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8	UNITED STATES DISTRICT COURT				
9	CENTRAL DISTRICT OF CALIFORNIA, THE SOUTHERN DIVISION				
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11	Opus One Corporation dba Contest Factory, a California corporation,	Civil Action No. 8:16-cv-561			
12 13	Plaintiff,	COMPLAINT FOR PATENT INFRINGEMENT			
13 14	v.				
14	Strutta, a Canadian corporation,	DEMAND FOR JURY TRIAL			
16	Defendant.				
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	COMPLAINT FOR PATENT INFRINGEMENT				

1	1. Plaintiff, by and through its attorneys of record, alleges as follows:		
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3	PARTIES		
4	2. Plaintiff	Opus One Corpor	ration dba Contest Factory ("Opus One"), is a
5	corporation organized and existing under the laws of the State of California, with a place of		
6	business at 12841 Newport Avenue, Tustin, CA 92780, USA.		
7	3. Upon in	3. Upon information and belief, Defendant Strutta ("Strutta" or "the Defendant") is a	
8	wholly owned corporation organized and existing under the laws of Canada, with its principal		
9	place of business at 300-128 W Hastings St. Vancouver, BC, Canada.		
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11	SUBJECT MATTER JURISDICTION		
12	4. This is a	an action for paten	t infringement arising under the patent laws of the
13	United States, 35 U.S.C. §§ 1, et seq. This Court has subject matter jurisdiction over this action		
14	pursuant to 28 U.S.C. §§ 1331 and 1338(a).		
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16	BACKGROUND		
17	5. Opus One protects its technologies through a broad range of intellectual property		nologies through a broad range of intellectual property
18	rights. Among the patents that Opus One has been awarded are the utility patents listed below to		
19	which Opus One owns all rights, title, and interest.		
20	Patent N	umber	Title
21	7,162,433 (the	'433 patent)	System and method for interactive contests
22	8,019,641 (the	'641 patent)	System and method for interactive contests
23 24	8,655,715 (the	'715 patent)	System and method for interactive contests
25	COUNT ON	E: INFRINGEM	ENT OF THE '433 PATENT BY STRUTTA
26	6. Plaintiff	re-alleges and inc	corporates the allegations of paragraphs 1-5.
27 28	7. The '43	7. The '433 patent is valid and enforceable.	
20		COMPLAINT E	1 OR PATENT INFRINGEMENT
		COMPLAINT FO	

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

9. Strutta has also offered for sale, sold, designed, operated, or administered at least the following infringing contests in the United States: the Men's Health + Facebook Contest (a contest that took place in summer 2011), the Maggiano's Bliss List Contest (a contest which ran in 2015, picking winners on March 30, 2015), and Airbnb Destination: Honeymoon Contest (a contest that concluded in September 2011) (hereinafter "the Contests"). Specifically, the 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.

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

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

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

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

15. Upon information and belief, the Defendant had constructive notice of the '433 patent as of the date of issuance, January 9, 2007. In addition, Opus One has practiced the patented technology on its website, <u>www.makeastar.com</u>, since at least the date of issuance of the '433 patent.

COUNT TWO: INFRINGEMENT OF THE '641 PATENT BY STRUTTA

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

17. The '641 patent is valid and enforceable.

18. Upon information and belief, and in violation of 35 U.S.C. § 271, Strutta has infringed the '641 patent through direct infringement and infringement under the doctrine of equivalents. Since at least 2011, Strutta has offered for sale, sold, designed, operated, or administered infringing contests in the United States, including offering for sale and designing contests based on a template that infringes the '433 patent.

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

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

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

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

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

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

25. Upon information and belief, the Defendant had constructive notice of the '641 patent as of the date of issuance, September 13, 2011. In addition, Opus One has practiced the patented technology on its website, <u>www.makeastar.com</u>, since at least the date of issuance of the '641 patent.

COUNT THREE: INFRINGEMENT OF THE '715 PATENT BY STRUTTA

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

27. The '715 patent is valid and enforceable.

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

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

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

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

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

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

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

35. Upon information and belief, the Defendant had constructive notice of the '715 patent as of the date of issuance, February 18, 2014. In addition, Opus One has practiced the patented technology on its website, <u>www.makeastar.com</u>, since at least the date of issuance of the '715 patent.

PRAYER FOR RELIEF

Plaintiff Opus One prays for judgment and relief as follows:

A) Judgment that the '433, '641, and '715 patents are valid and enforceable;

- B) Judgment that the Defendant, its directors, officers, employees, attorneys, and agents, and all those persons acting in active concert or in participation with them, and their successors and assigns, be enjoined from further acts that infringe, contributorily infringe, or induce infringement of the '433, '641, and '715 patents pursuant to 35 U.S.C. § 283;
- C) Judgment the Defendant be ordered to pay damages adequate to compensate Opus
 One for infringement of the '433, '641, and '715 patents pursuant to 35 U.S.C. § 284, together with interest, including pre-judgment interest from the date infringement of the '433, '641, and '715 patents began;

D) Judgment that the Defendant directly committed, induced, or contributed to willful infringement of the '433, '641, and '715 patents and that the Defendant be ordered to pay treble damages pursuant to 35 U.S.C. § 284;

 E) Judgment that the Defendant be ordered to pay all costs and expenses incurred by Opus One associated with this action pursuant to 35 U.S.C. § 284;

F) Judgment that this case is exceptional, and that the Defendant be ordered to pay all of Opus One's attorney fees associated with this action pursuant to 35 U.S.C. § 285; and

1	G) Judgment that Opus One be granted any other relief as this Court finds just and		
2	proper.		
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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.		
7	Respectfully submitted,		
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9	FISH & TSANG, LLP		
10	Dated: March 25, 2016 By: /s/Joseph Andelin Joseph Andelin, Esq. Attorneys for Plaintiff		
11	Attorneys for Plaintiff Opus One, Inc.		
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	6 COMPLAINT FOR PATENT INFRINGEMENT		