

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA

FRESH PATCH, LLC,)
a Florida limited liability company)
)
Plaintiff,)
)
v.) Civil Action No. _____
)
NATALIE YOUN, an individual, and)
DOGGIELAWN, LLC,)
a California limited liability company,)
)
Defendants.)
)

COMPLAINT

Plaintiff Fresh Patch, LLC (“Fresh Patch”) by and through undersigned counsel, hereby sue Defendants Natalie Youn (“Youn”) and DoggieLawn, LLC (“DoggieLawn”) (Youn and DoggieLawn are collectively referred to herein as the “Defendants”), and state as follows:

PARTIES

1. Plaintiff Fresh Patch is a Florida limited liability company with its principal place of business in Florida.
2. Upon information and belief, Defendant DoggieLawn is a California limited liability company with its principal place of business in California.
3. Upon information and belief, Defendant Youn is an individual residing in California, and is a citizen of the State of California.

JURISDICTION AND VENUE

4. This action arises under a federal statute, namely the patent laws of the United States, 35 U.S.C. §§ 1, *et seq.* This Court has subject matter jurisdiction pursuant to 28 U.S.C.

§1331 and 1338(a).

5. This Court has personal jurisdiction over the Defendants pursuant to Florida Statute §48.193 because the Defendants regularly and purposefully avail themselves of the privilege of conducting business activities in the State of Florida and in this judicial district by, among other things, offering products and services to customers, business affiliates, and partners located in this judicial district. Additionally, Defendants have committed acts of infringement in this judicial district.

6. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b), 1391(c), and 1400(b).

GENERAL ALLEGATIONS

7. On September 3, 2013, United States Letters Patent No. 8,522,719 (“the ‘719 Patent”), entitled “Portable and Disposable Living-Grass Pet Toilet”, was duly and legally issued to Andrew Feld. A copy of the ‘719 Patent is attached hereto as Exhibit “A.”

8. Plaintiff manufactures, distributes, sells, and/or offers for sale products and services that fall within the scope of the claims of the ‘719 Patent, including a method for continuously delivering and replacing a pet toilet unit construction (the “Plaintiff’s Pet Toilet Product and Method”).

9. Feld has assigned to Fresh Patch all rights, title, and interest in and to the ‘719 Patent sufficient to bring this action. The Assignment to Fresh Patch was recorded at the United States Patent and Trademark Office on October 05, 2013 at Reel 031352, Frame 0894.

10. Upon information and belief, Defendants have infringed and are continuing to infringe the ‘719 Patent by making, using, selling, or offering for sale in the United States or importing into the United States the “DoggieLawn” pet toilet unit construction and continuous

delivery and replacement method which embodies the patented invention (the “Infringing Product and Method”), including but not limited to advertising and selling the Infringing Product and Method through their website, www.doggielawn.com.

COUNT I
INFRINGEMENT OF THE ‘719 PATENT

11. Plaintiff realleges and reavers the allegations contained in paragraphs 1 through 10 above, as if fully set forth herein.

12. Defendants have directly infringed, induced infringement, and/or contributed to the infringement of the ‘719 Patent by literal infringement and under the doctrine of equivalents by making, using, importing, distributing, selling and/or offering for sale the Infringing Product and Method, and will continue to do so unless enjoined by the Court.

13. Upon information and belief, Defendants’ acts of patent infringement interfere with Plaintiff’s sales to and relationships with, potential and existing customers for the Plaintiff’s Pet Toilet Product and Method. Such acts have caused and will continue to cause irreparable harm to Plaintiff’s business and cause the ‘719 Patent to diminish greatly in value.

14. The Defendants’ infringement has caused irreparable injury to Plaintiff, and will continue to cause irreparable injury until the Defendants have been enjoined by this Court from further infringement.

15. The Defendants’ acts of infringement have injured and damaged Plaintiff.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff pray that this Court:

A. Enter judgment against Defendants in this action for the infringement of United States Patent No. 8,522,719;

B. Permanently enjoin Defendants, and their respective officers, agents, servants, employees, subsidiaries, and all others acting in concert, from continuing their infringing activities;

C. Award damages pursuant to 35 U.S.C. § 284, all of these damages to be enhanced in an amount up to treble the amount of compensatory damages as justified under 35 U.S.C. § 284;

D. Award prejudgment and post judgment interest pursuant to 35 U.S.C. § 284;

E. Declaring that this case is exceptional pursuant to 35 U.S.C. § 285 and awarding Plaintiff its reasonable costs and expenses of litigation, including attorneys' and experts' fees; and

F. Award any such other relief that this Court deems just and proper.

Respectfully submitted,

FELDMAN GALE, P.A.

DATE: October 8, 2013

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