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11 *Attorneys for Plaintiff*
 12 *TZU Technologies, LLC,*

13 **UNITED STATES DISTRICT COURT**
 14 **CENTRAL DISTRICT OF CALIFORNIA**

14	TZU Technologies, LLC, a California)	Case No. 2:15-cv-05499
15	limited liability company,)	
16	Plaintiff,)	COMPLAINT FOR PATENT
17	v.)	INFRINGEMENT AND
18)	PERMANENT INJUNCTION
19	Kickstarter Inc., and Holland Haptics BV)	DEMAND FOR JURY TRIAL
20	DBA myFrebble, a Netherlands)	
21	Corporation,)	
22	Defendants.)	

1 Plaintiff Tzu Technologies LLC, (“TZU”), by and through its undersigned
2 counsel, for its complaint against Holland Haptics BV DBA as myFrebble and
3 Kickstarter Inc., (“Defendants”) makes the following allegations. These allegations
4 are made upon information and belief.

5 **JURISDICTION AND VENUE**

6 1. This is an action for patent infringement arising under the patent laws of
7 the United States, including 35 U.S.C. §§ 271, 281, and 283-285.

8 2. This Court has subject matter jurisdiction over this action pursuant to 28
9 U.S.C. § § 1331 and 1338(a) because it arises under United States Patent law.

10 3. Venue is proper in this District pursuant to 28 U.S.C. §1391(b) and (c).
11 Defendants are subject to this Court’s personal jurisdiction in the acts and transactions
12 include the import of property identified herein through the State of California.
13 Furthermore, Defendants, inter alia, make, sell and distribute adult oriented toys, adult
14 oriented real time services over the Internet throughout the United States, including
15 sales targeted at the State of California, thereby purposefully availing themselves of
16 the benefits of the state.

17 **THE PARTIES**

18 4. TZU Technologies is a limited liability company organized under the
19 laws of the State of California and has an office and principal place of business at 35
20 Hugus Alley, Suite 210, Pasadena, California 91103.

21 5. Defendant Kickstarter, Inc., is a Delaware Corporation having an office
22 at Corporation Trust Center 1209 Orange St, Wilmington, New Castle, DE 19801.

23 6. Defendant Holland Haptics BV, a Netherlands Corporation d/b/a
24 myFrebble, has a registered office at Molengraaffsingel 12, YES!Delft, Delft, Zuid-
25 Holland 2629 JD, Netherlands.

26 **FACTS**

27 7. TZU Technologies is the owner, by assignment, of U.S. Patent No.
28 6,368,268 (“the ‘268 Patent”), entitled “Method and device for interactive virtual

1 control of sexual aids using digital computer networks,” which was duly and legally
2 issued on April 9, 2002, by the United States Patent and Trademark Office. A copy of
3 U.S. Patent No. 6,368,268 is attached to this complaint as **Exhibit A**.

4 8. The claims of the ‘268 Patent are valid and enforceable.

5 9. Defendants has offered for sale to its customers in the United States of
6 the Frebble on their websites www.kickstarter.com and www.Frebble.com (“Frebbe
7 Product Family.”) A listing of the Frebble product (one unfunded and the other
8 unfunded) on Defendants’ website is attached herewith as **Exhibit B and Exhibit C**.

9 10. The Frebble Product Family comprises stimulation systems. Each of the
10 stimulation systems has a hand-operable input device for generating a command
11 signal in response to an input from a first user. A first user interface is connected to
12 the said input device, for generating a control signal based upon the command signal.
13 A second user interface is remotely located from first user interface and a second user
14 interface receives the control signal. A stimulation device receives a control signal
15 from the second user interface. The stimulation signal imparts stimulation to a user in
16 response to the control signal.

17 11. The Frebble Product Family of products infringe on one or more claims
18 of the ‘268 patent.

19 12. Defendants imports, buys, sells and offers to sell to its consumers the
20 Frebble Product Family over worldwide websites without regard to the patent rights of
21 TZU Technologies, including in this district.

22 13. Defendants’ sale of products and/or services on www.kickstarter.com
23 and/or on www.myFrebbe.com infringes on one or more claims of the ‘268 Patent.

24 14. Defendants’ infringement of the ‘268 Patent has been and continues to be
25 willful.

26 15. Unless enjoined by this Court, Defendants will continue to infringe the
27 ‘268 patent.

