

1 Mei Tsang, Esq. (SBN 237959)
2 mtsang@fishiplaw.com
3 Joseph Andelin, Esq. (SBN 274105)
4 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 Strutta, a Canadian corporation,

18 Defendant.

Civil Action No. 8:16-cv-561

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

1 8. Upon information and belief, and in violation of 35 U.S.C. § 271, Strutta has
2 infringed the ‘433 patent through direct infringement and infringement under the doctrine of
3 equivalents. Since at least 2011, Strutta has offered for sale, sold, designed, operated, or
4 administered infringing contests in the United States, including offering for sale and designing
5 contests based on a template that infringes the ‘433 patent.

6 9. Strutta has also offered for sale, sold, designed, operated, or administered at least
7 the following infringing contests in the United States: the Men’s Health + Facebook Contest (a
8 contest that took place in summer 2011), the Maggiano’s Bliss List Contest (a contest which ran
9 in 2015, picking winners on March 30, 2015), and Airbnb Destination: Honeymoon Contest (a
10 contest that concluded in September 2011) (hereinafter “the Contests”). Specifically, the
11 Contests infringe the subject matter protected by claim 1 of the ‘433 patent.

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

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

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

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

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

24 15. Upon information and belief, the Defendant had constructive notice of the ‘433
25 patent as of the date of issuance, January 9, 2007. In addition, Opus One has practiced the
26 patented technology on its website, www.makeastar.com, since at least the date of issuance of
27 the ‘433 patent.
28

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

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, Strutta has
6 infringed the ‘641 patent through direct infringement and infringement under the doctrine of
7 equivalents. Since at least 2011, Strutta has offered for sale, sold, designed, operated, or
8 administered infringing contests in the United States, including offering for sale and designing
9 contests based on a template that infringes the ‘433 patent.

10 19. Strutta has also offered for sale, sold, designed, operated, or administered at least
11 the following infringing contests in the United States: the Men’s Health + Facebook Contest (a
12 contest that took place in summer 2011), the Maggiano’s Bliss List Contest (a contest which ran
13 in 2015, picking winners on March 30, 2015), and Airbnb Destination: Honeymoon Contest (a
14 contest that concluded in September 2011) (hereinafter “the Contests”). Specifically, the
15 Contests infringe the subject matter protected by claim 1 of the ‘641 patent.

16 20. Some of Strutta’s acts constituting infringement of claim 1 of the ‘641 patent are
17 detailed in Exhibit 2, attached.

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

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

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

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

1 25. Upon information and belief, the Defendant had constructive notice of the ‘641
2 patent as of the date of issuance, September 13, 2011. In addition, Opus One has practiced the
3 patented technology on its website, www.makeastar.com, since at least the date of issuance of
4 the ‘641 patent.

5
6 **COUNT THREE: INFRINGEMENT OF THE ‘715 PATENT BY STRUTTA**

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

8 27. The ‘715 patent is valid and enforceable.

9 28. Upon information and belief, and in violation of 35 U.S.C. § 271, Strutta has
10 infringed the ‘715 patent through direct infringement and infringement under the doctrine of
11 equivalents. Since at least 2011, Strutta has offered for sale, sold, designed, operated, or
12 administered infringing contests in the United States, including offering for sale and designing
13 contests based on a template that infringes the ‘433 patent.

14 29. Strutta has also offered for sale, sold, designed, operated, or administered at least
15 the following infringing contests in the United States: the Men’s Health + Facebook Contest (a
16 contest that took place in summer 2011), the Maggiano’s Bliss List Contest (a contest which ran
17 in 2015, picking winners on March 30, 2015), and Airbnb Destination: Honeymoon Contest (a
18 contest that concluded in September 2011) (hereinafter “the Contests”). Specifically, the
19 Contests infringe the subject matter protected by claim 1 of the ‘715 patent.

20 30. Some of Strutta’s acts constituting infringement of claim 1 of the ‘715 patent are
21 detailed in Exhibit 3, attached.

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

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

27 33. Strutta continues to offer for sale, sell, design, operate, or administer contests
28 based on a template that infringes the ‘715 patent.

1 G) Judgment that Opus One be granted any other relief as this Court finds just and
2 proper.

3
4 **DEMAND FOR JURY TRIAL**

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

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8 Respectfully submitted,

9 FISH & TSANG, LLP

10 Dated: March 25, 2016

11 By: /s/Joseph Andelin
12 Joseph Andelin, Esq.
13 Attorneys for Plaintiff
14 Opus One, Inc.