

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**ANDREW KATRINECZ and  
DAVID BYRD,  
Plaintiffs,**

**v.**

**TRUST INTERNATIONAL, B.V.,  
LIGHTHOUSE BRANDS, L.L.C. and  
D & H DISTRIBUTING COMPANY  
Defendants.**

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**CASE NO. 2:08-CV-363  
JURY**

**PLAINTIFFS' ORIGINAL COMPLAINT AND JURY DEMAND**

TO THE HONORABLE JUDGE OF SAID COURT:

Andrew Katrinecz and David Byrd hereby file this their Original Complaint and Jury Demand against the above-captioned Defendants and in support thereof would respectfully show the Court as follows:

**I. INTRODUCTION**

1. Plaintiffs bring this action to remedy Defendants' illegal actions, including willful and malicious infringement and misappropriation of Plaintiffs' intellectual property. Accordingly, Plaintiffs seek permanent injunctive relief and damages to redress the injuries they have suffered.

**II. PARTIES**

2. Plaintiffs David Byrd and Andrew Katrinecz are individuals residing in Round Rock, Texas, and Shalimar, Florida, respectively. Together they own all right, title and interest in United States Patent Nos. 6,199,996 and 7,284,872.

3. Upon information and belief, Defendant Trust International, B.V. ("Trust"), is a corporation organized under the laws of the Netherlands, with its principal place of business in the Netherlands

and who may be served by serving via international courier its Chairman and CEO, Michel Perridon, Laan van Barcelona 600, 3317 DD Dordrecht, The Netherlands.

4. Defendant Lighthouse Brands, L.L.C. (“Lighthouse”), is a New Jersey limited liability company who maintains its principal place of business at Lighthouse Brands L.L.C., 3 Becker Farm Road, 3rd Floor, Suite 302, Roseland, New Jersey, 07068. The Texas Secretary of State is the agent for service of process on Defendant Lighthouse because it is a nonresident required by statute to designate or maintain a resident agent or engages in business in Texas but has not designated or maintained a resident for service of process. In addition or in the alternative, the Texas Secretary of State is the agent for service of process on Defendant Lighthouse because it is a nonresident who engages in business in Texas, but does not maintain a regular place of business in this state or a designated agent for service of process in this proceeding that arises out of its business done in this state and to which it is a party.

5. Defendant D & H Distributing Company (“D&H”) is a Pennsylvania corporation who maintains its principal place of business at 2525 North Seventh Street, PO Box 5967, Harrisburg, PA 17110-09678 and who may be served with process by serving its registered agent, CT Corporation System, at 350 N. St. Paul Street, Dallas, TX 75201.

6. This is an action for patent infringement arising out under the laws of the United States. *See, e.g.*, 35 U.S.C. §1, et seq.

7. This Court has subject-matter jurisdiction under the claims set forth in this complaint pursuant to 28 U.S.C. §§1331, 1338 (a).

8. This Court has personal jurisdiction over Defendants because, among other things, Defendants regularly do business in this judicial district and because Defendants have established

minimum contacts with the forum and the exercise of jurisdiction over Defendants will not offend traditional notions of fair play and substantial justice. On information and belief, Defendants design, manufacture and place infringing products (infringing both Plaintiffs' patents) into the stream of commerce with reasonable expectation and/or knowledge that the actual or potential ultimate purchasers and users are located throughout the United States, including within this judicial district. On information and belief, Defendants have voluntarily conducted and solicited customers in the State of Texas, including in this judicial district. On information and belief, Defendants sell, advertise, market and distribute infringing products throughout this judicial district. Defendants have committed and continue to commit acts of patent infringement in this judicial district.

9. Venue is proper in this judicial district under 28 U.S.C. §1391(b), (c) and 1400(b) because Defendants are subject to personal jurisdiction in the Eastern District as discussed in the preceding paragraph.

### **III. THE PATENTS-IN-SUIT**

10. Defendants have infringed and continue to infringe the following United States Patents issued to Plaintiffs: 6,199,996 and 7,284,872.

11. United States Patent No. 6,199,996 ("the '996 Patent"), entitled "Low power, low cost illuminated keyboards and keypads," was duly and legally issued by the United States Patent and Trademark Office to Plaintiffs on March 13, 2001. A copy of the '996 Patent is attached hereto as Exhibit A.

12. United States Patent No. 7,284,872 ("the '872 Patent"), entitled "Low power, low cost illuminated keyboards and keypads," was duly and legally issued by the United States Patent and Trademark Office to Plaintiffs on October 23, 2007. A copy of the '872 Patent is attached hereto as

13. The '996 and '872 patents are all valid and enforceable.

**COUNT 1 - INFRINGEMENT OF THE '996 PATENT**

14. Defendants have infringed, and are still infringing, literally and/or under the doctrine of equivalents, one or more claims of the '996 Patent in at least this State and District by making, using, offering to sell, selling, and/or importing products that infringe one or more of the claims of the '996 Patent.

