

1 Mei Tsang, Esq. (SBN 237959)  
2 [mtsang@fishiplaw.com](mailto:mtsang@fishiplaw.com)  
3 Joseph Andelin, Esq. (SBN 274105)  
4 [jandelin@fishiplaw.com](mailto:jandelin@fishiplaw.com)  
5 Fish & Tsang, LLP  
6 2603 Main Street, Suite 1000  
7 Irvine, California 92614-4271  
8 Telephone: 949-943-8300  
9 Facsimile: 949-943-8358

10 Attorneys for Plaintiff, Opus One Corporation.

11 **UNITED STATES DISTRICT COURT**  
12 **CENTRAL DISTRICT OF CALIFORNIA, THE SOUTHERN DIVISION**

13 Opus One Corporation dba Contest Factory, a  
14 California corporation,

15 Plaintiff,

16 v.

17 Elettro, Inc., a Florida corporation,

18 Defendant.

**Civil Action No. 16-387**

**COMPLAINT FOR PATENT  
INFRINGEMENT**

**DEMAND FOR JURY TRIAL**



1           8.       Upon information and belief, and in violation of 35 U.S.C. § 271, Elettro has  
2 infringed the ‘433 patent through direct infringement and infringement under the doctrine of  
3 equivalents. Since at least October 2, 2008, Elettro has offered for sale, sold, designed, operated,  
4 or administered infringing contests, including offering for sale and designing contests based on a  
5 template that infringes the ‘433 patent.

6           9.       Elettro has also offered for sale, sold, designed, operated, or administered at least  
7 the following infringing contests in the United States: the Caribbean Vacation Pictures Contest  
8 (operating since at least January 16, 2011) and the Josh Duhamel Halloween Costume Contest  
9 (operating since at least October 31, 2013) (hereinafter “the Contests”). Specifically, the  
10 Contests infringe the subject matter protected by claim 1 of the ‘433 patent.

11          10.       Some of Elettro’s acts constituting infringement of claim 1 of the ‘433 patent are  
12 detailed in Exhibit 1, attached.

13          11.       Upon information and belief and in violation of 35 U.S.C. § 271, the Defendant  
14 also contributed to or induced infringement of claim 1 of the ‘433 patent.

15          12.       As a direct and proximate result of the Defendant’s acts of infringement, Plaintiff  
16 suffered damages in an amount according to proof at trial. Plaintiff is entitled to recover  
17 compensatory damages totaling no less than a reasonable royalty.

18          13.       Elettro continues to offer for sale, sell, design, operate, and administer contests  
19 based on a template that infringes the ‘433 patent.

20          14.       Unless the Defendant is enjoined by this Court from continuing its infringement  
21 of the ‘433 patent, Plaintiff will suffer additional irreparable harm and impairment of the value of  
22 its patent rights. Thus, Plaintiff is entitled to an injunction against further infringement.

23          15.       Upon information and belief, the Defendant had constructive notice of the ‘433  
24 patent as of the date of issuance, January 9, 2007. In addition, Opus One has practiced the  
25 patented technology on its website, www.makeastar.com, since at least the date of issuance of  
26 the ‘433 patent.

1  
2           **COUNT TWO: INFRINGEMENT OF THE ‘641 PATENT BY ELETTRO**

3           16.     Plaintiff re-alleges and incorporates the allegations of paragraphs 1-5.

4           17.     The ‘641 patent is valid and enforceable.

5           18.     Upon information and belief, and in violation of 35 U.S.C. § 271, Elettro has  
6 infringed the ‘641 patent through direct infringement and infringement under the doctrine of  
7 equivalents. Since at least October 2, 2008, Elettro has offered for sale, sold, designed, operated,  
8 or administered infringing contests, including offering for sale and designing contests based on a  
9 template that infringes the ‘641 patent.

