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UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF FLORIDA
Orlando Division

US DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO, FLORIDA

ELAUT, N.V.

CASE NO.: 12-cv-11698-ORL-TBS

Plaintiff,

DEMAND FOR JURY TRIAL

v.

OCEAN AMUSEMENT MACHINE CO.,
LTD,

Defendant.

COMPLAINT FOR PATENT INFRINGEMENT

Elaut, N.V. ("Elaut"), by undersigned counsel, brings this action for patent infringement against defendant Ocean Amusement Machine Co., Ltd. ("Ocean"), and alleges as follows:

THE PARTIES

1. Plaintiff Elaut is organized under the laws of Belgium and maintains its principal place of business at Passtraat 223, 9100 Sint-Niklaas, Belgium. Elaut is a leading provider of specially-designed games for amusement parks, arcades, and casinos around the world, including in the State of Florida.

2. Upon information and belief, Defendant Ocean is organized under the laws of China and maintains its principal place of business at G33&G35 Xing Li Building, YingXin Road, Pan Yu District, Ghuan Zhou City, Guang Dong, China.

AND VENUE

3. This is an action for patent infringement under the patent laws of the United States, 35 U.S.C. §1, *et seq.*

4. This court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§1331 and 1338(a).

5. This court has personal jurisdiction over Ocean under FLA. STAT. §48.193 by virtue of Ocean's conducting of business activities in this jurisdiction and its tortious acts of patent infringement committed in this jurisdiction.

6. Venue is proper in this judicial district pursuant to 28 U.S.C. §§1391(b) and 1400(b).

THE PATENTS-IN-SUIT

7. On August 28, 2012, the United States Patent and Trademark Office ("PTO") duly and legally issued United States Patent No. 8,251,369 B2 ("the '369 patent"), entitled "Game Machine," to Elaut as the assignee of the named inventor. Elaut is the owner of all right, title and interest in the '369 patent by virtue of an Assignment recorded in the PTO at Reel/Frame 024394/0148 on May 17, 2010. A true and correct copy of the '369 patent is attached as Exhibit A to this Complaint.

8. On May 24, 2011, the PTO duly and legally issued United States Design Patent No. D638,479 S ("the '479 patent") entitled "Portion of a Game Cabinet," to Elaut as the assignee of the named inventor. Elaut is the owner of all right, title and interest in the '479 patent by virtue of an Assignment recorded in the PTO at Reel/Frame 023843/0683 on January 25, 2010. A true and correct copy of the '479 patent is attached as Exhibit B to this Complaint.

INFRINGEMENT BY DEFENDANT

9. Defendant Ocean is currently exhibiting at Booth 413 at the 2012 IAAPA (International Association of Amusement Parks and Attractions;

www.iaapa.org) Fair in Orlando, Florida. A booth listing from the IAAPA website is attached as Exhibit C to this Complaint.

10. Defendant Ocean is offering its game machines that infringe one or more claims of the '369 Patent and one or more claims of the '469 Patent at Booth 413 at the 2012 IAAPA Fair in Orlando, Florida, a picture of which is attached as Exhibit D to this Complaint.

11. Defendant Ocean previously attended the 2011 IAAPA Fair in November 2011 in Orlando, Florida and had available a New Product Catalog, a portion of which is attached as Exhibit E to this Complaint, which advertised game machines by Defendant Ocean for sale in the United States

12. Defendant Ocean has been and is currently infringing the '369 and '479 patents in violation of 35 U.S.C. §271 by, among other things, designing, making, importing, using, selling, and/or offering for sale game machines in the United States that infringe one or more of the claims of the '369 patent as well as game machines in cabinets that infringe the claim of the '479 patent.

13. Such infringing products include, by way of example and not limitation, the BH 207 Super Prize Machine illustrated in the New Product Catalog of Exhibit E, which was offered for sale at the 2011 IAAPA Fair in Orlando, Florida, and the BH 207 Super Prize Machine shown in the picture at Exhibit D, which is currently being offered for sale at the 2012 IAAPA Fair in Orlando, Florida.