15. Defendants have also contributed to and/or induced, and continue to contribute to and/or induce, the infringement of one or more claims of the '996 Patent, in at least this State and District.

16. On information and belief, Defendants' infringement of one or more claims of the '996 Patent has taken place, with full knowledge of the '996 Patent and has been, and continues to be, willful, deliberate, and intentional.

17. Defendants' infringement of one or more claims of the '996 Patent has injured Plaintiffs, and Plaintiffs are entitled to recover damages adequate to compensate it for Defendants' infringement, which in no event can be less than a reasonable royalty.

18. Defendants have caused Plaintiffs substantial damage and irreparable injury by their infringement of one or more claims of the '996 Patent, and Plaintiffs will continue to suffer damage and irreparable injury unless and until the infringement of Defendants is enjoined by this Court.

**COUNT 2 - INFRINGEMENT OF THE '872 PATENT**

19. Defendants have infringed, and are still infringing, literally and/or under the doctrine of equivalents, one or more claims of the '872 Patent in at least this State and District by making, using, offering to sell, selling, and/or importing products that infringe one or more of the claims of

the '872 Patent.

20. Defendants have also contributed to and/or induced, and continue to contribute to and/or induce, the infringement of one or more claims of the '872 Patent, in at least this State and District.

21. On information and belief, Defendants' infringement of one or more claims of the '872 Patent has taken place, with full knowledge of the '872 Patent and has been, and continues to be, willful, deliberate, and intentional.

22. Defendants' infringement of one or more claims of the '872 Patent has injured Plaintiffs, and Plaintiffs are entitled to recover damages adequate to compensate it for Defendants' infringement, which in no event can be less than a reasonable royalty.

23. Defendants have caused Plaintiffs substantial damage and irreparable injury by their infringement of one or more claims of the '872 Patent, and Plaintiffs will continue to suffer damage and irreparable injury unless and until the infringement of Defendants is enjoined by this Court.

#### **PRAYER**

24. WHEREFORE, Plaintiffs pray for the following relief:

- (a) Defendants Trust, Lighthouse and D&H be summoned to appear and answer;
- (b) Plaintiffs be granted judgment against Defendants Trust, Lighthouse and D&H;
- (c) The Court enter a judgment that Defendants Trust, Lighthouse and D&H have infringed, contributorily infringed, and/or induced the infringement of U.S. Patent Nos. 6,199,996 and 7,284,872, and continue to infringe, contribute to the infringement of and/or induce the infringement of U.S. Patent Nos. 6,199,996 and 7,284,872.
- (d) The Court enter a judgment that Defendants Trust, Lighthouse and D&H's infringement of U.S. Patent Nos. 6,199,996 and 7,284,872 was willful and continues to be willful.
- (e) The Court enter permanent injunction enjoining Defendants Trust, Lighthouse and D&H, their officers, directors, servants, consultants, managers, employees, agents,

attorneys, successors, assigns, affiliates, subsidiaries, and all persons in active concert or participation with any of them, from infringement, contributory infringement, and inducement of infringement of the '996 Patent and the '872 Patent, including but not limited to making, using, offering to sell, selling, or importing any products that infringe, literally or under the doctrine of equivalents, the '996 Patent and the '872 Patent;

- (f) The Court enter an award to Plaintiffs of all damages adequate to compensate Plaintiffs for Defendants Trust, Lighthouse and D&H's infringement, contributory infringement, and/or inducement of infringement, such damages to be determined by a jury and, if necessary, an accounting of all damages;
- (g) The Court award pre-judgment and post-judgment interest as allowed by law;
- (h) The Court enter an award of increased damages in an amount not less than three times the amount of damages awarded to Plaintiffs for Defendants Trust, Lighthouse and D&H's willful infringement of the '996 Patent and the '872 Patent;
- (i) The Court enter a declaration that this is an exceptional case under 35 U.S.C. §285 and enter an award of the reasonable attorney's fees, costs, and expenses incurred by Plaintiffs in this action;
- (j) The Court award to Plaintiffs and against Defendants, jointly and separately, Defendants' profits;
- (k) The Court award to Plaintiffs and against Defendants, jointly and separately, Plaintiffs' reasonable attorneys' fees and expenses of litigation on all costs of this action; and
- (l) The Court grant Plaintiffs such further relief to which Plaintiffs may show themselves justly entitled.

## **V. JURY DEMAND**

Plaintiffs hereby demand a trial by jury on all issues and claims so triable.

Respectfully submitted,

**SIEBMAN, REYNOLDS, BURG, PHILLIPS & SMITH,  
LLP - MARSHALL**

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