

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO.: 09-23856-CV-ALTONAGA/BROWN

BULLET LINE, LLC,
a Pennsylvania Limited Liability Company,

Plaintiff,

vs.

BEL INCORPORATED,
a Florida Corporation,

AMIN R. RAMJEE,
an Individual,

ADVA-LITE, INC.,
a Florida Corporation,

CORVEST SPV LLC,
a Delaware Limited Liability Company,

CORVEST PROMOTIONAL PRODUCTS, INC.,
a Florida Corporation,

JOHN DOE CORPORATIONS 1-10,
all whose true names are unknown, and

JOHN and JANE DOE 1-10,
all whose true names are unknown, and

Defendants.

**PLAINTIFF'S FIRST AMENDED COMPLAINT
FOR PATENT INFRINGEMENT**

COMES NOW the Plaintiff, Bullet Line, LLC ("Plaintiff"), and for its First Amended Complaint against Defendants Bel Incorporated, Amin R. Ramjee, Adva-Lite, Inc., Corvest SPV

LLC, Corvest Promotional Products, Inc., John and Jane Doe 1-10, and John Doe Corporations 1-10 (collectively, “Defendants”), states and alleges as follows:

PRELIMINARY STATEMENT

1. This is an action to obtain redress, compensation, and other relief under the patent laws of the United States, 35 U.S.C. §101, *et seq.*, for past and ongoing loss and damage sustained as a result of design patent infringement by the Defendants.

2. In particular, Plaintiff brings claims against the Defendants for Defendants’ past and ongoing infringement of Plaintiff’s U.S. Patent No. D566, 472 (“the ‘472 patent”). Accordingly, Plaintiff seeks, among other relief, a preliminary and permanent injunction to prevent Defendants from importing, making, having manufactured by a third party, selling, using, or offering to sell any products that infringe the ‘472 patent; damages in the form of lost profits and/or reasonable royalty; treble damages for willful infringement; and the reasonably attorney’s fees and costs incurred in prosecuting this action.

THE PARTIES

3. Plaintiff, Bullet Line, LLC, is a limited liability company duly organized and existing under the laws of the State of Pennsylvania, USA, having an address at 15959 N.W. 15 Avenue, Miami, Florida 33169.

4. Upon information and belief, Defendant Bel Incorporated is a corporation duly organized and existing under the laws of the State of Florida, USA, having a principal address at 6905 N.W. 25th Street, Miami, Florida 33122.

5. Upon information and belief, Defendant Amin R. Ramjee is the president, principal, proprietor, sole director, and/or officer of Defendant Bel Incorporated.

6. Upon information and belief, Defendant Amin R. Ramjee is, and at all relevant times was, the conscious and driving force behind Defendant Bel Incorporated's actions, including the acts of infringement alleged in this Complaint, and received a direct financial benefit therefrom while having the ability to supervise the infringing activity.

7. Upon information and belief, Defendant John Doe Corporations 1-10 were and/or are engaged in the business of importing, supplying, distributing, and selling various custom decorated items, including products covered by the '472 patent, in association with Defendant Bel Incorporated, Defendant Amin R. Ramjee, Bel Promo, Inc., and/or the websites located at www.belpromo.com and/or www.discountmugs.com. Plaintiff will conduct discovery to obtain identifying information about these corporations from Defendants and thereafter will amend this Complaint to substitute the appropriate parties.

8. Upon information and belief, Defendants John and Jane Doe 1-10 are individuals acting on behalf of Defendant(s) Bel Incorporated, Amin R. Ramjee, and/or John Doe Corporations 1-10 and/or are individuals who were and/or are engaged in the business of importing, supplying, buying, distributing, and/or selling various items including products covered by the '472 patent in association with Defendant Bel Incorporated, Defendant Amin R. Ramjee, Bel Promo, Inc., and/or the websites located at www.belpromo.com and/or www.discountmugs.com. Plaintiff will conduct discovery to obtain identifying information about these individuals from Defendants and thereafter will amend this Complaint to substitute the appropriate parties.

9. Upon information and belief, Defendant Corvest SPV LLC is a corporation duly

organized and existing under the laws of the State of Delaware, USA, having an address at 8285 Bryan Dairy Road, Largo, Florida 33777.

10. Upon information and belief, Defendant Adva-Lite, Inc. is a corporation duly organized and existing under the laws of the State of Florida, USA, having a principal address at 7340 Bryan Dairy Road, Largo, Florida 33777.

