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8 Attorneys for Plaintiff WORLDSLIDE, LLC

9 UNITED STATES DISTRICT COURT  
10 EASTERN DISTRICT OF CALIFORNIA

11 WORLDSLIDE, LLC

12 Plaintiff,

13 v.

14 TARGET CORPORATION, INC.

15 Defendant.

**CASE NO.**

RE: 831: Patent

**COMPLAINT FOR  
PATENT INFRINGEMENT**

**DAMAGES AND INJUNCTIVE RELIEF**

**JURY TRIAL DEMANDED**

[35 USC § 271, §§ 281-285]

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18 Plaintiff alleges:

**JURISDICTION AND VENUE**

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20 1. This action arises under the patent laws of the United States 35 U.S.C. § 271, §§ 281-  
21 285. Jurisdiction is therefore proper under 28 U.S.C. §§ 1331, 1338(a), 2201, and 2202.

22 2. Venue in this judicial district is proper under 28 U.S.C. § 1391 (b) and (c) and § 1400.  
23 Defendant has on a continual basis committed the acts alleged below within the Eastern District  
24 of California, in business interactions purposefully elicited by defendant with or directed to  
25 residents of the District, including, inter alia, actively soliciting and causing infringing, using and  
26 sales within and from the District, promotion and media advertising within and from the District,  
27 and other acts which harms plaintiff within the district.

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**THE PARTIES**

1  
2 3. Plaintiff WORLDSLIDE, LLC (“Worldslide”) is a Delaware Limited Liability  
3 Company registered with the California Secretary of State and having its principal office in  
4 Napa, Napa County, California.

5 4. Defendant TARGET CORPORATION (“Target”) is a Minnesota Corporation  
6 unregistered with the California Secretary of State which has multiple retail stores within the  
7 Eastern District stocking and selling the infringing products complained of herein.

**CLAIM FOR RELIEF**

**(Infringement of U.S. Patent Number 7,309,302)**

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9  
10 5. On December 18, 2007, United States Patent 7,309,302 ( the “’302 Patent”), entitled  
11 “Sliding Exercise Apparatus and Recreational Device” was duly and legally issued by the United  
12 States Patent and Trademark Office. Plaintiff is the assignee of the ‘302 Patent.

13 6. Defendant has been and is directly infringing, actively inducing others to infringe,  
14 and/or contributing to or inducing the infringement of the ‘302 Patent in this district and  
15 elsewhere.

16 7. Upon information and belief, Defendant will continue to infringe the ‘302 Patent unless  
17 and until it is enjoined by this Court.

18 8. Upon information and belief, Defendant’s infringement of the ‘302 Patent is taking  
19 place with knowledge of the ‘302 Patent and is willful. By continuing to commit acts of  
20 infringement with full knowledge of the ‘302 patent, Defendant has failed to meet the required  
21 standard of care to avoid a finding of willful infringement.

22 9. Defendant has caused and will continue to cause Plaintiff irreparable injury and damage  
23 by infringing the ‘302 Patent. Plaintiff will suffer further injury, for which Plaintiff has no  
24 adequate remedy at law, unless and until Defendant is enjoined from infringing the ‘302 Patent.

25 10. Target, has sold or is selling or deriving revenue from sales or has in inventory the  
26 following infringing products, known at least at one time by the following names: Six Flags  
27 Banzai Falls Water Slide, Banzai Falls Mega Racer Water Slide, Banzai Falls 2-in-1 Water Slide,

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1 Banzai Falls Wave Rider Water Slide, Banzai Double Cannon Blast Water Slide, Banzai Double  
2 Drop Falls Water Slide, Banzai Falls Splash Blast Lagoon, Banzai Aqua Blast Lagoon Inflatable  
3 Water Slide, Banzai Typhoon Twist Inflatable Water Slide, Banzai Sidewinder Blast Water  
4 Slide, Banzai Gushing Geyser Water Park, Banzai Drop Zone Water Slide, Banzai Blackout  
5 Blast Water Slide, Banzai Hydro Blast Inflatable Water Park, Banzai The Plunge. To the extent  
6 that these products may have been sold to consumers or manufactured prior to December 18,  
7 2007, such activities would not have infringed. Such activities prior to December 18, 2007 do  
8 not shield activities after December 18, 2007.

9 11. Target, in failing to reasonably remove the infringing products from the market place or  
10 stop infringing use after December 18, 2007, became an infringer by encouraging infringing sale  
11 and use of the products.

12 **PRAYER FOR RELIEF**

13 WHEREFORE, Plaintiff prays for judgment as hereafter set forth:

14 A. For judgment that Defendant has infringed the '302;

15 B. Order that the Defendant and its officers, agents, servants, employees, attorneys,  
16 and all persons in active concert or participation with any of them cease from infringing the '302  
17 Patent;

18 C. Award Plaintiff damages in amounts sufficient to compensate Plaintiff for  
19 Defendant's infringement of the '302 Patent, together with prejudgment and post judgment  
20 interest and costs, pursuant to 35 U.S.C. §284;

21 D. Treble the damages awarded to Plaintiff against Defendant, by reason of  
22 Defendant's willful infringement of the '302 Patent;

23 E. Declare this case to be "exceptional" under 35 U.S.C. §285 and award Plaintiff its  
24 attorneys' fees, expenses, and costs incurred in this action;

25 F. Award Plaintiff preliminary and permanent injunctive relief, enjoining Defendants,  
26 and each of them, from directly or indirectly infringing the '302 Patent; and

27 G. Award Plaintiff such other and further relief as the court may deem just and proper.

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BERNHEIM, GUTIERREZ & McCREADY

Date: December 16, 2011

/s/ William S. Bernheim  
William S. Bernheim  
Attorney for Plaintiff

**JURY TRIAL DEMAND**

Pursuant to Fed Rule Civ. P. 38(b), 5(d) and Eastern District of California Local Rule 38-201,  
Plaintiff demands a jury trial of all issues triable by jury.

BERNHEIM, GUTIERREZ & McCREADY

Date: December 16, 2011

/s/ William S. Bernheim  
William S. Bernheim  
Attorney for Plaintiff

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