

established place of business located at 13900 Dallas Parkway, Dallas, TX 75240. Venue is proper in the Northern District of Texas under 28 U.S.C. §1400(b) in that infringement has been committed at Defendant's regular and established place of business in this District.

COUNT I -- PATENT INFRINGEMENT

5. On February 1, 2011, Plaintiff was duly and legally issued United States Letters Patent 7,878,493 for a utility invention entitled "Cutting Board Scoop" (hereinafter "'493 Patent"). A copy of the '493 Patent is attached as Exhibit A. At all times relevant herein, Plaintiff has been and still is the owner of the '493 Patent and owns all rights to sue for infringement of said patent.
6. On September 23, 2008, Plaintiff was duly and legally issued United States Letters Patent D577,268 for a design invention entitled "Cutting Board Scoop" (hereinafter "'268 Patent"). A copy of the '268 Patent is attached as Exhibit B. At all times relevant herein, Plaintiff has been and still is the owner of the '268 Patent and owns all rights to sue for infringement of said patent.
7. Defendant has been and still is infringing the '493 and '268 Patents by making, selling, offering for sale, importing, and/or using products embodying the Plaintiff's patented inventions. A photograph of the infringing product and receipt of purchase are attached as Exhibit C. Defendant will continue to infringe the patents unless enjoined by the Court.
8. Defendant's infringement has caused Plaintiff to suffer damages. As an additional remedy, Plaintiff is entitled to an award of Defendant's total profits earned from the design patent infringement. On information and belief, said infringement was willful,

making this an exceptional case entitling Plaintiff to awards of attorney's fees and treble damages.

PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays for judgment as follows:

- a. That Defendant, its agents, servants and employees and all those in privity, concert or participation with any of them, be enjoined from making, selling, offering for sale, importing and using any product in violation of Plaintiff's patents on the "Cutting Board Scoop" inventions;
- b. That Plaintiff be granted a judgment against Defendant for Plaintiff's damages, which damages should be trebled, and for Defendant's total profits;
- c. That Defendant be required to pay the Plaintiff its costs incurred herein, as well as reasonable attorneys' fees, as provided by the Patent Laws;
- d. That the Defendant be required to pay the Plaintiff pre-judgment interest on the amount awarded and post-judgment interest until paid, all at the lawful rate; and
- e. That Plaintiff have such other and further relief as to this Court seems just and proper.

JURY DEMAND

Plaintiff demands a trial by jury.

DATED: December 16, 2011.

Respectfully submitted,

/s/ Daniel V. Thompson
Texas State Bar No. 19909200
The Law Office of Daniel V. Thompson, P.C.
9304 Forest Lane, Suite N253
Dallas, TX 75243
phone 972-479-0900
fax 972-852-1699
email dt@dfwpatent.com

ATTORNEY FOR PLAINTIFF