



3. Tecnica is a corporation organized under the laws of New Hampshire with its principal place of business located at 19 Technology Drive, West Lebanon, New Hampshire, 03784.

4. Upon information and belief, defendant Jens Ole Sorensen is the named inventor of the '184 patent, and an individual claiming residence 14431 Bellvista Drive, Rancho Santa Fe, California, 92067.

5. Defendant Jens Erik Sorensen is, upon information and belief, trustee of the Sorensen Research and Development Trust ("the Sorensen Trust").

6. Defendant Sorensen Trust, upon information and belief, has a principal place of business at 9930 Mesa Rim Road, Suite 100, San Diego, California, 92121. Sorensen Trust further claims to be the owner of all substantial rights in the '184 patent.<sup>1</sup>

#### **JURISDICTION AND VENUE**

7. This Court has jurisdiction over the parties and subject matter of this action pursuant to 28 U.S.C. §§ 1331, 1338, 2201, 2202 and the United States Patent Laws, 35 U.S.C. §§ 1 *et seq.*

8. Venue in this district is proper under 28 U.S.C. §§1391 and 1400(b), because potential witnesses reside in or near the District of New Hampshire and because New Hampshire is the center of the accused activity.

9. Personal jurisdiction over defendants is proper because, upon information and belief, defendants routinely license the technology that is the subject of the '184 patent to large, multi-national corporations in New Hampshire and throughout the world. Further, counsel for

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<sup>1</sup> United States Patent No. 4,935,184 lists Primtec as the Assignee of the Patent. A review of records from the California Secretary of State reveals that Primtec, formerly located in Rancho Santa Fe, California, is now dissolved. In correspondence dated December 2, 2004, counsel for Sorensen Trust represented that the Trust is the current owner of the '184 patent.

Defendants have repeatedly contacted Plaintiffs, both directly and through Plaintiffs' counsel, for the express purpose of negotiating a license agreement for the technology covered in the '184 patent and for the purpose of threatening a lawsuit against Nordica for alleged infringement of the '184 patent. *See* Exhibit 1. That is to say, Defendants have, at least since 2004, solicited business in New Hampshire in the form of proposing a licensing arrangement with Nordica.

10. This is an action for declaratory judgment under the provisions of 28 U.S.C. §§ 2201 and 2202. An actual and substantial justiciable controversy exists between Plaintiffs and Sorensen Trust as to the validity and enforceability of the '184 patent, and as to whether Plaintiffs have infringed or are infringing the '184 patent.

11. Sorensen Trust has alleged that it is the owner of the '184 patent.

12. The '184 patent, issued on June 19, 1990 and entitled "Stabilized Injection Molding When Using a Common Mold Part with Separate Complimentary Mold Parts", concerns a method for injection molding thin-walled hollow plastic products, in a two-step sequential molding process. A copy of the '184 Patent is attached as Exhibit 1.

13. On December 2, 2004, counsel for Sorensen Trust sent a letter to Andy Knittle, Chief Executive Officer of Nordica USA Corp., in New Hampshire, alleging that after examining a sample of selected Nordica ski boot products<sup>2</sup> Sorensen Trust had determined that Nordica was infringing the '184 patent. In the December 2, 2004 letter, counsel for Sorensen Trust repeatedly invited Nordica to enter into a licensing agreement with Sorensen Trust.

14. On January 27, 2005, counsel for Sorensen Trust directed a second letter to David S. Safran, Esq., counsel for Nordica. In the January 27, 2005 letter, counsel for Sorensen Trust

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<sup>2</sup> Specifically, Sorensen Trust alleged the following Nordica products infringed the '184 patent because they were manufactured using the same injection molding process that is the subject of the '184 patent: (1) Nordica The Beast; (2) Nordica Beast 10; (3) Nordica Beast 12; (4) Nordica Beast 14; (5) Nordica Beast 10 Woman; (6) Nordica Beast 12 Woman.

continued to assert Nordica was infringing the '184 patent and further invited Nordica, a New Hampshire corporation, to enter into licensing discussions with Sorensen Trust.

15. On March 17, 2005 and again on May 2, 2005, counsel for Sorensen Trust repeated its allegations of infringement in letters directed to Nordica's legal counsel. Again, both letters invited Nordica to enter into licensing discussions with Sorensen Trust. Finally, on March 2, 2006, counsel for Sorensen Trust indicated in a letter directed to Nordica's counsel, that it intended to file suit on or about March 8, 2006 for alleged infringement of the '184 patent.

16. Based upon the above-described written correspondence, there exists an immediate threat that the Trust will initiate a patent infringement lawsuit against Nordica and/or take other action against it pertaining to its alleged infringement of the '184 patent.

17. Furthermore, on or about September 27, 2006, Defendants filed an action in the United States District Court for the Southern District of California, captioned Sorensen, Tr. of Sorensen Research and Development Trust v. Tecnica USA Corp & Nordica USA Corp., 06-cv-1941 alleging, *inter alia*, that Nordica and Tecnica infringe the '184 patent by selling, or offering for sale, certain ski boots manufactured using the '184 patented process.

18. Nordica denies that it infringes any valid claim of the '184 Patent .

19. Tecnica denies that it infringes any valid claim of the '184 patent.

20. The '184 Patent is invalid as anticipated, for obviousness and for other grounds under title 35, United States Code.

21. An actual and justicable controversy exists between Plaintiffs and the Defendants concerning whether Nordica or Tecnica infringes any valid claim of the '184 Patent and concerning the validity and enforceability of the '184 Patent.

**FIRST COUNT**  
**Non-infringement**

22. Plaintiffs repeat and reallege, as though fully set forth herein, the allegations contained in Paragraphs 1 through 18 of this Complaint.

23. Upon information and belief, Plaintiffs have not infringed, are not infringing, and have not contributed to or induced others to infringe any valid claim of the '184 patent as properly construed.

24. Plaintiffs are entitled to a declaration from the Court that they have never directly infringed (and are not directly infringing) the '184 patent, and have never contributed to or induced infringement (and are not contributorily infringing or inducing infringement) of any valid claim of the '184 patent as properly construed.

**SECOND COUNT**

**Invalidity**

25. Plaintiffs incorporate by reference as if fully stated herein the allegations contained in paragraphs 1 through 24 of the Complaint.

26. Upon information and belief, the claims of the '184 patent are invalid for failure to meet one or more of the requirements of patentability of United States Code, Title 35, including without limitation those requirements set forth in 35 U.S.C. §§ 101, 102, 103, 112 and/or 132, and the rules, regulations and laws pertaining thereto.

27. Plaintiffs are entitled to a declaration from the Court that some or all of the claims the '184 patent are invalid or otherwise unenforceable.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs request that this Court grant Nordica the following relief:

- a. Enter a declaratory judgment that Plaintiffs have never directly infringed (and are not directly infringing) the '184 patent, and have never contributed to or induced infringement (and are not contributorily infringing or inducing infringement) of any valid claim of the '184 patent as properly construed;
- b. Enter a declaratory judgment that some or all of the claims of U.S. Patent 4,935,184 are invalid or otherwise unenforceable;
- c. Award Plaintiffs their legal costs and expenses; and
- d. Award Plaintiffs such additional and alternative relief as this Court deems just, equitable and appropriate.

**JURY DEMAND**

Plaintiffs hereby demand a jury as to all claims so triable.

October 5, 2006

Respectfully submitted,

Nordica USA Co. and Tecnica USA Corp.

By and through their attorneys,  
Nixon Peabody LLP

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**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Jamie N. Hage, Esq.  
Jamie N. Hage, Esq.