

1 MELODY A. KRAMER, SBN 169984  
2 KRAMER LAW OFFICE, INC.  
3 9930 Mesa Rim Road, Suite 1600  
4 San Diego, California 92121  
5 Telephone (858) 362-3150  
6 mak@kramerlawip.com

7 J. MICHAEL KALER, SBN 158296  
8 KALER LAW OFFICES  
9 9930 Mesa Rim Road, Suite 200  
10 San Diego, California 92121  
11 Telephone (858) 362-3151  
12 michael@kalerlaw.com

13 Attorneys for Plaintiff JENS ERIK SORENSEN,  
14 as Trustee of SORENSEN RESEARCH AND  
15 DEVELOPMENT TRUST

16 UNITED STATES DISTRICT COURT  
17 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

18 JENS ERIK SORENSEN, as Trustee of ) Case No. 08cv306 BTM CAB  
19 SORENSEN RESEARCH AND )  
20 DEVELOPMENT TRUST, ) **FIRST AMENDED**<sup>1</sup>  
21 ) **COMPLAINT FOR PATENT**  
22 ) **INFRINGEMENT**  
23 )  
24 )  
25 )  
26 )  
27 )  
28 )

Plaintiff )  
v. )  
SUNBEAM PRODUCTS, INC., a ) REQUEST FOR JURY TRIAL  
Delaware Corporation; and DOES 1 – )  
100, )  
Defendants. )

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<sup>1</sup> Amended to add two new accused products in paragraph 11.

1 Plaintiff JENS E. SORENSEN, as TRUSTEE OF THE SORENSEN  
2 RESEARCH AND DEVELOPMENT TRUST (“SRDT”), for its Complaint for  
3 Patent Infringement against Defendants alleges as follows:  
4

### 5 **THE PARTIES**

6 1. SRDT is a California resident, and the trustee of a trust organized  
7 according to California law, and owner of all rights to United States Patent No.  
8 4,935,184 (hereinafter “’184 patent”). A true and correct copy of the ‘184 patent is  
9 attached hereto as Exhibit A.

10 2. Defendant SUNBEAM PRODUCTS, INC. (“SUNBEAM”) is a  
11 corporation organized under the laws of Delaware, having a principal office located  
12 at 2381 Executive Center Dr., Boca Raton, Florida 33431.

13 3. Defendants DOES 1 – 100 are other persons or entities, presently  
14 unidentified, that have also been engaged, directly or indirectly, in the manufacture,  
15 import, sale, and/or offer for sale in the United States of the products accused of  
16 infringement herein.

17 4. On information and belief, Defendants have acted as agents of one or  
18 more of each other during some or all of the times relative to the subject matter of  
19 this Complaint.  
20

### 21 **JURISDICTION and VENUE**

22 5. This action arises under the Patent Laws of the United States of  
23 America, Title 35, United States Code. Jurisdiction is founded on Title 28, United  
24 States Code §§ 1331, 1332(a), and 1338(a).

25 6. On information and belief, venue in this district is proper under 28  
26 U.S.C. §§ 1391 and 1400(b) because Defendants have committed acts of  
27 infringement in this District.

28 7. This Court has personal jurisdiction over Defendants because they have

1 manufactured within, imported into, offered for sale, and/or sold infringing products  
2 in this District.

3  
4 **CLAIM FOR RELIEF**  
5 **(Patent Infringement)**

6 8. SRDT realleges and incorporates herein by reference paragraphs 1  
7 through 7, inclusive, as though fully set forth herein.

8 9. The '184 patent entitled "Stabilized Injection Molding When Using a  
9 Common Mold Part With Separate Complimentary Mold Parts," was issued on June  
10 19, 1990.

11 10. On information and belief, Defendants have, within the past six years,  
12 made, imported into, sold or offered for sale within the United States and this  
13 District, products for which the two plastic component external plastic shells are  
14 manufactured through processes which incorporate all elements of the '184 patented  
15 process (hereinafter "Accused Products").

16 11. Accused Products include the product(s) specifically identified below,  
17 and any other of Defendants' products sold under any name which were  
18 manufactured utilizing similar processes, including but not limited to, any other  
19 product manufactured using the same injection mold as any of the products identified  
20 in the following table:

21  
22 Sunbeam Professional Iron, Model No. 4243  
23 Sunbeam 4214 Steam Master Iron, Model No. 4214  
24 Sunbeam Professional Iron, Model No. 4239

25 12. Defendants have not obtained a license or any other valid authorization  
26 for import, sale, or offer for sale in the United States of products manufactured  
27 through use of the '184 patented process.

