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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

AEVOE CORP., a California corporation,

Plaintiff,

vs.

Fellowes, Inc., an Illinois corporation.

Defendant.

Case No. 2:13-cv-00013

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

INTRODUCTION

This action for patent infringement arises from Defendant's infringement of Plaintiff Aevoe's U.S. Patent No. 8,044,942 ("the '942 Patent") relating to a touch screen protector for a hand-held electronic device. Aevoe seeks damages and injunctive relief.

JURISDICTION AND VENUE

1. The Court has subject matter jurisdiction over this action for infringement of a U.S. Patent under the provisions of 28 U.S.C. §§ 1331 and 1338(a).

2. Aevoe believes, and therefore alleges, that Defendant Fellowes, Inc. ("Fellowes") has transacted business in this district by importing, shipping, selling, and/or offering to sell products as described and claimed in the '942 Patent in this judicial district and/or by conducting other business in this judicial district sufficient to render it subject to personal jurisdiction in this district.

3. Venue is proper under 28 U.S.C. § 1400(b) because Defendant Fellowes is a corporation subject to personal jurisdiction in this District and is therefore deemed to reside in this

District under 28 U.S.C. § 1391(c). Venue is proper in this District under 28 U.S.C. § 1391(b) because a substantial portion of the events giving rise to the claims for relief stated in this Complaint occurred in this District.

PARTIES

4. Plaintiff Aevoe Corp. is a California corporation with its principal place of business in San Francisco, California.

5. Aevoe believes, and therefore alleges, that Fellowes is an Illinois corporation with its principal place of business at 1789 Norwood, Ave., Itasca, IL 60143-1059.

6. Aevoe believes, and therefore alleges, that Fellowes products are sold at third-party retailers throughout the United States, including at retailers in Nevada; that Fellowes products are sold through national office products suppliers and local dealers, including such suppliers and dealers in Nevada; and that Fellowes has a nationwide network of authorized service dealers, including authorized service dealers in Nevada.

7. Aevoe believes, and therefore alleges, that Defendant Fellowes conducts substantial business within this district, including without limitation by selling, offering to sell, importing, and/or shipping infringing products to this District and/or by conducting other business in this judicial district.

THE '942 PATENT

8. The United States Patent Office issued the '942 Patent, entitled "Touch Screen Protector," to Michael Leonhard, Jonathan Lin, and Steven Huang (the "Inventors") on October 25, 2011. **Exhibit A** is a copy of the '942 Patent.

9. The Inventors assigned the '942 Patent to Aevoe.

10. Aevoe markets and sells products embodying the '942 Patent throughout the United States.

11. Defendant markets, sells, and/or offers to sell products, including a touch-screen protector product using the name "WRITERIGHT", that infringe the '942 Patent.

12. Defendant's WRITERIGHT product is sold throughout the United States and it has been ordered in and shipped to this judicial district.

COUNT I: DEFENDANT FELLOWES'S INFRINGEMENT OF THE '942 PATENT

13. Aevoe incorporates all paragraphs above by reference.

14. Defendant Fellowes has directly infringed and continues to infringe the '942 Patent by making, importing, offering to sell, selling and/or using (directly or through intermediaries) touch screen protection products, including but not limited to the WRITERIGHT product line, embodying one or more claims of the '942 Patent in the United States. 35 U.S.C. § 271.

15. Among other things, the infringing WRITERIGHT product has a front face that includes a touch screen portion and an outer perimeter; a plastic film having a transparent window and a spacer along the outer perimeter that spaces the plastic film near but not in contact with the touch screen; and an exposed adhesive for removably mounting the protector to form an enclosed air space between the transparent window of the plastic film, the spacer, and the device's touch screen. Fellowes's manufacture, importation, offers for sale and/or use of the infringing product are acts of direct infringement.

16. Aevoe believes, and therefore alleges, that Fellowes's infringement of the '942 Patent will continue unless permanently enjoined.

17. Aevoe has suffered and will continue to suffer irreparable harm from Fellowes's infringement of the '942 Patent, including, *inter alia*, by injury to its business results, prospects, goodwill and market presence and through the erosion of Aevoe's statutory right to exclude others from practicing the claimed invention.

18. Aevoe has suffered and will continue to suffer monetary damages from Fellowes's infringement of the '942 Patent.

19. As a consequence of Fellowes's infringement, Aevoe is entitled to relief as set forth below.

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PRAYER FOR RELIEF

WHEREFORE, Aevoe prays that the Court enter judgment as follows:

A. Holding that Defendant has infringed claims of the '942 Patent, literally and/or under the doctrine of equivalents;

B. Preliminarily and permanently enjoining Defendant and its respective agents, servants, officers, directors, employees and all persons acting in concert with them, directly or indirectly, from infringing, inducing others to infringe, or contributing to the infringement of the '942 Patent;

C. Ordering Defendant to account for and pay to Aevoe the damages to which Aevoe is entitled as a consequence of Defendant's infringement of the '942 Patent, in an amount to be determined at trial;

D. Awarding Aevoe prejudgment interest and post-judgment interest on any damages awarded by reason of Defendant's infringement of the '942 Patent;

E. Awarding Aevoe its costs incurred in bringing and maintaining this action, including reasonable attorney fees;

F. Awarding such other and further relief as this Court may deem just, proper and equitable.

DEMAND FOR JURY TRIAL

Aevoe demands trial by jury of all issues triable by a jury.

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