

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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**OLAF SÖÖT DESIGN, LLC,**

Plaintiff,

Case No. 1:15-cv-05024-RWS

v.

**JURY TRIAL DEMANDED**

**DAKTRONICS, INC., and DAKTRONICS HOIST,  
INC.**

Defendant.

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**AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Olaf Sööt Design, LLC (“Plaintiff” or “Sööt Design”) for its Complaint against Daktronics, Inc. (“Daktronics”) and Daktronics Hoist, Inc. (“DHI”) (collectively “Defendants”), hereby alleges as follows:

**NATURE OF THE ACTION**

1. This is an action for patent infringement related to United States Patent No. 6,520,485 (“the ’485 patent” or “patent-in-suit”) arising under the Patent Laws of the United States, Title 35 of the United States Code.

**THE PARTIES**

2. Plaintiff Sööt Design is a limited liability company incorporated under the laws of Connecticut having a principal place of business at 9 Tomahawk Lane, Greenwich, Connecticut 06830.

3. Defendant Daktronics is a corporation organized and existing under the laws of South Dakota, having a principal place of business at 201 Daktronics Drive, Brookings, South

Dakota 57006; and, on information and belief, places of business at 7200 Rawson Rd, Victor, New York 14564, and 1501 Broadway No. 400, New York, New York 10036. Defendant Daktronics registered to do business in New York on October 4, 1989 and is currently registered as a Foreign Business Corporation in New York County with active status and a designated agent for service of process within this district.

4. On information and belief, Defendant DHI was a corporation organized and existing under the laws of South Dakota. DHI had a principal place of business at 201 Daktronics Drive, Brookings, South Dakota 57006 and, on information and belief, places of business at 7200 Rawson Rd, Victor, New York 14564, and 1501 Broadway No. 400, New York, New York 10036. Defendant DHI registered to do business in New York on November 9, 2006 and is currently registered as a Foreign Business Corporation with active status.

5. On information and belief, DHI was a wholly-owned subsidiary of Daktronics.

### **JURISDICTION AND VENUE**

6. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

7. On information and belief, Defendant DHI and Defendant Daktronics have been in the business of, *inter alia*, developing, manufacturing, marketing, selling, and/or distributing winches in New York and throughout the United States.

8. This Court has personal jurisdiction over Defendants in that they have, directly or through intermediaries, committed acts within New York giving rise to this action; that they have established minimum contacts with New York such that the exercise of jurisdiction would not offend traditional notions of fair play and justice; that they have registered to do business in New

York; and/or because of, *inter alia*, Defendants' continuous and systematic manufacturing, marketing, sales, and distribution activities in this state.

9. Venue is proper in this district under 28 U.S.C. § 1391(b), (c) and/or (d) and 28 U.S.C. § 1400(b).

### **PATENT-IN-SUIT**

10. On February 18, 2003, United States Patent No. 6,520,485 ("the '485 patent"), entitled "Winch System for Raising and Lowering Theater Scenery," was duly and legally issued, naming Olaf Sööt as inventor.

11. Plaintiff Sööt Design is the sole owner of the entire right, title and interest in and to the '485 patent, including the right to sue and recover for any and all infringement thereof.

### **DEFENDANTS' INFRINGING PRODUCT**

12. Defendants have engaged in the manufacture, use, offer for sale, sale, importation, promotion, and/or demonstration of winches including manufacture, marketing and/or sales in New York. The winches are covered by one or more of the '485 patent claims and Defendants are thus liable for infringement of one or more claims of the '485 patent pursuant to 35 U.S.C. § 271.

13. Defendants designed and built winches at their facility in Victor, New York. For example, Defendants designed and built the winches known as Vortek® Classic Hoists and other Vortek® Hoist winches at their facility in Victor, NY that infringe one or more of the '485 patent claims.

14. Vortek® Hoist winches are used by professional theaters, school auditoriums, places of worship, and other performance spaces.

**COUNT I: PATENT INFRINGEMENT**

15. Plaintiff Sööt Design incorporates by reference each and every allegation of paragraphs 1-14 of this Complaint, as though set forth here in their entirety.

16. Defendants have directly infringed one or more claims of the '485 patent by making, using, offering to sell, selling, importing, promoting, and/or demonstrating winches.

17. Defendants are liable for contributory infringement of one or more claims of the '485 patent by having sold or offered to sell a material component of the invention embodied in one or more claims of the '485 patent that is especially made or adapted for use in infringing one or more claims of the '485 patent and is not suitable for substantial non-infringing use. Specifically, Defendants contributed to infringement of one or more claims of the '485 patent by, *inter alia*, promotion and sales of its infringing products to its customers, including those identified herein. Those customers directly infringe one or more claims of the '485 patent by making, using, and/or demonstrating the Vortek® Hoist winches.

**WILLFUL INFRINGEMENT**

18. On information and belief, Defendants had actual knowledge of the '485 patent or was willfully blind to its existence since as early as October 16, 2006. In spite of Defendants' knowledge of the '485 patent, Defendants continued developing, manufacturing, marketing, selling, and/or distributing products covered by the '485 patent, including the Vortek® Hoist winches. Defendants knew or should have known of the objectively high likelihood that their actions constituted infringement of the '485 patent, but nonetheless continued their infringing activities. On information and belief, Defendants' continued infringement is subjectively reckless. Defendants have infringed the '485 patent in a willful and egregious manner, in wanton disregard of the '485 patent.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests that this Court enter:

1. A judgment in favor of Plaintiff that Defendants have infringed, directly, jointly, and/or indirectly by way of contributing to the infringement of the '485 patent;
2. A permanent injunction enjoining Defendants and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringement, or contributing to the infringement of the '485 patent;
3. A judgment and order requiring Defendants to pay Plaintiff its damages, costs, expenses, and prejudgment and post-judgment interest for Defendants' infringement of the '485 patent as provided under 35 U.S.C. § 284;
4. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Plaintiff its reasonable attorneys' fees;
5. An award to Plaintiff of treble damages resulting from the knowing, deliberate, and willful nature of Defendants' prohibited conduct, as provided under 35 U.S.C. § 284; and
6. Any and all other relief to which Plaintiff may show itself to be entitled.

**DEMAND FOR JURY TRIAL**

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Respectfully Submitted,

Dated: November 7, 2017

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