28 13. Defendants have been on constructive notice of the '184 patent since its

1 issuance on June 19, 1990.

2 14. Defendants have been on actual express notice of the '184 patented  
3 process since July 27, 2005.

4 15. Upon information and belief, the Defendants have engaged in design,  
5 manufacture, import, sell, and/or offer for sale within the United States, including  
6 this District, products that have dual-layer external plastic housings.

7 16. On information and belief, the Accused products identified herein and  
8 as-yet-unidentified products manufactured through the same or substantially similar  
9 process have been manufactured through processes which incorporate all elements of  
10 the '184 patented process.

11 17. None of the Defendants have obtained a license or any other  
12 authorization from the Plaintiff for manufacture, import, sale, and/or offer for sale in  
13 the United States of products manufactured through use of the '184 patented process.

14 18. Plaintiff's initial infringement notice to Defendants on July 27, 2005,  
15 provided Defendants with a drawing and associated claim chart showing the  
16 substantial likelihood pursuant to 35 U.S.C. § 295, of the infringement of the '184  
17 patented process by the import, sale and/or offer for sale in this District and the  
18 United States of the identified Accused Products and all other Defendants' products  
19 manufactured with processes which incorporate the elements of the '184 patent.

20 19. The evidence provided to Defendants in the initial letter and subsequent  
21 correspondence, illustrate how the processes utilized to produce the Accused  
22 Products incorporated each element of the '184 patent claims.

23 20. The initial letter requested Defendants pursuant to 35 U.S.C. § 295 to  
24 provide factual information necessary to verify the manufacturing process used to  
25 make the Accused Products.

26 21. To date, Defendants have not produced admissible evidence  
27 demonstrating the actual process used to manufacture the Accused Products.

28 22. SRDT made reasonable efforts to obtain process information for the

1 Accused Products, providing Defendants with an opportunity to prove that it was not  
2 using the '184 process.

3 23. On information and belief, Defendant made, used, imported, sold and/or  
4 offered for sale within the United States and this District, during the past six years  
5 and before February 5, 2008, the Accused Products using the '184 patent process,  
6 without authority to do so, in violation of 35 U.S.C. § 271, knowing such to be an  
7 infringement of the '184 patent, and in wanton and willful disregard of Plaintiff's  
8 '184 patent rights.

9 24. On information and belief, Defendants contributed to infringement of  
10 the '184 patent and actively induced others to infringe the '184 patent by virtue of  
11 making, importing, selling, using and/or offering for sale within the United States  
12 and this District, in violation of 35 U.S.C. § 271, Accused Products manufactured  
13 using the '184 patent process in wanton and willful disregard of Plaintiff's '184  
14 patent rights.

15 25. On information and belief, the conduct of Defendants in willfully  
16 infringing the '184 patent, and contributing to infringement and inducing others to  
17 infringe the '184 patent, by the acts alleged hereinabove despite being on both  
18 constructive notice and actual notice, was deliberate, thus making this an exceptional  
19 case within the meaning of 35 U.S.C. § 285.

20 26. On information and belief, Plaintiff has suffered damages by reason of  
21 Defendants' infringing conduct alleged hereinabove. The damages for Defendants'  
22 conduct are in an amount that constitutes at least a reasonable royalty for all of  
23 Defendants' sales of the Accused Products from six years prior to filing of this  
24 Complaint and continuing until February 5, 2008.

25 27. On information and belief, the reasonable royalty owed to Plaintiff from  
26 Defendants is at least eight percent (8%) of gross revenues from sales of the Accused  
27 Products from six years prior to filing of this Complaint and continuing until  
28 February 5, 2008, and according to proof at trial.



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**DEMAND FOR JURY TRIAL**

SRDT respectfully requests that its claims be tried to a jury.

DATED this Monday, March 3, 2008.

JENS ERIK SORENSEN, as Trustee of  
SORENSEN RESEARCH AND DEVELOPMENT  
TRUST, Plaintiff

/s/ Melody A. Kramer

Melody A. Kramer, Esq.

J. Michael Kaler, Esq.

Attorney for Plaintiff