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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

10 BLACK RAPID, INC.,
11 a Washington corporation,

12 Plaintiff,

13 v.

14 MILLIONWAY INTERNATIONAL, INC., a
15 Texas corporation, DOT LINE CORP., a
California corporation, and TIM HSU, an
individual,

16 Defendants.

No.

**COMPLAINT FOR PATENT
INFRINGEMENT AND JURY
DEMAND**

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18 Plaintiff Black Rapid, Inc. (“Black Rapid”), by and through its attorneys, for its
19 complaint against Defendants Millionway International, Inc., Dot Line Corp. and Tim Hsu,
20 alleges as follows:

21 **NATURE OF THE ACTION**

22 1. This is a patent infringement action to address Defendants’ infringement of a
23 utility patent assigned to Black Rapid related to camera straps. Black Rapid seeks injunctive
24 relief and monetary damages.

25 **THE PARTIES**

26 2. Black Rapid is a corporation organized under Washington law having a
27 principal place of business in Seattle, Washington.

3. On information and belief, Defendant Millionway International, Inc. is a company organized under Texas law having a principal place of business in Bellaire, Texas.

4. On information and belief, Defendant Dot Line Corp. is a corporation organized under California law having a principal place of business in Chatsworth, California.

5. On information and belief, Defendant Tim Hsu is an individual residing in Bellaire, Texas or thereabouts. On information and belief, Defendant Tim Hsu is also known as Ye Xu and Tim Xu, and is a citizen of China.

6. On information and belief, Defendant Tim Hsu is the CEO and principal of Defendant Millionway International, Inc. and has personally authorized, directed, induced and participated in the operation and maintenance, and the acts and conduct, of Defendant Millionway International, Inc. hereinafter complained of.

7. On information and belief, there exists a unity of interest and ownership between Defendant Tim Hsu and Defendant Millionway International, Inc. that any individuality and separateness of the individual and the corporation has ceased, and Defendant Millionway International, Inc. is the alter ego of Defendant Tim Hsu. Defendant Tim Hsu is jointly and severally liable with Defendant Millionway International, Inc. for all the acts and conduct of Defendant Millionway International, Inc. herinafter complained of.

JURISDICTION AND VENUE

8. This action arises under the Patent Act, 35 U.S.C. § 1 *et seq.* The Court has original subject matter jurisdiction of such claims pursuant to 28 U.S.C. §§ 1331 and 1338(a).

9. The Court has personal jurisdiction over Defendants because, on information and belief, Defendants have committed acts of patent infringement in this judicial district by selling or offering for sale products that are covered by at least one claim of the patent-in-suit.

10. Venue in this judicial district is proper under 28 U.S.C. §§ 1391 (b), (c), and (d).

PLAINTIFF AND ITS PATENT

11. On December 9, 2010, Black Rapid filed an application with the United States Patent and Trademark Office (“USPTO”) to obtain a utility patent on a unique and novel camera transport system and method.

12. In due course, the USPTO examined Black Rapid’s patent application and on November 1, 2011, after determining that the application and disclosed invention met the requirements for patentability proscribed by the Patent Laws, granted Black Rapid United States Patent No. 8,047,729 titled *Enhanced Camera Transport System and Method* (“the ’729 patent”). The ’729 patent remains in full force and effect. Black Rapid owns all rights, title, and interest in and to the ’729 patent. Subsequently, the ’729 patent was the subject of a Reexamination proceeding in the USPTO which has been terminated with revised claims found patentable over all disclosed prior art. A true and correct copy of the ’729 patent is attached hereto as Exhibit 1.

13. Black Rapid manufactures and sells camera straps under the BLACK RAPID trademark and various specific product trademarks that are protected by the ’729 patent.

14. Black Rapid and Defendants Millionway International, Inc. and Dot Line Corp. are direct competitors.

DEFENDANTS’ UNLAWFUL ACTIVITIES

15. On information and belief, Defendant Millionway International, Inc. and Defendant Dot Line Corp. are currently manufacturing, importing, selling, and/or offering to sell in the United States camera straps under the name “Carry Speed” that comprises a camera transport system that infringes at least one claim of the ’729 patent. On information and belief, Defendant Dot Line Corp. is a distributor of the infringing products of Defendant Millionway International, Inc.

16. Defendants do not have a license to make, import, use, sell, or offer to sell products covered by the ’729 patent.

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COUNT I

PATENT INFRINGEMENT ('729 PATENT)

17. Black Rapid incorporates the allegations stated by Paragraphs 1-16 as if fully set forth herein.

18. Defendants' acts as alleged herein constitute infringement of the '729 patent by making, importing, using, selling, and offering to sell products covered by at least one claim of the '729 patent, and by inducing others to use such products, in violation of 35 U.S.C. § 271.

19. Black Rapid has been, and will continue to be, damaged by such infringement in an amount to be proven at trial and in a manner and amount that cannot be fully measured or compensated in economic terms and for which there is no adequate remedy at law. The actions of Defendants have damaged, and will continue to damage, Black Rapid's business, market, reputation, and goodwill. Such irreparable damage will continue unless the acts of Defendants are enjoined during the pendency of this action and thereafter.

JURY TRIAL DEMAND

Black Rapid hereby demands a trial by jury of all issues so triable.

PRAYER FOR RELIEF

Wherefore, Black Rapid respectfully requests the following alternative and cumulative relief:

A. Defendants and their officers, agents, servants, employees, and attorneys and all other persons in active concert or participation with any of them, be enjoined and restrained during the pendency of this action and permanently thereafter from infringing Black Rapid's '729 patent by making, using, selling, offering to sell, or importing any infringing product manufactured, used, sold, offered for sale, or imported by Defendants, and from inducing others to use such products.

B. Defendants be ordered to pay Black Rapid such damages as Black Rapid has sustained and adequate to compensate for the patent infringement, including Black Rapid's lost profits, but in no event less than a reasonable royalty.

1 C. Defendant be ordered to pay Black Rapid the cost of this action and its
2 reasonable attorneys' fees, and interest, as provided by 35 U.S.C. §§ 284 and 285, with such
3 damages trebled to the extent found appropriate under 35 U.S.C. §§ 284.

4 D. Defendant be ordered to pay Black Rapid prejudgment interest on all sums
5 awarded as allowed by law.

6 E. Such other and further relief as this Court may deem just and proper.

7 DATED this 8th day of January, 2013.

8 Davis Wright Tremaine LLP
9 Attorneys for Plaintiff Black Rapid, Inc.

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