

JURISDICTION

5. This is a claim for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code. This Court has exclusive jurisdiction over the subject matter of the Complaint under 28 U.S.C. § 1338(a).

6. This Court has personal jurisdiction over Luraco by virtue of its acts of patent infringement, which have been committed in this judicial district, and by virtue of its transaction of business in this district.

THE PATENT AT ISSUE

7. Lexor is the owner by assignment of United States Patent No. RE46,655 (the “655 Patent”) entitled “Water Jet Mechanism for Whirlpool Effect in Pedicures or Other Applications” (attached as Exhibit “A”).

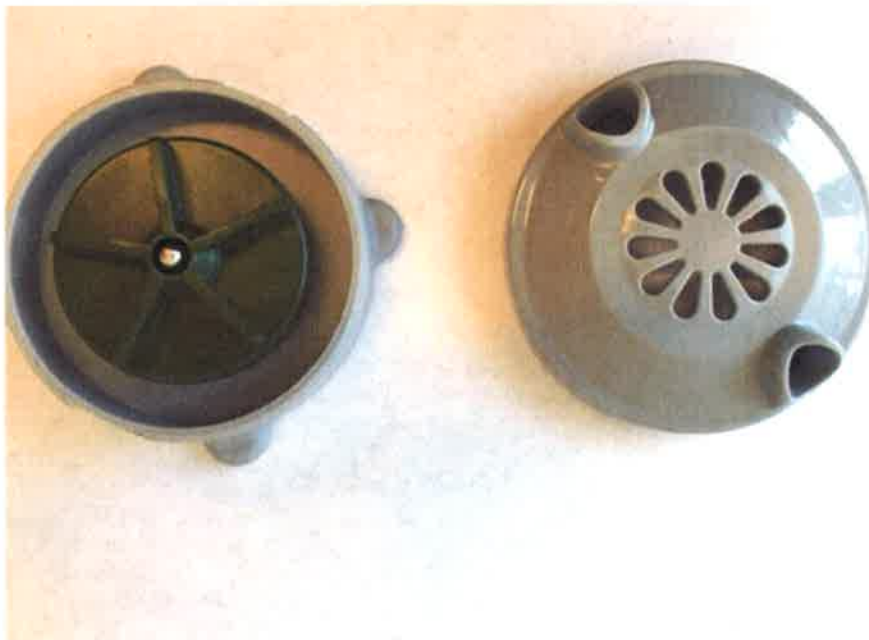
8. The ‘655 Patent, which reissued in January 2, 2018, is directed to a jet pump for use in the water basin of a pedicure chair or whirlpool bath.

INFRINGEMENT

9. Luraco markets and manufactures, uses, sells, and/or offer for sale water jet pumps for use in the basin of a pedicure chair or whirlpool bath, including a water jet pump identified on Luraco’s website as the “Magna-JET,” “Dura-JET III,” “Dura-JET 4,” “Magna-JET with built-in LED Lights,” and “Dura-JET III with built in LED Lights.” These pumps will be hereinafter referred to as “Accused Products.” The following are photographs of the Magna-JET model L0704C and portions thereof, which are exemplary of the Accused Products.



Pump



Cap, Housing and Impeller



Cap (Top)



Cap (Bottom)



Housing Inner Surface

10. The Accused Products include a housing supporting a motor having a stator and rotor configured to rotatably drive a plurality of vanes about an axis.

11. The housing of the Accused Products comprises a shoulder configured to mount the housing to the wall of a pedicure chair or whirlpool bath so that the housing front part extends into the basin.

12. The Accused Products include a cap that has an outer surface and an inner surface.

13. The Accused Products include a cap releasably engaged with the housing front part so as to define an interior chamber between the cap inner surface and housing inner surface of the housing front part.

14. The Accused Products include a cap that has a plurality of spaced-apart holes formed through the cap and defining an inlet aligned with the axis.

