and incorporates Paragraphs 1-15 by reference herein.

17. Plaintiff is the owner by assignment of the entire right, title, and interest in United States Patent No. 7,751,580 (the "'580 patent") entitled "Open Ear Hearing Aid System," which was duly and legally issued by the United States Patent and Trademark Office on or about July 6, 2010. A true and accurate copy of the '580 patent is attached hereto as Exhibit B.

18. Defendant Audina Hearing Instruments, Inc. has infringed, directly or indirectly, the '580 patent by importing, making, using, offering for sale and/or selling products, including but not necessarily limited to its Intellio products, which are covered by one or more claims of the '580 patent and will continue to do so unless enjoined therefrom by this Court.

19. Defendant Prairie Labs, Inc has infringed, directly or indirectly, the '580 patent by importing, making, using, offering for sale and/or selling products, including but not necessarily limited to its Revolution (RIC) products, which are covered by one or more claims of the '580 patent and will continue to do so unless enjoined therefrom by this Court.

20. Defendant Rexton, Inc. has infringed, directly or indirectly, the '580 patent by importing, making, using, offering for sale and/or selling products, including but not necessarily limited to its Cobalt+ and Gen+ products, which are covered by one or more claims of the '580 patent and will continue to do so unless enjoined therefrom by this Court.

21. Upon information and belief, the Defendants' ongoing infringement of the '580 patent is knowing and/or willful.

22. Plaintiff has been damaged by Defendants' infringement of the '580 patent.

23. Plaintiff has suffered irreparable harm from Defendants' infringement. Because the infringement is continuing, Plaintiff will suffer additional irreparable harm unless Defendants are enjoined from continuing to infringe the '580 patent.

**COUNT III**  
**INFRINGEMENT OF U.S. PATENT NO. 7,421,086**

24. Plaintiff realleges and incorporates Paragraphs 1-23 by reference herein.

25. Plaintiff is the owner by assignment of the entire right, title, and interest in United States Patent No. 7,421,086 (the "'086 patent") entitled "Hearing Aid System," which was duly

and legally issued by the United States Patent and Trademark Office on or about September 2, 2008. A true and accurate copy of the '086 patent is attached hereto as Exhibit C.

26. Defendant Audina Hearing Instruments, Inc. has infringed, directly or indirectly, the '086 patent by importing, making, using, offering for sale and/or selling products, including but not necessarily limited to its Intellio products, which are covered by one or more claims of the '086 patent and will continue to do so unless enjoined therefrom by this Court.

27. Defendant Prairie Labs, Inc has infringed, directly or indirectly, the '086 patent by importing, making, using, offering for sale and/or selling products, including but not necessarily limited to its Revolution (RIC) products, which are covered by one or more claims of the '086 patent and will continue to do so unless enjoined therefrom by this Court.

28. Defendant Rexton, Inc. has infringed, directly or indirectly, the '086 patent by importing, making, using, offering for sale and/or selling products, including but not necessarily limited to its Cobalt+ and Gen+ products, which are covered by one or more claims of the '086 patent and will continue to do so unless enjoined therefrom by this Court.

29. Upon information and belief, the Defendants' infringement of the '086 patent has been and/or continues to be knowing and/or willful.

30. Plaintiff has been damaged by Defendants' infringement of the '086 patent.

31. Plaintiff has suffered irreparable harm from Defendants' infringement. Because the infringement is continuing, Plaintiff will suffer additional irreparable harm unless Defendants are enjoined from continuing to infringe the '086 patent.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff demands judgment and seeks relief against Defendants as follows:

A. That this Court enter judgment that the '245, '580, and '086 patents have been and continue to be infringed by Defendants.

B. That this Court preliminarily and permanently enjoin the Defendants, its officers, agents, servants, employees, subsidiaries and those persons acting in concert with it, including related individuals and entities, customers, representatives, dealers and distributors, from infringing the '245, '580, and '086 patents as provided in 35 U.S.C. § 283.

C. That this Court award Plaintiff damages adequate to compensate for the infringement, but in no event less than a reasonable royalty for the use made of the inventions of the '245, '580, and '086 patents as provided in 35 U.S.C. § 284.

D. That this Court award Plaintiff treble damages as provided in 35 U.S.C. § 284 for infringement of the '245, '580, and '086 patents.

E. That this Court find Defendants' infringement of the '245, '580, and '086 patents is willful.

F. That this Court declare this to be an exceptional case within the meaning of 35 U.S.C. § 285.

G. That this Court award Plaintiff reasonable attorneys' fees in this action as provided in 35 U.S.C. § 285.

H. That this Court award Plaintiff interest and costs in this action pursuant to 35 U.S.C. § 284.

I. That this Court grant such other and further relief as it shall deem just and proper.

**Demand for Jury Trial**

Plaintiff demands a jury trial on all claims and issues triable of right by a jury.

Dated: December 10, 2010

Respectfully submitted,

By: 

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