

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

RETRACTABLE CORD  
TECHNOLOGIES LLC,

Plaintiff,

v.

OFFICE DEPOT, INC.,

Defendants.

CIVIL ACTION FILE

NO. \_\_\_\_\_

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff RETRACTABLE CORD TECHNOLOGIES LLC (“Plaintiff”), by and through its undersigned counsel, files this original Complaint against Defendant as follows:

**NATURE OF THE ACTION**

1. This is a patent infringement action concerning Defendant’s infringement of Plaintiff’s United States Patent No. 5,230,481, entitled “Cord Take-Up Device” (“the ’481 patent”), a copy of which is attached hereto as Exhibit A.

## **PARTIES**

2. Plaintiff is a Georgia limited liability company having a principal office in Braselton, Georgia. Plaintiff is the assignee of all right, title and interest in and to the '481 patent, including the right to sue for all past infringement. The '481 patent issued on July 27, 1993, after full and fair examination by the United States Patent Office. The '481 patent was valid and enforceable until its expiration on or about July 27, 2010.

3. Defendant OFFICE DEPOT, INC. ("Office Depot") is a Delaware corporation with a principal place of business at 6600 North Military Trail, Boca Raton, FL 33496. Defendant may be served with process by and through its registered agent, Corporate Creations Network Inc., 2985 Gordy Parkway, 1<sup>st</sup> Floor, Marietta, GA 30066.

## **JURISDICTION AND VENUE**

4. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*, including, without limitation, 35 U.S.C. §§ 271, 281, 284, and 285. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over each of the Defendant pursuant to O.C.G.A. § 9-10-91 and federal law on the grounds that, upon

information and belief, (i) Defendant transacts business within the State of Georgia; (ii) Defendant has committed acts of patent infringement within and/or directed toward residents of the State of Georgia; (iii) Defendant's acts of patent infringement have caused injury within the State of Georgia, and Defendant regularly does or solicits business, engages in other persistent courses of conduct, and/or derives substantial revenue from goods used or consumed or services rendered in this state; (iv) Defendant purposefully directs activities toward residents of the State of Georgia; (v) the cause of action set forth herein arises from or relates to Defendant's activities in the State of Georgia; and/or (vi) the exercise of jurisdiction over Defendant will not offend traditional notions of fair play and substantial justice.

6. More specifically, Defendant has shipped, distributed, offered for sale, sold, and/or advertised (including by the provision of interactive web pages) its products and services in the United States, the State of Georgia, and the Northern District of Georgia. Upon information and belief, Defendant has committed patent infringement in the State of Georgia and in the Northern District of Georgia. Defendant has solicited customers in the State of Georgia and in the Northern District of Georgia. Defendant has had paying customers who are residents of the State of Georgia and the Northern District of Georgia and who each have used

Defendant's respective products and services in the State of Georgia and in the Northern District of Georgia.

7. Venue is proper in the Northern District of Georgia pursuant to 28 U.S.C. §§ 1391 and 1400(b).

### **COUNT I – PATENT INFRINGEMENT**

8. Plaintiff realleges and incorporates by reference the allegations set forth in paragraphs 1-7, above, as if set forth verbatim herein.

9. Defendant Office Depot, has directly infringed the '481 patent in violation of 35 U.S.C. § 271(a) by making, using, selling, or offering for sale in the United States miniature electronic cable products that embody the patented invention. Office Depot's infringing products include, without limitation, its Ativa™ Retractable Handset Cord product, which infringes at least claim 1 of the '481 patent.

10. To the extent any such notice may be required, Office Depot received actual notice of its infringement of the '481 patent at least as early as the filing of the original complaint in this action, pursuant to 35 U.S.C. § 287(a).

11. Office Depot's aforesaid activities have been without authority and/or license from Plaintiff.

12. Plaintiff is entitled to recover from Office Depot the damages sustained by Plaintiff as a result of Office Depot's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

### **JURY DEMAND**

13. Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

### **PRAYER FOR RELIEF**

Plaintiff respectfully requests that the Court find in its favor and against Defendant, and that the Court grant Plaintiff the following relief:

- A. An adjudication that one or more claims of the '481 patent have been infringed, either literally and/or under the doctrine of equivalents, by Defendant;
- B. An accounting and an award to Plaintiff of damages adequate to compensate Plaintiff for the Defendant's acts of infringement together with pre-judgment and post-judgment interest;
- C. That this Court declare this to be an exceptional case and award Plaintiff its reasonable attorneys' fees and costs in accordance with 35 U.S.C. § 285; and

D. Any further relief that this Court deems just and proper.

This 22nd day of December, 2011.

KENT LAW, P.C.

*/s/Daniel A. Kent*

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