10          19.     Elettro has also offered for sale, sold, designed, operated, or administered at least  
11 the following infringing contests in the United States: the Caribbean Vacation Pictures Contest  
12 (operating since at least January 16, 2011) and the Josh Duhamel Halloween Costume Contest  
13 (operating since at least October 31, 2013). Specifically, the Contests infringe the subject matter  
14 protected by at least claim 1 of the ‘641 patent.

15          20.     Some of Elettro’s acts constituting infringement of claim 1 of the ‘433 patent are  
16 detailed in Exhibit 2, attached.

17          21.     Upon information and belief and in violation of 35 U.S.C. § 271, Elettro also  
18 contributed to or induced infringement of one or more of the claims of the ‘641 patent.

19          22.     As a direct and proximate result of Elettro’s acts of infringement, Plaintiff has  
20 suffered damages in an amount according to proof at trial. Plaintiff is entitled to recover  
21 compensatory damages totaling no less than a reasonable royalty.

22          23.     Elettro continues to offer for sale, sell, design, operate, or administer contests  
23 based on a template that infringes the ‘641 patent.

24          24.     Unless Elettro is enjoined by this Court from continuing its infringement of the  
25 ‘641 patent, Plaintiff will suffer additional irreparable harm and impairment of the value of its  
26 patent rights. Thus, Plaintiff is entitled to an injunction against further infringement.

27          25.     Upon information and belief, the Defendant had constructive notice of the ‘641  
28 patent as of the date of issuance, September 13, 2011. In addition, Opus One has practiced the

1 patented technology on its website, www.makeastar.com, since at least the date of issuance of  
2 the '641 patent.

3  
4 **COUNT THREE: INFRINGEMENT OF THE '715 PATENT BY ELETTRO**

5 26. Plaintiff re-alleges and incorporates the allegations of paragraphs 1-5.

6 27. The '715 patent is valid and enforceable.

7 28. Upon information and belief, and in violation of 35 U.S.C. § 271, Elettro has  
8 infringed the '715 patent through direct infringement and infringement under the doctrine of  
9 equivalents. Since at least October 2, 2008, Elettro has offered for sale, sold, designed, operated,  
10 or administered infringing contests, including offering for sale and designing contests based on a  
11 template that infringes the '715 patent.

12 29. Elettro has also offered for sale, sold, designed, operated, and administered at  
13 least the following infringing contests in the United States: the Caribbean Vacation Pictures  
14 Contest (operating since at least January 16, 2011) and the Josh Duhamel Halloween Costume  
15 Contest (operating since at least October 31, 2013). Specifically, the Contests infringe the subject  
16 matter protected by at least claim 1 of the '715 patent.

17 30. Some of Elettro's acts constituting infringement of claim 1 of the '715 patent are  
18 detailed in Exhibit 3, attached.

19 31. Upon information and belief and in violation of 35 U.S.C. § 271, the Defendant  
20 also contributed to or induced infringement of one or more of the claims of the '715 patent.

21 32. As a direct and proximate result of the Defendant's acts of infringement, Plaintiff  
22 has suffered damages in an amount according to proof at trial. Plaintiff is entitled to recover  
23 compensatory damages totaling no less than a reasonable royalty.

24 33. Elettro continues to offer for sale, sell, design, operate, or administer contests  
25 based on a template that infringes the '715 patent.

26 34. Unless the Defendant is enjoined by this Court from continuing its infringement  
27 of the '715 patent, Plaintiff will suffer additional irreparable harm and impairment of the value of  
28 its patent rights. Thus, Plaintiff is entitled to an injunction against further infringement.



**DEMAND FOR JURY TRIAL**

36. Pursuant to Rule 38 of the Federal Rules of Civil Procedure, the Plaintiff demands trial by jury in this action of all issues so triable.

Respectfully submitted,

FISH & TSANG, LLP

Dated: March 2, 2016

By: /s/Mei Tsang  
Mei Tsang, Esq.  
Attorneys for Plaintiff  
Opus One, Inc.