MOSELEY BIEHL TSUGAWA LAU & MUZZI A Hawaii Limited Liability Law Company

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Attorneys for Plaintiff HAWAII AIRBOARDS, LLC FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

DEC 22 2011

at 1/ o'clock and 00 min. A SUE BEITIA, CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

HAWAII AIRBOARDS, LLC, a Hawaii Limited Liability Company,

Plaintiff,

٧.

NRS PROPERTIES, LLC d/b/a NRS an Idaho Limited Liability Company,

and

NORTHWEST RIVER SUPPLIES, INC. d/b/a NRS an Idaho Corporation,

Defendants.

CV11-00651 SOM-BMK

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT; **EXHIBIT A; DEMAND FOR JURY** TRIAL; SUMMONS

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, HAWAII AIRBOARDS, LLC, by and through its attorneys, Moseley Biehl, Tsugawa Lau & Muzzi, LLLC, hereby complains of Defendants NRS PROPERTIES, LLC d/b/a NRS and NORTHWEST RIVER SUPPLIES, INC. d/b/a NRS as follows:

I. PARTIES

- 1. Plaintiff HAWAII AIRBOARDS, LLC ("HAWAII AIRBOARDS") is a limited liability company organized and existing under the laws of the State of Hawaii with its principal office located in Kailua, Hawaii.
- 2. Defendant NRS PROPERTIES, LLC d/b/a NRS ("NRSP") is a limited liability company organized and existing under the laws of the State of Idaho, with its principal place of business located at 2009 S Main St, Moscow, Idaho 83843.
- 3. Defendant NORTHWEST RIVER SUPPLIES, INC. d/b/a NRS ("NRSI") is a corporation organized and existing under the laws of the State of Idaho, with its principal place of business located at 2009 S Main St, Moscow, Idaho 83843. Both defendants, NRSP and NRSI, are collectively referred to herein as "NRS" or "Defendant."

II. JURISDICTION AND VENUE

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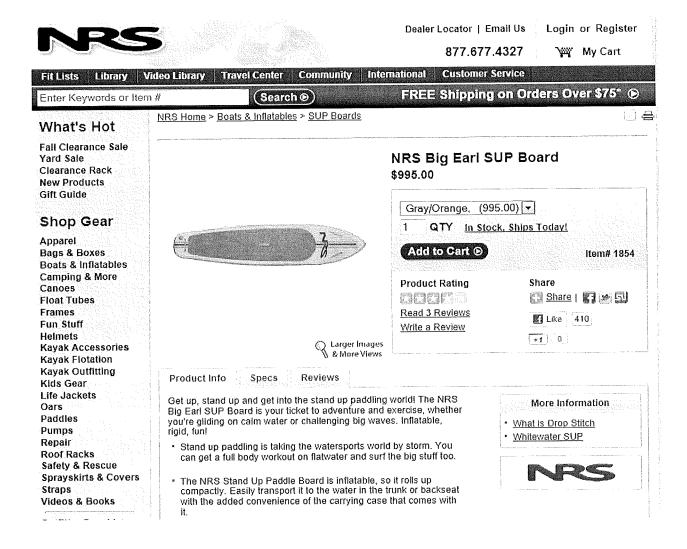
- 4. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, including 35 U.S.C. § 271 et seq. This Court has personal jurisdiction over NRS because it has established minimum contacts within the forum which are continuous and systematic, and, on information and belief, has committed acts giving rise to this action within Hawaii and this judicial district, such that the exercise of jurisdiction over NRS would not offend traditional notions of fair play and substantial justice.
- 5. Venue properly lies in the District of Hawaii pursuant to 28 U.S.C. §§ 1391(b), 1391(c), and 1400(b), because NRS is subject to this court's personal jurisdiction, has committed acts within this judicial district giving rise to this action, and Defendant conducts business in this judicial district, including one or more of the infringing acts of offering for sale or selling to consumers in this district.

III. CLAIMS

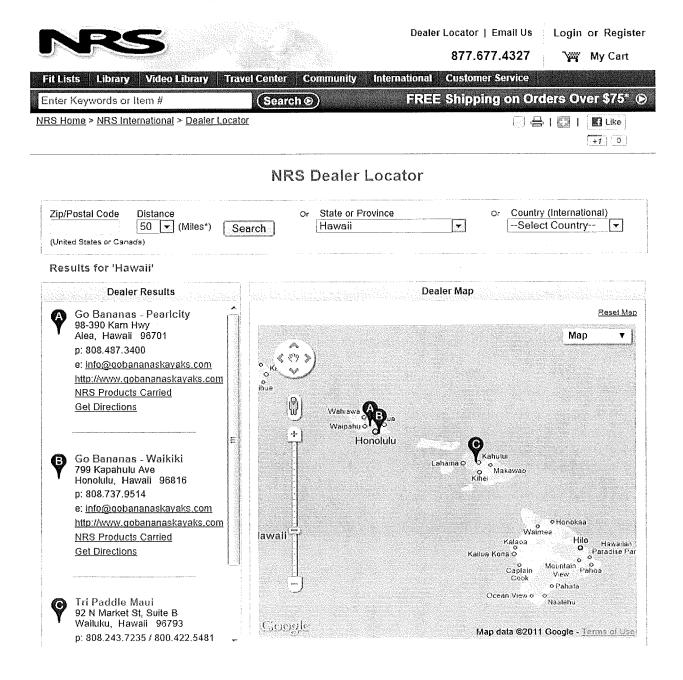
- 6. HAWAII AIRBOARDS realleges and incorporates by reference the allegations set forth in Paragraphs 1-5 above as if fully set forth herein.
- 7. United States Patent Number 6,066,016 ("the '016 Patent") is entitled "Inflatable Transportable Water Craft for Survival or Other Recreational Applications" and was duly and legally issued to Robert N. Yonover on May 23,

