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Attorneys for Plaintiff
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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

TZU Technologies, LLC, a California limited liability company, Plaintiff, v. Comingle LLC, a Georgia limited liability company, and Co Mingle, an entity of unknown form, Defendants.	Case No. 2:15-cv-05495 **COMPLAINT FOR PATENT INFRINGEMENT AND PERMANENT INJUNCTION** **DEMAND FOR JURY TRIAL**

Plaintiff Tzu Technologies LLC, ("TZU"), by and through its undersigned counsel, for its complaint against Comingle LLC and Co Mingle, ("Defendants") makes the following allegations. These allegations are made upon information and belief.

JURISDICTION AND VENUE

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

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

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

THE PARTIES

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

5. Defendant Comingle LLC is a Limited Liability company with an address at Comingle P.O. Box 5222, Atlanta, Georgia, 31107.

6. Defendant Co Mingle is an unknown entity with an address at 532 Hardendorf Avenue NE, Atlanta GA, 30307.

FACTS

7. TZU Technologies is the owner, by assignment, of U.S. Patent No. 6,368,268 ("the '268 Patent"), entitled "Method and device for interactive virtual control of sexual aids using digital computer networks," which was duly and legally

issued on April 9, 2002, by the United States Patent and Trademark Office. A copy of U.S. Patent No. 6,368,268 is attached to this complaint as **Exhibit A**.

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

9. Defendant has offered for sale to its customers on www.indiegogo.com, directly through www.comingle.io and through their distributors in the United States, the Mod product. Comingle also offers a browser based platform for controlling the devices (collectively, "Comingle Product Family"). A listing of Mod product is attached herewith as **Exhibit B** and **Exhibit C**.

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

11. The Comingle Product Family infringes on one or more claims of the '268 patent.

12. Defendants import, sell and offer to sell to its consumers the Comingle Product Family over worldwide websites without regard to the patent rights of TZU Technologies, including in this district.

13. Defendants' sale of products and/or services on www.comingle.io and their app infringes on one or more claims of the '268 Patent.

14. Defendants' infringement of the '268 Patent has been and continues to be willful.

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

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

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

COUNT I

CLAIM FOR PATENT INFRINGEMENT

UNDER 35 U.S.C. § 271 ('268 PATENT)

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

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

20. Defendants' sale of products and/or services on www.comingle.io and www.indigogo.com including but not limited to the Comingle Product Family infringes on one or more claims of the '268 Patent.

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

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

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

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COUNT II

CLAIM FOR PATENT INFRINGEMENT

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

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

25. On information and belief, Defendants knows of the '268 patent, based on participation in trade fairs, informational articles and news articles published about the previous lawsuit by former owner, Hassex, Inc., www.hassex.com against the RealTouch devices, advertising of the patent by the previous owner on www.hassex.com and the marking provided on competing licensed products sold by OhMiBod.

26. Defendants' sale of the Comingle Product Family induces third parties to infringe one or more claims of the '268 patent.

27. Defendants' operation of www.comingle.io induces users of Comingle products to infringe on one or more claims of the '268 Patent.

28. Defendants' infringement of the '268 Patent has been and continues to be willful.

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

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

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PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for relief against Defendants as follows:

A. For a permanent injunction to issue against Defendants, their agents, servants, employees, successors and assigns and all others in concert and privity with them from making, using, offering to sell, selling, or importing into the United States any product or service infringing on claims of United States Letters Patent No.; 6,368,268;

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

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

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

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

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

G. An award of interest and costs; and

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

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DEMAND FOR TRIAL BY JURY

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

Respectfully submitted,

DATED: July 20, 2015

COTMAN IP LAW GROUP, PLC

s/Rasheed M. McWilliams
By:_____

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