

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

RADIO SYSTEMS CORPORATION,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 3:16-cv-236
)	
SHENZHEN SAILVAN NETWORK)	JURY TRIAL DEMANDED
TECHNOLOGY LTD.,)	
)	
Defendant.)	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Radio Systems Corporation, for its Complaint against Defendant ShenZhen Sailvan Network Technology Ltd., states as follows:

I. THE PARTIES

1. Plaintiff Radio Systems Corporation (“RSC”) is a corporation organized under the laws of the State of Delaware with its principal place of business at 10427 PetSafe Way, Knoxville, TN 37932.

2. Upon information and belief, Defendant ShenZhen Sailvan Network Technology Ltd. (“Defendant”) is a limited company organized under the laws of China with its principal place of business at 6C-009-6C-012 International Leather City, Huanan 1st Str, Pinghu Rd, Longgang Dis, Shenzhen, Guangdong, China.

II. NATURE OF ACTION

3. This is a patent infringement action to stop Defendant's infringement of U.S. Patent No. 8,096,266 (the "'266 Patent").

III. JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a) because it arises under the Patent Laws of the United States, United States Code, Title 35.

5. Venue is proper in this judicial district and division pursuant to 28 U.S.C. § 1391(c) in that, upon information and belief, Defendant is not resident in the United States.

6. This Court has general personal jurisdiction over Defendant based on its continuous and systematic minimum contacts with residents of Tennessee through the distribution and sale of its products in Tennessee directly and through its website, www.homdox.net, and online resellers, including www.amazon.com. Upon information and belief, www.homdox.net is directed to and serves consumers in the United States. This Court also has specific personal jurisdiction over Defendant under Tennessee's long-arm statute, Tenn. Code Ann. § 20-2-201 *et seq.*, because (1) Defendant has transacted business in Tennessee; (2) the tortious acts or omissions occurred in Tennessee; (3) the damages occurred in Tennessee to a corporation with a principal place of business in Tennessee; and (4) jurisdiction based on Defendant's contacts with Tennessee (including, but not limited to, sales of products) is not inconsistent with the Constitution of the State of Tennessee or the Constitution of the United States. Upon information and belief, Defendant has sold and offered for sale infringing goods and/or services in this District and in the State of Tennessee at least through the U.S. version of the website www.amazon.com.

IV. THE CONTROVERSY

A. RADIO SYSTEMS CORPORATION

7. RSC is a leading developer and manufacturer of pet feeding, pet watering, fencing, and behavior training products and solutions.

8. RCS is the parent company to many of the most recognizable pet brands in the world. The RSC family of brands includes the PetSafe® brand (a leading pet product brand for water and feed solutions), the Invisible Fence® brand (a leading in-ground containment brand), and the SportDOG Brand® (a leading brand for training equipment for sporting dogs), among others, including without limitation, Premier® Pet Products, Drinkwell® Pet Fountains, and Innotek® training products.

B. U.S. PATENT NO. 8,096,266

9. On January 17, 2012, the '266 Patent was duly, properly, and legally issued by the United States Patent and Trademark Office (the "PTO") to inventor Sean Rowe.

10. A true and correct copy of the '266 Patent is attached hereto as Exhibit 1 and incorporated herein by reference.

11. RSC is the owner of all right, title, and interest in the '266 Patent.

12. RCS sells under the PetSafe® brand the Drinkwell 360 Pet Fountain.

C. DEFENDANT'S INFRINGING CONDUCT

13. Upon information and belief, Defendant sells and offers for sale in the United States its Pet Water Fountain Dog Cat Drinking Bowl ("Pet Fountain") through the U.S. version of the website www.amazon.com. A true and correct copy of an offer for sale of the infringing Pet Fountain through www.amazon.com is attached hereto as Exhibit 2. The picture of the Pet Fountain in Exhibit 2 identifies specifically the Pet Fountain accused of infringement.

