

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

CORRECT CRAFT IP HOLDINGS, LLC,
a Florida limited liability company,

Plaintiff,

vs.

CASE NO. _____

MALIBU BOATS, LLC, a Delaware limited
liability company; and DANMARK
INTERNATIONAL, INC., a Florida
corporation, d/b/a CENTRAL FLORIDA
BOATING CENTER,

Defendants.
_____ /

COMPLAINT

**JURY TRIAL REQUESTED
INJUNCTIVE RELIEF REQUESTED**

ACTION FOR PATENT INFRINGEMENT

COMES NOW Plaintiff Correct Craft IP Holdings, LLC, ("Plaintiff") through its undersigned counsel, and for its complaint against Defendants Malibu Boats, LLC, and Danmark International, Inc., d/b/a Central Florida Boating Center ("Defendants") states:

PARTIES, JURISDICTION AND VENUE

1. Plaintiff is a Florida limited liability company with its principal place of business within this Judicial District and Division.
2. Upon information and belief, Defendant Malibu Boats, LLC, is a limited liability company organized and doing business under the laws of the State of Delaware, and which has its principal place of business in Merced, California.

3. Defendant Danmark International, Inc., d/b/a Central Florida Boating Center, is a Florida corporation which has its principal place of business in this Judicial District and Division.

4. Defendants offer for sale throughout the United States, including within this Judicial District and Division, wakeboard towers and boats which infringe Plaintiff's United States Patents, either directly or indirectly. These activities are carried out by Defendants through internet web sites, through offers for sale and sales through advertisements distributed throughout the United States, through offers for sale at trade shows throughout the United States and/or direct sales to customers throughout the United States. Defendants regularly and continuously transact business in Florida, have engaged in the infringing activity complained of in this judicial district, and have otherwise engaged in conduct sufficient to subject Defendants to the personal jurisdiction of this Court in accordance with the Florida Long Arm Statute and due process.

5. This is a claim for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code. Subject matter jurisdiction is conferred on this Court pursuant to 28 U.S.C. §§1331 and 1338. Venue properly lies in this Judicial District and Division under 28 U.S.C. §1391(b)-(c) and 28 U.S.C. §1400(b).

STATEMENT OF FACTS

6. Wakeboarding is a recreational boating activity in which a participant

standing upon a wakeboard is pulled behind a recreational tow boat, usually attempting to perform tricks across the wake of the boat.

7. On September 3, 2002, the United States Commissioner of Patents and Trademarks reissued United States 5,979,350 to Plaintiff as United States Patent RE37,823 for "Water Sport Towing Apparatus and Method" ("the '823 Patent"). A true and correct copy of the '823 Patent is appended as Exhibit A.

8. The '823 Patent has been assigned to Plaintiff.

9. On December 23, 2003, the United States Commissioner of Patents and Trademarks issued United States Patent 6,666,159 ("the '159 Patent"). A true and correct copy of the '159 Patent is appended as Exhibit B.

10. The '159 Patent has been assigned to Plaintiff.

11. On April 4, 2000, the United States Commissioner of Patents and Trademarks issued United States Patent 6,044,788 ("the '788 Patent"). A true and correct copy of the '788 Patent is appended as Exhibit C.

12. The '788 Patent has been assigned to Plaintiff.

13. On February 27, 2001, the United States Commissioner of Patents and Trademarks issued United States Patent 6,192,819 ("the '819 Patent"). A true and correct copy of the '819 Patent is appended as Exhibit D.

14. The '819 Patent has been assigned to Plaintiff.

15. On April 23, 2002, the United States Commissioner of Patents and Trademarks issued United States Patent 6,374,762 ("the '762 Patent"). A true and

correct copy of the '762 Patent is appended as Exhibit E.

16. The '762 Patent has been assigned to Plaintiff.

17. November 27, 2007, the United States Commissioner of Patents and Trademarks issued United States Patent 7,299,761 ("the '761 Patent"). A true and correct copy of the '761 Patent is appended as Exhibit F.

18. The '761 Patent has been assigned to Plaintiff.

19. Plaintiff offers non-exclusive licenses under the '823 Patent, the '159 Patent, the '788 Patent, the '819 Patent, the '762 Patent, and the '761 Patent (collectively "Patents in Suit").

20. Defendants do not have a license under the Patents in Suit.

COUNT ONE
Action For Patent Infringement

21. Plaintiff repeats and realleges paragraphs 1-20, and restates them as though fully set forth herein.

22. This Count One is an action by Plaintiff against Defendants for monetary damages and injunctive relief as a direct and proximate result of acts of infringement by directly, contributorily and/or inducing infringement of the Patents in Suit.

23. Plaintiff owns the Patents and has standing to sue for the infringement of the Patents in Suit.

24. Upon information and belief, Defendants are directly infringing, inducing infringement by others, and/or contributorily infringing the Patents in Suit

through, among other activities, making, using, offering to sell, and selling in the United States, and/or importing into the United States, without authorization or license, tower products designed specifically for wakeboard use that infringe, or are used to infringe, at least one claim of each of the Patents in Suit.

25. The infringing activities of Defendants have been engaged in without authorization by Plaintiff.

26. Plaintiff is entitled to compensatory damages and injunctive relief for Defendants' infringing activities outlined in this Count One. Plaintiff has suffered a compensable injury by reason of Defendants' infringements of the Patents in Suit, and will suffer irreparable injury unless Defendants' infringing activities are not preliminarily and then permanently enjoined.

27. Upon information and belief, the infringing activities of Defendants are willful, entitling Plaintiff to an award of enhanced damages, attorneys' fees and costs of this action.

DEMAND FOR JURY TRIAL

Plaintiff requests a jury trial for all matters triable to a jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that this Honorable Court enter such preliminary and final Orders and Judgments as are necessary to provide Plaintiff with the following relief:

- a. A preliminary and then permanent injunction enjoining Defendants

from infringing any of the asserted Patents in Suit under 35 U.S.C. §283;

b. An award of damages, together with interest and costs, under the Patent Act, including without limitation, 35 U.S.C. §284, in an amount adequate to compensate for Defendants' infringements but in no event less than a reasonable royalty for the use made by Defendants of the inventions set forth in Plaintiff's Patents in Suit.

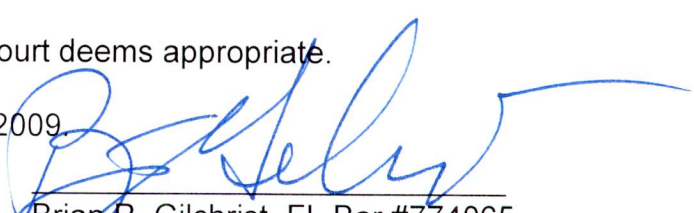
c. An award of enhanced damages under 35 U.S.C. §284.

d. An award to Plaintiff of its attorneys' fees under 35 U.S.C. § 285.

e. That Defendants be required to provide an accounting of all sales to determine the amount of profits and unjust enrichment received from their infringing actions.

f. Such other relief as the Court deems appropriate.

Respectfully submitted May 13, 2009.



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