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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY: _____

5 Attorneys for plaintiff

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

13 ALTINEX, INC.,
14 Plaintiff,
15 vs.
16 EVERVUE USA INC., EVERVUE
17 ASIA LIMITED,
18 Defendants.

Case No. SACV12-1068 FMO (JPRx)
First Amended Complaint
Patent Infringement

Demand for a Jury Trial

Hon. Fernando M. Olguin

Plaintiff, Altinex, Inc., alleges:

THE PARTIES

1. Plaintiff Altinex, Inc. ("Altinex") did not know the true names of defendants DOES 1 through 10, inclusive. Therefore, Altinex sued said defendants by such fictitious names. Altinex has discovered the true name of defendant DOE 1 as Evervue Asia Limited and hereby amends its complaint accordingly.

1 11. Defendants’ infringing activities have caused and will cause damages
2 to Altinex.

3 12. Defendants’ infringing activities have caused and will cause irreparable
4 harm to Altinex unless enjoined by this Court.

5 13. Defendants have known, at all times, that the accused products infringe
6 the ‘577 patent because, among other things, defendants copied, one to one, Altinex’
7 product based on the ‘577 patent. Defendants’ infringement has been and continues
8 to be willful and deliberate and will continue unless enjoined by this Court, making
9 this an exceptional case and entitling Altinex to increased damages and reasonable
10 attorneys’ fees pursuant to 35 U.S.C. §§ 284 and 285.

11 **COUNT 2, PATENT INFRINGEMENT**

12 14. Altinex incorporates by reference paragraphs 1 – 7.

13 15. Altinex owns the United States Patent No. D556,139 entitled
14 “Interconnect Enclosure for Computer and Audio Visual Equipment Concealable in
15 a Table Top”, issued on November 27, 2007 (the “‘139 patent”).

16 16. Defendants use, make, sell, offer to sell and import products that
17 infringe one or more claims of the ‘139 patent. The accused products include, but
18 are not limited to the “MB-60 Media Outlet Box” featured in Evervue’s website
19 www.evervue.com.

20 17. Defendants’ infringing activities have caused and will cause damages
21 to Altinex.

22 18. Defendants’ infringing activities have caused and will cause irreparable
23 harm to Altinex unless enjoined by this Court.

24 19. Defendants have known, at all times, that the accused products infringe
25 the ‘139 patent because, among other things, defendants copied, one to one, Altinex’
26 product based on the ‘139 patent. Defendants’ infringement has been and continues
27 to be willful and deliberate and will continue unless enjoined by this Court, making
28

1 this an exceptional case and entitling Altinex to increased damages and reasonable
2 attorneys' fees pursuant to 35 U.S.C. §§ 284 and 285.

3 **COUNT 3, PATENT INFRINGEMENT**

4 20. Altinex incorporates by reference paragraphs 1 – 7.

5 21. Altinex owns the United States Patent No. D437,827 entitled
6 "Concealable Table-Top Interconnect Box for Computer and Audio Visual
7 Equipment", issued on February 20, 2001 (the "'827 patent").

8 22. Defendants use, make, sell, offer to sell and import products that
9 infringe one or more claims of the '827 patent. The accused products include, but
10 are not limited to the "MB-60 Media Outlet Box" featured in Evervue's website
11 www.evervue.com.

12 23. Defendants' infringing activities have caused and will cause damages
13 to Altinex.

14 24. Defendants' infringing activities have caused and will cause irreparable
15 harm to Altinex unless enjoined by this Court.

16 25. Defendants have known, at all times, that the accused products infringe
17 the '827 patent because, among other things, defendants copied, one to one, Altinex'
18 product based on the '827 patent. Defendants' infringement has been and continues
19 to be willful and deliberate and will continue unless enjoined by this Court, making
20 this an exceptional case and entitling Altinex to increased damages and reasonable
21 attorneys' fees pursuant to 35 U.S.C. §§ 284 and 285.

22 WHEREFORE, plaintiff Altinex, Inc. requests judgment against defendants
23 as follows:

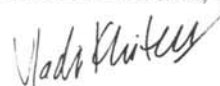
24 1. That defendants have infringed the United States Patents Nos.
25 6,802,577, D556,139, D437,827;

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- 1 2. An award against defendants for the damages suffered by plaintiff as a
- 2 result of defendants' acts of infringement, including restitution and disgorgement of
- 3 defendants' ill-gotten profits, with prejudgment interest thereon;
- 4 3. An order compelling an accounting to determine defendants' profits
- 5 and damages or royalties owed to plaintiff, including prejudgment interest, and that
- 6 such royalties and damages be increased threefold and awarded to plaintiff with
- 7 interest as enhanced damages;
- 8 4. A preliminary and permanent injunction preventing defendants, their
- 9 agents, servants, employees and all other persons and entities acting in concert or in
- 10 participation with defendants from infringing the United States Patent Nos.
- 11 6,802,577, D556,139, D437,827;
- 12 5. An award of plaintiff's attorneys' fees, costs and expenses;
- 13 6. Such other relief that the Court deems just and proper.

14 DATED: March 12, 2013

Khiterer & Park, Inc.



16 _____
17 Vladi Khiterer
18 Attorneys for plaintiff Altinex, Inc.

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DEMAND FOR A JURY TRIAL

Plaintiff Altinex, Inc. demands a jury trial on all issues.

DATED: March 12, 2013

Khiterer & Park, Inc.



Vladi Khiterer
Attorneys for plaintiff Altinex, Inc.

Name & Address:
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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ALTINEX, INC., PLAINTIFF(S)	CASE NUMBER SACV12-1068 FMO (JPRx)
v. EVERVUE USA INC., EVERVUE ASIA LIMITED, DEFENDANT(S).	SUMMONS

TO: DEFENDANT(S):

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint first amended complaint counterclaim cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Vladi Khiterer, whose address is Khiterer & Park, Inc., 2901 W. Coast Hwy., Suite 200, Newport Beach, CA 92663. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: 3/12/2013

By: [Signature]



[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].