14. Upon information and belief, Defendant uses, offers for sale, sells, and imports ancillary products (including, but not limited to, carbon fiber filters and foam filters) directly with the Pet Fountain; in addition to the Pet Fountain; in connection with the Pet Fountain; or otherwise in conjunction with the Pet Fountain. A true and correct copy of an offer for sale of the exemplar ancillary products through www.amazon.com is attached hereto as Exhibit 3.

15. Upon information and belief, Defendant fills orders originating in the United States for its Pet Fountain by importing into the United States its Pet Fountain.

16. Upon information and belief, Defendant had knowledge of the '266 Patent prior to the filing of this lawsuit.

17. Upon information and belief, RSC has lost sales from, and Defendant has wrongfully profited from, sales of Defendant's ancillary products for use in connection with its Pet Fountain.

18. Defendant does not have a license or other authorization to use the invention claimed in the '266 Patent.

V. CAUSES OF ACTION

COUNT 1 - Direct Infringement

19. RSC incorporates the preceding paragraphs as though fully set forth herein.

20. RSC is the owner, by assignment, of all right, title, and interest in and to the '266 Patent, including the right to exclude others and to enforce, sue and record damages for past and future infringement.

21. The '266 Patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

22. Defendant, in violation of 35 U.S.C. § 271, has infringed, literally or through the doctrine of equivalents, and continues to infringe at least claims 23-29 of the '266 Patent through its making, using, offering for sale, and/or sale in the United States, and importing into the United States, of the Pet Fountain in all models and the aforementioned ancillary products.

23. Unless the future occurrence of these actions is enjoined, RSC will suffer irreparable injury for which there is no adequate remedy at law.

24. This is an exceptional case such that RSC should be entitled to its reasonable attorney fees and expenses incurred in prosecuting this action and defending any counterclaims brought by Defendant.

VI. PRAYER FOR RELIEF

WHEREFORE, Plaintiff Radio Systems Corporation prays that the Court enter judgment in its favor and against Defendant, granting the following relief:

1. Judgment be entered in favor of RSC against Defendant for each of the above Counts;

2. Defendant, and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and any other persons who are in active concert or participation with any of the foregoing, shall be preliminarily enjoined from infringement of U.S. Patent No. 8,096,266, including without limitation making, using, offering for sale, selling, and/or importing the Pet Fountain;

3. Defendant be directed to file with this Court and serve on RSC within ten (10) days after the service of a preliminary injunction order, a report in writing under oath, setting forth in detail the manner and form in which it has complied with the preliminary injunction order;

4. At conclusion of trial, Defendant, its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and any other persons who are in active concert or participation with any of the foregoing, shall be permanently enjoined from infringement of U.S. Patent No. 8,096,266, including without limitation making, using, offering for sale, selling, and/or importing the Pet Fountain;

5. Defendant be directed to file with this Court and serve on RSC within ten (10) days after the service of a permanent injunction order, a report in writing under oath, setting forth in detail the manner and form in which it has complied with the permanent injunction order;

6. RSC be granted an award pursuant to 35 U.S.C. § 284 of damages, not less than a reasonable royalty, adequate to compensate RSC for the infringement of U.S. Patent No. 8,096,266; pre-judgment and post-judgment interest of any award; and the costs of this action and including but not limited to such monetary damages related to ancillary or accompanying products;

7. This case and/or the actions of Defendant be deemed exceptional and RSC be granted an award for its reasonable attorney fees and expenses pursuant to 35 U.S.C. § 285; and

8. RSC be granted such other and further relief as this Court deems just and proper.

VII. DEMAND FOR JURY TRIAL

RSC demands a trial by jury of all issues so triable.

Respectfully submitted,

BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, P.C.

/s/ Samuel F. Miller

Samuel F. Miller, TN Bar No. 22936

Maia T. Woodhouse, TN Bar No. 30438

Baker Donelson Center, Suite 800

211 Commerce Street

Nashville, TN 37201

Telephone: (615) 726-5594

Facsimile: (615) 744-5594

Email: smiller@bakerdonelson.com

mwoodhouse@bakerdonelson.com

Counsel for Plaintiff Radio Systems Corporation