15. The Accused Products include a cap with an outlet opening through the cap inner surface that is radially spaced from the inlet.

16. The Accused Products include a plurality of vanes disposed within the pump chamber and rotatable by the rotor to draw water axially through the inlet and direct water radially and out the outlet opening.

17. The housing of the Accused Products includes a flat portion and an outer portion, the outer portion extending in a direction transverse to the flat portion and terminating at an outer edge, the outer edge forming an unbroken circle, and when the cap is engaged with the housing front part the outer edge engages the cap inner surface and the outlet opening of the cap is adjacent the outer edge.

18. In the Accused Products, a first point along the cap inner surface defined at the inlet is spaced radially and axially relative to a second point along the cap inner surface adjacent to the outlet opening.

19. In the Accused Products, a reference plane defined by a flat portion of the surface of the housing front part in the chamber is normal to the axis, and moving radially from the first point to the second point a distance between the cap inner surface and the reference plane progressively decreases without increasing.

20. In the Accused Products, a radially flat portion of the cap inner surface is defined between the first and second point, and the distance between the cap inner surface and the reference plane does not decrease moving radially across the radially flat portion.

21. In the Accused Products, a distance between the second point and the reference plane is less than a distance between the first point and the reference plane.

22. In the Accused Products, the outlet opening opens into an elongate nozzle having a downstream nozzle opening that is spaced from the cap outer surface.

23. The cap in the Accused Products is unitary.

24. The cap in the Accused Products has a second outlet opening spaced radially from the inlet and from the outlet opening.

25. The cap in the Accused Product has at least three elongate radially extending portions of the cap inner surface, wherein the first is inclined relative to the axis, the second is normal to the axis and the third is inclined relative to the axis, the second portion being between the first and third portions. Further, the second portion is contiguous with the first portion and the third portion and the outlet is radially spaced from the second portion.

26. In the Accused Products, at the inlet the outer surface of the cap extends outward relative to a portion of the outer surface of the cap radially adjacent the inlet.

27. In the Accused Products, the inner surface of the cap in at least part of the inlet is inclined relative to a line normal to the axis.

CLAIM FOR PATENT INFRINGEMENT

28. Luraco has infringed, and continues to infringe, literally or under the doctrine of equivalents, at least claims 4-20, 24-32, and 36-48 by making, using, importing, exporting, offering to sell, and selling water jet pumps, including the Accused Products.

29. Luraco's infringement of the '655 Patent has caused, and continues to cause, Plaintiff irreparable harm for which there is no adequate remedy at law, unless the Court enjoins Luraco from continuing its infringing activities.

30. Luraco's infringement has injured Plaintiff and Plaintiff is entitled to recover damages adequate to compensate it for such infringement, but in no event less than a reasonable royalty.

31. Upon information and belief, Luraco's infringement of the '655 Patent is willful.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff asks this Court to enter judgment against Luraco and against its subsidiaries, affiliates, agents, servants, employees, and all persons in active concert or participation with them, granting the following relief:

1. Judgment in favor of Plaintiff and against Luraco that Luraco infringed the '655 Patent literally and under the doctrine of equivalents.

2. An award of damages adequate to compensate Plaintiff for the infringement that has occurred, together with prejudgment interest from the date infringement of the '655 Patent began.

3. A preliminary and permanent injunction prohibiting further infringement of the '655 Patent.

4. An award of attorneys' fees for willful and deliberate infringement pursuant to 35 U.S.C. § 284.

5. A determination that this is an "exceptional case" pursuant to 35 U.S.C. § 285 and award Plaintiff its reasonable legal fees, costs and expenses that it incurs in prosecuting this action.

6. Such other and further relief as this Court or a jury may deem proper and just.

Jury Demand

Pursuant to Rule 38(d) of the Federal Rules of Civil Procedure, Plaintiff demand a jury trial on all issues so triable.

Dated: July 27, 2018

Respectfully submitted,



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