14. Defendant Ocean was notified of the '479 patent and the related publication US 2011/0180998 of the '369 patent in a letter dated November 30, 2011, sent by Elaut, attached as Exhibit F to this Complaint.

15. Defendant Ocean was notified again of the '369 patent and of the '479 patent in a letter dated October 8, 2012, attached as Exhibit G to this Complaint.

FIRST CAUSE OF ACTION

(Infringement of U.S. Patent No. 8,251,369)

16. Elaut realleges and incorporates by reference paragraphs 1-15, inclusive, as though fully set forth in this paragraph.

17. On information and belief, Ocean has been and is now infringing, inducing infringement, and contributing to the infringement of the '369 Patent in this District and elsewhere in violation of 35 U.S.C. §271 by making, using, selling, or offering to sell in the United States and/or importing into the United States devices, including game machines, covered by one or more claims of the '369 Patent, and/or contributing to or inducing the same by third parties, all to the injury of Elaut.

18. As a direct result of Ocean's infringing activities, Elaut has sustained damages and suffered irreparable harm, and will continue to sustain damages and irreparable harm unless Ocean is enjoined from infringing the '369 patent.

19. Upon information and belief, Ocean had knowledge of and willfully, deliberately, and intentionally infringed the claims of the '369 patent, rendering this an exceptional case pursuant to 35 U.S.C. §285, and entitling Elaut to enhanced damages and attorneys' fees.

SECOND CAUSE OF ACTION

(Infringement of U.S. Design Patent No. D638,479)

20. Elaut realleges and incorporates by reference paragraphs 1-19, inclusive, as though fully set forth in this paragraph.

21. On information and belief, Ocean has been and is now infringing, inducing infringement, and contributing to the infringement of the '479 Patent in this District and elsewhere in violation of 35 U.S.C. §271 by making, using, selling, or offering to sell in the United States and/or importing into the United States devices, including game machines, covered by one or more claims of the '479 Patent, and/or contributing to or inducing the same by third parties, all to the injury of Elaut.

22. As a direct result of Ocean's infringing activities, Elaut has sustained damages and suffered irreparable harm, and will continue to sustain damages and irreparable harm unless Ocean is enjoined from infringing the '479 patent.

23. Upon information and belief, Ocean had knowledge of and willfully, deliberately, and intentionally infringed the claims of the '479 patent, rendering this an exceptional case pursuant to 35 U.S.C. §285, and entitling Elaut to enhanced damages and attorneys' fees.

PRAYER FOR RELIEF

WHEREFORE, Elaut seeks judgment in its favor and against Ocean as follows:

a. Adjudging and decreeing that Ocean has infringed the '369 and '479 patents;

b. Permanently enjoining Ocean, its officers, agents, servants, employees, and attorneys, and all persons in active concert or participation with it from infringing the '369 and '479 patents;

c. Damages as allowed by law to compensate Elaut for Ocean's infringement, together with prejudgment interest and costs of suit;

d. Adjudging Ocean a willful infringer and awarding Elaut treble damages under 35 U.S.C. §284;

e. Declaring that this is an exceptional case under 35 U.S.C. §285, and awarding reasonable attorneys' fees and expenses to Elaut;

f. Adjudging Ocean an infringer of the '479 patent in violation of 35 U.S.C. §289, and awarding damages to Elaut to the extent of Ocean's total profit;

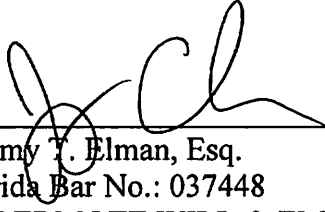
g. For such other and further relief as the Court may deem just and appropriate.

JURY DEMAND

Elaut requests a jury trial on all issues triable by jury.

Dated: November __, 2012

By: _____


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