11. Upon information and belief, Defendant Corvest Promotional Products, Inc. is a corporation existing under the laws of the State of Florida, USA, having a principal address at 2665 South Bayshore Drive, Suite 800, Miami, Florida 33133.

12. Upon information and belief, Defendants Corvest SPV LLC, Corvest Promotional Products, Inc., and Adva-Lite, Inc. own and operate the web site located at www.advalite.com, and were and/or are engaged in the business of importing, supplying, distributing, and selling various custom decorated or novelty items, including products covered by the '472 patent.

JURISDICTION AND VENUE

13. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338 as it involves claims under 35 U.S.C. §§271, 281, 283, 284, 285, 289 (actions arising under an Act of Congress relating to patents).

14. This Court has personal jurisdiction over the Defendants in that Defendants, upon information and belief, have operated, conducted, engaged in, or carried on a business venture in this State, and the Southern District of Florida, from which this action arises, within the meaning of Fla. Stat. 48.193(1)(a); upon information and belief, Defendants have committed tortious acts within this State, and the Southern District of Florida, including the design patent infringement set forth herein,

within the meaning of Fla. Stat. 48.193(1)(b); upon information and belief, Defendants have caused injury to the property of Plaintiff within this state, and the Southern District of Florida, namely Plaintiff's design patent as set forth herein, arising out of acts or omissions by Defendants, while, at or about the time of the injury, the Defendants were engaged in solicitation or service activities within this state, and the Southern District of Florida, within the meaning of Fla. Stat. 48.193(1)(f); and upon information and belief Defendants have engaged in substantial and not isolated activity within this state, and the Southern District of Florida, within the meaning of Fla. Stat. 48.193(2).

15. Venue is proper under 28 U.S.C. §§1391(c) and 1400(b) in that Defendants, upon information and belief, are deemed to reside in the Southern District of Florida, and/or has committed acts of infringement in the Southern District of Florida, and/or a substantial part of the events giving rise to the claim occurred in the Southern District of Florida.

COUNT I

PATENT INFRINGEMENT

16. Plaintiff restates and reavers each and every allegation contained in paragraphs 1-15 inclusive of this Complaint and the acts of Defendants asserted therein as if fully recited in this paragraph.

17. On April 15, 2008, U.S. Design Patent No. D566,472 ("the '472 patent") was duly and lawfully issued by the United States Patent and Trademark Office for the ornamental design for a sports bottle. A true and correct copy of the '472 patent is attached hereto as Exhibit A.

18. The '472 patent has been at all times since the date of issue valid and enforceable.

19. Plaintiff Bullet Line, LLC is, and at all times material hereto was, the owner of the entire

right, title and interest thereof by way of assignment of the '472 patent.

20. Upon information and belief, subsequent to the issuance of the '472 patent, and without the consent of Plaintiff, Defendants Bel Incorporated and Amin R. Ramjee have and/or continue to unlawfully and willfully infringe the '472 patent by making, importing, using, selling, and/or offering for sale, within the Southern District of Florida and elsewhere, sports bottles utilizing and embodying the design described and claimed in the '472 patent, including the sports bottle identified by product number AB109 entitled "20 oz. Denver Sports Bottle," and product number AB500 entitled "20 oz. Miami Sports Bottle." See Exhibits B and C.

21. Upon information and belief, subsequent to the issuance of the '472 patent, and without the consent of Plaintiff, Defendants Amin R. Ramjee, John Doe Corporations 1-10, and John and Jane Doe 1-10 have and/or continue to unlawfully and willfully infringe the '472 patent by making, importing, using, selling, and/or offering for sale, within the Southern District of Florida and elsewhere, sports bottles utilizing and embodying the design described and claimed in the '472 patent, including the sports bottle identified by product number AB109 entitled "20 oz. Denver Sports Bottle." See Exhibit D.

22. Plaintiff caused notice to be given to Defendant Bel Incorporated of the existence of the '472 patent and Defendant Bel Incorporated's infringing activities.

23. Notwithstanding Bel Incorporated's knowledge of the '472 patent, and after being provided with actual written notice of infringement of the '472 patent, Defendant Bel Incorporated, in complete disregard thereof and, upon information and belief in deliberate knowing and wanton disregard of the rights of Plaintiff, proceeded with the manufacture, importation, use, sale and/or offering for sale of sports bottles infringing the '472 patent, and is upon information and belief, still

manufacturing, importing, using, selling and/or offering for sale such infringing goods, thereby deriving unlawful gains and profits, and will continue to do so by continued infringement of the '472 patent in deliberate, knowing, and wanton disregard of the rights of Plaintiff and to Plaintiff's irreparable damage, unless restrained by this Court.

