

1 WILLIAM S. BERNHEIM SB 56555
2 BERNHEIM, GUTIERREZ & McCREADY
3 255 North Lincoln Street
4 Dixon, CA 95620
5 Ph.: (707) 678-4447
6 Fax: (707) 678-0744
7 e-mail: law@bernheimlaw.net

8 Attorneys for Plaintiff WORLDSLIDE, LLC

9 UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF CALIFORNIA

11 WORLDSLIDE, LLC

12 Plaintiff,

13 v.

14 AMAZON.COM, INC.

15 Defendant.

CASE NO.

RE: 831: Patent

**COMPLAINT FOR
PATENT INFRINGEMENT**

DAMAGES AND INJUNCTIVE RELIEF

JURY TRIAL DEMANDED

[35 USC § 271, §§ 281-285]

16 Plaintiff alleges:

JURISDICTION AND VENUE

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

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

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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 AMAZON.COM, INC. (“Amazon”) is a Delaware Corporation having its
6 principal office in the State of Washington and registered with the Washington Secretary of State
7 as entity # 6017720490 which has for years shipped products into California with instructions for
8 use as appropriate and posted instructions and encouragements on internet sites accessible to
9 residents of this district without warnings as to intellectual property issues including
10 infringement. Defendant stocks and sells to persons inside the district at their residents the
11 infringing products complained of herein.

CLAIM FOR RELIEF

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

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

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

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

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

26 9. Defendant has caused and will continue to cause Plaintiff irreparable injury and damage
27 by infringing the ‘302 Patent. Plaintiff will suffer further injury, for which Plaintiff has no

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1 adequate remedy at law, unless and until Defendant is enjoined from infringing the '302 Patent.

2 10. Amazon has sold or is selling or deriving revenue from sales or has in inventory the
3 following infringing products, known at least at one time by the following names: Six Flags
4 Banzai Falls Water Slide, Banzai Falls Mega Racer Water Slide, Banzai Falls 2-in-1 Water Slide,
5 Banzai Falls Wave Rider Water Slide, Banzai Double Cannon Blast Water Slide, Banzai Double
6 Drop Falls Water Slide, Banzai Falls Splash Blast Lagoon, Banzai Aqua Blast Lagoon Inflatable
7 Water Slide, Banzai Typhoon Twist Inflatable Water Slide, Banzai Sidewinder Blast Water
8 Slide, Banzai Gushing Geyser Water Park, Banzai Drop Zone Water Slide, Banzai Blackout
9 Blast Water Slide, Banzai Hydro Blast Inflatable Water Park, Banzai The Plunge. To the extent
10 that these products may have been sold to consumers or manufactured prior to December 18,
11 2007, such activities would not have infringed. Such activities prior to December 18, 2007 do
12 not shield activities after December 18, 2007.

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

16 **PRAYER FOR RELIEF**

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

- 18 A. For judgment that Defendant has infringed the '302;
- 19 B. Order that the Defendant and its officers, agents, servants, employees, attorneys,
20 and all persons in active concert or participation with any of them cease from infringing the '302
21 Patent;
- 22 C. Award Plaintiff damages in amounts sufficient to compensate Plaintiff for
23 Defendant's infringement of the '302 Patent, together with prejudgment and post judgment
24 interest and costs, pursuant to 35 U.S.C. §284;
- 25 D. Treble the damages awarded to Plaintiff against Defendant, by reason of
26 Defendant's willful infringement of the '302 Patent;
- 27 E. Declare this case to be "exceptional" under 35 U.S.C. §285 and award Plaintiff its

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1 attorneys' fees, expenses, and costs incurred in this action;

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

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

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Date: December 16, 2011

/s/ William S. Bernheim

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William S. Bernheim
Attorney for Plaintiff

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JURY TRIAL DEMAND

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

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Date: December 16, 2011

/s/ William S. Bernheim

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William S. Bernheim
Attorney for Plaintiff

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