

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

WING POW INTERNATIONAL
CORP., a California corporation,

Plaintiff,

v.

JORG KNYRIM, and DOES 1-10,
inclusive,

Defendants.

) Case No.

) **COMPLAINT**
) **DEMANDED JURY TRIAL**

Plaintiff Wing Pow International Corp., through its attorneys Troutman Sanders LLP and Sheldon Mak & Anderson, P.C., alleges as follows:

PARTIES

1. Plaintiff Wing Pow International, Corp. (“Plaintiff” or “Wing Pow”) is a corporation duly organized and existing under the laws of the State of California and having its principal place of business within the County of Los Angeles in the State of California.
2. On information and belief, Defendant Jorg Knyrim (“Defendant” or Knyrim”) is a German citizen residing at Kaiserstrasse 191, 76133 Karlsruhe, Germany, and, according to the records of the U.S. Patent Office, the owner of U.S. Patent No. 7,559,886 (the “886 Patent”).

3. On information and belief, the defendants sued herein as Does 1-10 are individuals and entities whose names and identities are currently unknown to Plaintiff and who are engaged in the acts described below. Plaintiff will amend its complaint to identify these individuals or entities as soon as their identities become known.

4. Plaintiff is informed and believes and, based thereon it alleges, that at all times relevant to this complaint, there existed a relationship between each of the defendants in the nature of a joint venture, partnership, principal and agent, employer and employee, master and servant, aider and abettor, and principal and/or conspirator. Each and every act of each of the defendants was duly authorized or ratified by each of the other defendants and carried out within the course and scope of such relationship. Hereafter, defendants Knyrim and Does 1-10 shall be referred to collectively as "Defendants."

JURISDICTION AND VENUE

5. Jurisdiction is based upon the patent laws of the United States of America, as set forth in 28 U.S.C. §§ 1338, 2201, and 2202 in that this is an action for a declaratory judgment that the plaintiff does not infringe the '886 Patent.

6. On information and belief, Knyrim is the owner of the '886 Patent and is a non-resident United States patentee. Personal jurisdiction over Defendant

Knyrim in the United States District Court for the District of Columbia is proper under 35 U.S.C. § 293.

7. Venue is proper in this district under 28 U.S.C. § 1391(b) and (d), which allows aliens to be sued in any district, insofar as, on information and belief, Knyrim is an alien.

**FIRST CLAIM (AGAINST ALL DEFENDANTS
FOR DECLARATORY RELIEF)**

8. Plaintiff incorporates by reference into this paragraph each and every allegations contained in paragraphs 1-7 above.

9. Plaintiff specializes in design and manufacture of adult novelties for customers throughout the United States. Plaintiff has United States Patent registrations and applications covering inventions within its field. One of Plaintiff's patents is U.S. Patent No. 7,828,717.

10. On August 16, 2011, Defendant Knyrim wrote Plaintiff's customer and distributor, Health Devices Corporation, claiming that Health Devices Corporation was selling a device that may infringe the '886 Patent as well as European Patent No. 1720502 B1. The device alleged to infringe is provided to Health Devices Corporation by Plaintiff. Attached hereto as Exhibit A is a true and correct copy of that letter. This is not the first time Defendant Knyrim has contacted one of Plaintiff's customers. Defendant Knyrim has previously

contacted Plaintiff's customer in the United Kingdom, alleging that Plaintiff's customer infringed Knyrim's European patent.

11. Plaintiff denies that it infringes any valid, enforceable claim of the '886 Patent. Each and every claim of the '886 Patent is not infringed by any of Plaintiff's products, is invalid, and/or unenforceable. By "invalid," Plaintiff means that the claim is invalid for any of the reasons a patent can be declared invalid, including failure to meet the provisions of 35 U.S.C. §§ 101, 102, 103, and 112.

12. Plaintiff obtained an opinion of counsel stating that all of the claims of the '886 Patent are invalid. Attached hereto as Exhibit B is a copy of the opinion.

13. Plaintiff's product is sufficiently different and unobvious as compared to what is disclosed in the '886 Patent, that Plaintiff received its own U.S. Patent No. 7,828,717. The '866 patent was considered by the U.S. Patent Office in granting Plaintiff its patent.

14. An actual controversy exists between Plaintiff and Defendants involving disputed questions of law and fact that are ripe for prompt and speedy adjudication so that the parties to this case may know what their respective rights and duties are.

15. By reason of the foregoing, an actual controversy between Plaintiff and Defendants exist as to the validity, enforceability, and infringement of the '866 Patent.

SECOND CLAIM (AGAINST ALL DEFENDANTS FOR TORTIOUS INTERFERENCE WITH CONTRACTUAL RELATIONS)

16. Plaintiff incorporates by reference into this paragraph each and every allegation contained in paragraphs 1-15 above.