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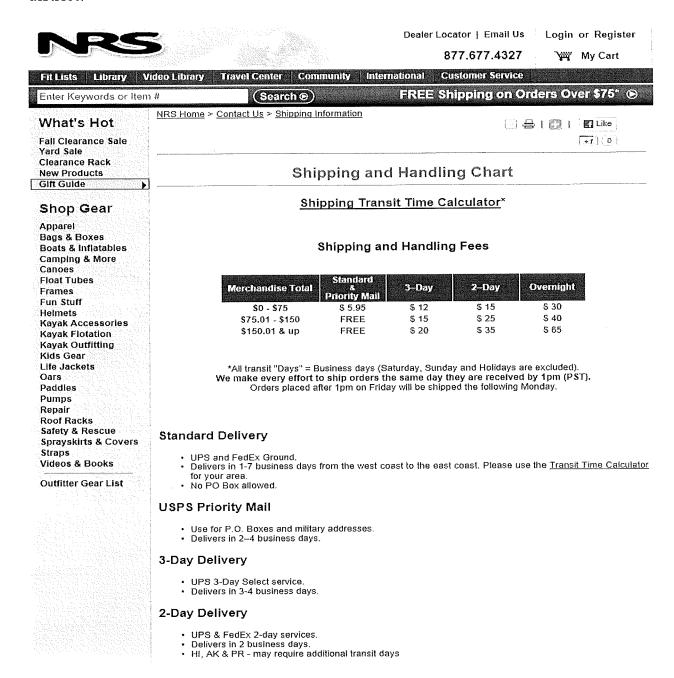
- 2000. All rights and interest in the '016 Patent have been assigned to HAWAII AIRBOARDS. A true and correct copy of the patent-in-suit as issued is attached hereto as Exhibit A.
- 8. NRS is engaged in the business of making, offering for sale, selling, and distributing inflatable stand-up paddleboards ("inflatable SUPs"), under the NRS brand to consumers throughout the United States, including Hawaii, such as, for example, the "NRS Big Earl SUP Board." On its website www.nrsweb.com (last visited on October 20, 2011) NRS advertises its inflatable SUP as follows:



9. On its website, NRS identifies three (3) dealers located within this judicial district which carry NRS products, i.e., Go Bananas – Pearlcity (98-390 Kam Hwy, Aiea, Hawaii 96701), Go Bananas – Waikiki (799 Kapahulu Ave, Honolulu, Hawaii 96816), and Tri Paddle Maui (92 N Market St., Suite B, Wailuku, Hawaii 96793):



10. Through its interactive website, NRS sells or offers for sale its products, including its "NRS Big Earl SUP Board" to residents of all 50 States, including, on information and belief, to residents within this judicial district and provides specific shipping time estimates, including shipments to this judicial district:



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40126/6/76543

Overnight Delivery

- UPS & FedEx Overnight services.
 Delivers in 1 business day.
 HI, AK & PR may require additional transit days

Saturday Delivery

- FedEx Saturday service.
- Delivers on Saturday.
- USA Lower 48 Not available in all areas. Please call 877.677.4327 to use this option.

Alaska, Hawaii, Puerto Rico and Military Addresses

- May require additional transit days.
- Standard delivery not available.
 Please use US Priority Mail for all Military Addresses.
- NRS has infringed and continues to infringe under 35 U.S.C. § 271 11. the '016 Patent. The infringing acts include, but are not necessarily limited to, making, offering for sale, selling and distributing the product(s) identified in Paragraph 7, above.
- Defendant's acts of infringement have caused damage to HAWAII 12. AIRBOARDS. Under 35 U.S.C. § 284, HAWAII AIRBOARDS is entitled to recover from Defendant the damages sustained by HAWAII AIRBOARDS as a result of its infringement of the '016 Patent. Defendant's infringement on HAWAII AIRBOARDS' exclusive rights under the '016 Patent will continue to damage HAWAII AIRBOARD causing irreparable harm, for which there is no adequate remedy of law, unless enjoined by this Court under 35 U.S.C. § 283.

PRAYER FOR RELIEF

WHEREFORE, HAWAII AIRBOARDS, LLC respectfully requests that this Court enter judgment against Defendants NRS PROPERTIES, LLC and NORTHWEST RIVER SUPPLIES, INC. as follows:

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- (a) NRS has infringed and continues to infringe the '016 Patent;
- (b) NRS and its respective directors, officers, employees, agents, subsidiaries, parents, attorneys, and all persons acting in concert, on behalf of, in joint venture, or in partnership with NRS be preliminary and permanently enjoined under 35 U.S.C. § 283 against any further acts of infringement;
- (c) For damages to be paid by NRS adequate to compensate HAWAII AIRBOARDS, LLC for all infringement of the '016 Patent, including interest, costs and disbursements as justified under 35 U.S.C. § 284;
- (d) For judgment finding this to be an exceptional case, and awarding HAWAII AIRBOARDS, LLC attorney fees under 35 U.S.C. § 285; and
- (e) For such further relief at law and in equity as the Court may deem just and proper.

DATED: Honolulu, Hawaii, December 21, 2011.

ALAN K. LAU
TEDSON H. KOJA
Attorneys for Plaintiff