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1 16. Plaintiff has been, and will continue to be, irreparably harmed by
2 Defendants' ongoing infringement of the '268 patent.

3 17. This is an exceptional case under 35 U.S.C. § 285 and Plaintiff should
4 therefore be awarded treble damages pursuant to 35 U.S.C. §284, of any and all
5 damages awarded for Defendants' infringement of the '268 patent.

6 **COUNT I**

7 **CLAIM FOR PATENT INFRINGEMENT**

8 **UNDER 35 U.S.C. § 271 ('268 PATENT)**

9 18. TZU Technologies hereby incorporates by reference the allegations of
10 paragraphs 1 through 17 of this complaint as if fully set forth herein.

11 19. Defendants have imported, offered to sell and provide, have sold and
12 provided, and continue to offer to sell and provide in the United States and in this
13 District, products and/or services that infringe one or more claims of the '268 Patent,
14 including specifically the Frebble Product Family.

15 20. Defendants' sale of products and/or services on www.kickstarter.com
16 and/or www.myFrebble.com including but not limited to the Frebble Product Family
17 infringes on one or more claims of the '268 Patent.

18 21. Defendants' infringement of the '268 Patent has been and continues to be
19 willful.

20 22. Unless enjoined by this Court, Defendants will continue to infringe
21 the '268 Patent.

22 23. As a direct and proximate result of Defendants' infringement of the '268
23 Patent, TZU Technologies has been and will continue to be damaged in an amount yet
24 to be determined, including but not limited to Plaintiff's lost profits and/or reasonable
25 royalties.

26 **COUNT II**

27 **CLAIM FOR PATENT INFRINGEMENT**

28 **UNDER 35 U.S.C. § 271(b) ('268 PATENT)**

1 24. TZU Technologies hereby incorporates by reference the allegations of
2 paragraphs 1 through 23 of this complaint as if fully set forth herein.

3 25. On information and belief, Defendants knows of the ‘268 patent, based
4 on other fund raising campaigns on www.kickstarter.com which reference the ‘268
5 patent. Additionally Defendants know of the ‘268 patent based on participation in
6 trade fairs, informational articles and news articles published about the previous
7 lawsuit by former owner, Hassex, Inc., www.hassex.com against the RealTouch
8 devices, advertising of the patent by the previous owner on www.hassex.com and the
9 marking provided on competing licensed products sold by OhMiBod.

10 26. Defendants’ sale of the Frebble Product Family induces third parties to
11 infringe one or more claims of the ‘268 patent.

12 27. Defendants’ operation of www.myFrebbe.com induces users of Frebble
13 products to infringe on one or more claims of the ‘268 Patent.

14 28. Defendants’ infringement of the ‘268 Patent has been and continues to be
15 willful.

16 29. Unless enjoined by this Court, Defendants will continue to induce
17 infringement of the ‘268 Patent.

18 30. As a direct and proximate result of Defendants’ infringement of the ‘268
19 Patent, TZU Technologies has been and will continue to be damaged in an amount yet
20 to be determined, including but not limited to Plaintiff’s lost profits and/or reasonable
21 royalties.

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25 **PRAYER FOR RELIEF**

26 WHEREFORE, Plaintiff prays for relief against Defendants as follows:

27 A. For a permanent injunction to issue against Defendants, their agents,
28 servants, employees, successors and assigns and all others in concert and privity with

1 them from making, using, offering to sell, selling, or importing into the United States
2 any product or service infringing on claims of United States Letters Patent No.;
3 6,368,268;

4 B. An award of damages in an amount to be determined at trial, but not less
5 than a reasonable royalty and/or Plaintiff's lost profits as a result of Defendants'
6 infringing actions;

7 C. A finding that Defendants' infringement have been willful;

8 D. A trebling, pursuant to 35 U.S.C. § 284, of any and all damages awarded
9 for Defendants' infringement of the '268 Patent;

10 E. A finding that this is an exceptional case under 35 U.S.C. § 285;

11 F. An award, pursuant to 35 U.S.C. § 285, of reasonable attorneys' fees;

12 G. An award of interest and costs; and

13 H. For such other and further relief as may be just and equitable.

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25 **DEMAND FOR TRIAL BY JURY**

26 Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff hereby
27 demands a jury trial on all issues and causes of action triable to a jury.

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Respectfully submitted,

DATED: July 20, 2015

COTMAN IP LAW GROUP, PLC

s/Rasheed M. McWilliams

By: _____

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