17. As of the date that the Defendants wrote to Plaintiff's customer and distributor, Health Devices Corporation, Plaintiff had a purchase order contract with Health Devices Corporation for the sale of Plaintiff's products to Health Devices Corporation. As a result of the letter from Defendant Knyrim, Health Devices Corporation cancelled its existing purchase order and has not placed a new purchase order.

18. On information and belief, the Defendants knew of the contract between Plaintiff and Health Devices Corporation.

19. In writing the letter to Health Devices Corporation, the Defendants undertook actions intended to disrupt the relationship between Plaintiff and Health Devices Corporation.

20. As a consequence of the Defendants' acts, as alleged above, the relationships between Plaintiff and its customer was disrupted in that Plaintiff's customer cancelled a purchase order and failed to place additional purchase orders which Plaintiff had an expectation that customer would place.

21. As a consequence of the foregoing, Plaintiff was deprived of sales and profits it would have made but for Defendants' conduct.

22. The aforementioned actions by Defendants were objectionably baseless and undertaken in bad faith in that the Defendant knew or should have known that the patent was invalid and/or not infringed by Plaintiff. The aforementioned actions by Defendants were undertaken in bad faith and were oppressive, willful, and malicious in that Defendants intended to and did divert business from Plaintiff to themselves, causing Plaintiff cruel and unjust hardship in conscious disregard of Plaintiff's rights.

THIRD CLAIM (AGAINST ALL DEFENDANTS FOR TORTIOUS INTERFERENCE WITH PROSPECTIVE ECONOMIC RELATIONS)

23. Plaintiff incorporates by reference into this paragraph each and every allegation contained in paragraphs 1-22 above.

24. As of the date that Defendants wrote to Plaintiff's customer and distributor, Health Devices Corporation, Plaintiff had an economic relationship with Health Devices Corporation which offered the probability of future economic benefit to Plaintiff. As a result of the letter from Defendant Knyrim, Health Devices Corporation cancelled its existing purchase orders and has not placed a new purchase order.

25. On information and belief, the Defendants knew of this relationship.

26. In writing the letter to Health Devices Corporation, the Defendants undertook actions intended to disrupt the relationship between Plaintiff and its customer.

27. As a consequence of the Defendants' acts, as alleged above, the relationships between Plaintiff and its customer was disrupted in that Plaintiff's customer cancelled a purchase order and failed to place additional purchase orders which Plaintiff had an expectation that customer would place.

28. As a consequence of the foregoing, Plaintiff was deprived of sales and profits it would have made but for Defendants' conduct.

29. The aforementioned actions by Defendants were objectionably baseless and undertaken in bad faith in that the Defendant knew or should have known that the patent was invalid and/or not infringed by Plaintiff. The action by Defendants were oppressive, willful, and malicious in that Defendants intended to and did divert business from Plaintiff to themselves, causing Plaintiff cruel and unjust hardship in conscious disregard of Plaintiff's rights.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment as follows:

1. For declaration that United States Patent number 7,559,886 is invalid, unenforceable, and/or not infringed by Wing Pow;
2. For an award of compensatory damages according to proof but in an amount not less than US \$500,000;
3. For costs of suit;

4. For an award to Wing Pow of reasonable attorney fees pursuant to 35 U.S.C. § 285;
5. For punitive damages; and
6. For such other further relief as the Court may deem just and proper.

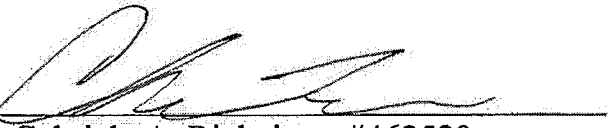
REQUEST FOR JURY TRIAL

Plaintiff Wing Pow International Corporation, requests a jury trial in this action for all issues triable by a jury.

Dated:

TROUTMAN SANDERS LLP

By:


Gabriela A. Richeimer #462520
Clarence Y. Lee # 494830
Troutman Sanders, LLP
401 9th Street, N.W.
Washington, D.C. 20004-2134
(202) 274-2950
Attorneys for Plaintiff Wing Pow
International Corp.
gabriela.richeimer@troutmansanders.com
clarence.lee@troutmansanders.com

Of Counsel

Jeffrey G. Sheldon
Laura M. Lloyd
Sheldon Mak & Anderson PC
100 Corson Street, Third Floor
Pasadena, California 91103-3842
Telephone: (626) 796-4000
Facsimile: (626) 795-6321
E-Mail: jgsheldon@usip.com
E-Mail: laura.lloyd@usip.com