24. Plaintiff caused notice to be given to Defendant Amin R. Ramjee of the existence of the '472 patent and Defendant Amin R. Ramjee's infringing activities.

25. Notwithstanding Defendant Amin R. Ramjee's knowledge of the '472 patent, and after being provided with actual written notice of infringement of the '472 patent, Defendant Amin R. Ramjee, in complete disregard thereof and, upon information and belief in deliberate knowing and wanton disregard of the rights of Plaintiff, proceeded with the manufacture, importation, use, sale and/or offering for sale of sports bottles infringing the '472 patent, and is upon information and belief, still manufacturing, importing, using, selling and/or offering for sale such infringing goods, thereby deriving unlawful gains and profits, and will continue to do so by continued infringement of the '472 patent in deliberate, knowing, and wanton disregard of the rights of Plaintiff and to Plaintiff's irreparable damage, unless restrained by this Court.

26. Upon information and belief, subsequent to the issuance of the '472 patent, and without the consent of Plaintiff, Defendants Adva-Lite, Inc., Corvest SPV LLC, and Corvest Promotional Products, Inc. have and/or continue to unlawfully infringe the '472 patent by making, importing, using, selling, and/or offering for sale at least via the web site www.advalite.com, sports bottles utilizing and embodying the design described and claimed in the '472 patent, including the sports bottle identified by product number 3235 entitled "Scuba Aluminum Sport Bottle." See Exhibit E.

27. Upon information and belief, Defendants have also induced infringement and/or have

contributed to the infringement of the '472 patent in this district and elsewhere.

28. The acts of Defendants complained of herein constitute willful and intentional infringement of the '472 patent, directly and/or under the doctrine of equivalents.

29. Defendants' aforesaid acts have deprived Plaintiff of sales that Plaintiff otherwise would have made, entitling Plaintiff to the profits of Defendants in addition to other available remedies.

30. Defendants' aforesaid acts have caused and will cause great and irreparable injury to Plaintiff, and unless said acts are restrained by this Court, they will be continued and Plaintiff will continue to suffer great and irreparable injury.

31. Plaintiff has no adequate remedy at law.

DEMAND FOR JURY TRIAL

Plaintiff Bullet Line, LLC hereby demands a trial by jury of all issues in this action so triable.

WHEREFORE, Plaintiff prays:

A. That this Court will adjudge that the '472 patent is valid, enforceable and has been infringed in violation of 35 U.S.C. §271 as a direct and proximate result of the acts of Defendants as set forth in this Complaint and in further violation of Plaintiff's rights under 35 U.S.C. §101, *et seq*;

B. That Defendants, and all officers, directors, agents, servants, employees, attorneys, successors, and assigns, and all persons in active concert or participation therewith, be preliminarily and permanently enjoined and restrained from further infringing manufacture, use, sales, offers for sales and import of the infringing sports bottles, and any other infringing designs under the '472

patent;

C. That Defendants, and all officers, directors, agents, servants, employees, attorneys, successors, and assigns, and all persons in active concert or participation therewith, be preliminarily and permanently enjoined and restrained from actively inducing or contributing to the infringement of the '472 patent;

D. That Defendants be required to deliver up for destruction all sports bottles and other written or printed material in the possession or control of Defendants which embody or bear the infringing design, and all plates, molds, matrices, and other means from making the aforesaid items;

E. That Defendants be directed to file with this Court and to serve upon Plaintiff within ten (10) days after service of the injunction issued in this action, a written report under oath, setting forth in detail the manner of compliance with the above;

F. That pursuant to 35 U.S.C. § 284, this Court will award the Plaintiff their actual damages adequate to compensate for the infringement but in no event less than a reasonable royalty for the use made of the invention by Defendants, together with interest and costs as fixed by the Court, and pursuant to a finding of willful infringement, order that such damages be trebled;

G. That pursuant to 35 U.S.C. § 289, the Court will award the Plaintiff any profits realized by Defendants as a result of their infringement of the '472 patent and the rights held by Plaintiff in the patent;

H. That Plaintiff have and recover both prejudgment and post-judgment interest;

I. That, pursuant to 35 U.S.C. § 285, Plaintiff have and recover its reasonable attorney fees for having to bring this action;

J. That Plaintiff have and recover its taxable costs and disbursements herein; and

K. That Plaintiff have other and such further relief as the Court may deem just and proper.

Respectfully submitted,

Dated: January 20, 2010
Miami, Florida

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