

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ENCORE IP HOLDINGS LTD., VIVA)
MACAO COMMERCIAL OFFSHORE LTD.)
and VIVA USA INC.,)

Plaintiffs,)

v.)

C.A. No. _____

ATLAS AGI HOLDINGS, LLC and)
AGI POLYMATRIX, LLC,)

JURY TRIAL DEMANDED

Defendants.)

COMPLAINT

Plaintiffs Encore IP Holdings Ltd. (“Encore”), Viva Macao Commercial Offshore Ltd. (“Viva Macao”), and Viva USA Inc. (“Viva USA”) (collectively, “Plaintiffs”) allege as follows:

THE PARTIES

1. Plaintiff Encore is a limited liability company organized and existing under the laws of the Commonwealth of the Bahamas with its principal place of business in the Hong Kong Special Administrative Region of the People’s Republic of China.

2. Plaintiff Viva Macao is a limited liability company organized and existing under the laws of the Macau Special Administrative Region of the People’s Republic of China with its principal place of business in Macau.

3. Plaintiff Viva USA is a corporation organized under the laws of California with its principal place of business in California.

4. Defendant Atlas AGI Holdings, LLC (“ASG US”) is a limited liability company organized and existing under the laws of Delaware with its principal place of business in Connecticut.

5. Defendant AGI Polymatrix, LLC (“ASG Amaray”) is a limited liability company organized and existing under the laws of Delaware with its principal place of business in Massachusetts.

JURISDICTION AND VENUE

6. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a).

7. This Court has personal jurisdiction over ASG US and ASG Amaray (collectively, “Defendants”), because Defendants are Delaware limited liability companies and have at all material times been doing business in this District, including without limitation, by selling and/or offering to sell optical media cases in this District.

8. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391 and 1400(b).

COUNT ONE
Infringement of the '079 Patent

9. Plaintiffs incorporate the allegations of paragraphs 1 through 8.

10. U.S. Patent No. 7,416,079, entitled “INJECTION MOLDED CASE FOR OPTICAL STORAGE DISCS”, was duly and legally issued on August 26, 2008. Encore is the owner by assignment of all right, title, and interest in the '079 patent. Viva Macao is the exclusive licensee of the '079 patent for injection molded cases for optical storage discs. Viva USA is the exclusive U.S. distributor of optical media cases covered by the '079 patent. A true and correct copy of the '079 patent is attached as Exhibit A.

11. In violation of 35 U.S.C. § 271, Defendants have been and are now infringing the '079 patent, including at least by manufacturing, selling, and/or offering to sell optical media

cases covered by one or more claims of the '079 patent, including without limitation, Vortex Blu-Ray cases.

12. Defendants' infringement of the '079 patent has damaged Plaintiffs.

13. Unless enjoined by this Court, Defendants will continue to infringe the '079 patent, causing irreparable injury to Plaintiffs for which there is no adequate remedy at law.

COUNT TWO
Infringement of the '968 Patent

14. Plaintiffs incorporate the allegations of paragraphs 1 through 13.

15. U.S. Patent No. 7,428,968, entitled "INJECTION MOLDED CASE FOR OPTICAL STORAGE DISCS", was duly and legally issued on September 30, 2008. Encore is the owner by assignment of all right, title, and interest in the '968 patent. Viva Macao is the exclusive licensee of the '968 patent for injection molded cases for optical storage discs. Viva USA is the exclusive U.S. distributor of optical media cases covered by the '968 patent. A true and correct copy of the '968 patent is attached as Exhibit B.

16. In violation of 35 U.S.C. § 271, Defendants have been and are now infringing the '968 patent, including at least by manufacturing, selling, and/or offering to sell optical media cases covered by one or more claims of the '968 patent, including without limitation, Vortex Blu-Ray cases.

17. Defendants' infringement of the '968 patent has damaged Plaintiffs.

18. Unless enjoined by this Court, Defendants will continue to infringe the '968 patent, causing irreparable injury to Plaintiffs for which there is no adequate remedy at law.

COUNT THREE
Infringement of the '533 Patent

19. Plaintiffs incorporate the allegations of paragraphs 1 through 18.

20. U.S. Patent No. 7,549,533, entitled "INJECTION MOLDED CASE FOR OPTICAL STORAGE DISCS", was duly and legally issued on June 23, 2009. Encore is the owner by assignment of all right, title, and interest in the '533 patent. Viva Macao is the exclusive licensee of the '533 patent for injection molded cases for optical storage discs. Viva USA is the exclusive U.S. distributor of optical media cases covered by the '533 patent. A true and correct copy of the '533 patent is attached as Exhibit C.

21. In violation of 35 U.S.C. § 271, Defendants have been and are now infringing the '533 patent, including at least by manufacturing, selling, and/or offering to sell optical media cases covered by one or more claims of the '533 patent, including without limitation, Vortex Blu-Ray cases.

22. Defendants' infringement of the '533 patent has damaged Plaintiffs.

23. Unless enjoined by this Court, Defendants will continue to infringe the '533 patent, causing irreparable injury to Plaintiffs for which there is no adequate remedy at law.

COUNT FOUR
Infringement of the '347 Patent

24. Plaintiffs incorporate the allegations of paragraphs 1 through 23.

25. U.S. Patent No. 7,905,347, entitled "INJECTION MOLDED CASE FOR OPTICAL STORAGE DISCS", was duly and legally issued on March 15, 2011. Encore is the owner by assignment of all right, title, and interest in the '347 patent. Viva Macao is the exclusive licensee of the '347 patent for injection molded cases for optical storage discs. Viva USA is the exclusive U.S. distributor of optical media cases covered by the '347 patent. A true and correct copy of the '347 patent is attached as Exhibit D.

26. In violation of 35 U.S.C. § 271, Defendants have been and are now infringing the '347 patent, including at least by manufacturing, selling, and/or offering to sell optical media

cases covered by one or more claims of the '347 patent, including without limitation, Vortex Blu-Ray cases.

27. Defendants' infringement of the '347 patent has damaged Plaintiffs.

28. Unless enjoined by this Court, Defendants will continue to infringe the '347 patent, causing irreparable injury to Plaintiffs for which there is no adequate remedy at law.

PRAYER FOR RELIEF

WHEREFORE Plaintiffs demand judgment as follows:

- (i) Finding that Defendants have infringed the '079, '968, '533, and '347 patents;
- (ii) Permanently enjoining and restraining Defendants and their officers, agents, servants, employees and attorneys, all parent, subsidiary and affiliate corporations and other related business entities, and all other persons or entities acting in concert, participation or in privity with Defendants, and their successors and assigns, from infringing the '079, '968, '533, and '347 patents;
- (iii) Awarding Plaintiffs damages, in an amount to be determined at trial, together with interest and costs as fixed by the Court;
- (iv) Awarding Plaintiffs their reasonable attorneys' fees and their costs and disbursements in this action, as provided by 35 U.S.C. § 285; and
- (v) Granting Plaintiffs such other and further relief as the Court deems just and proper.

JURY DEMAND

Plaintiffs demand a trial by jury on all issues so triable.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP



Jack B. Blumenfeld (#1014)
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899
(302) 658-9200
jblumenfeld@mnat.com

OF COUNSEL:

Catherine Nyarady
Andrew S. Brown
Damon C. Andrews
PAUL, WEISS, RIFKIND,
WHARTON & GARRISON LLP
1285 Avenue of the Americas
New York, New York 10019
(212) 373-3000

Attorneys for Plaintiffs

October 10, 2014
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