



4. The Court has personal jurisdiction over Defendant, and venue is proper in this District, in that Defendant has sufficient contacts in the State of Texas and this District to satisfy Due Process. Venue is proper in the Eastern District of Texas under 28 U.S.C. §1400(b) with §§1391(b) and (c).
5. Upon information and belief, this court has specific and personal jurisdiction over Defendant Brumis Imports, Inc. The contacts with the state of Texas and this Judicial District and Division include sales of the accused product to Homegoods retail stores (“Homegoods”), with the knowledge and intent that they enter the stream of commerce and be distributed and sold within the United States through established distribution channels, including sales at numerous Homegoods located within this Judicial District and Division. In addition, the contacts with the State of Texas and this Judicial District and Division include establishing and maintaining an internet web site with on-line ordering of the infringing product accessible to consumers in Texas.

#### COUNT I -- PATENT INFRINGEMENT

6. On February 1, 2011, Plaintiff was duly and legally issued United States Letters Patent 7,878,493 for an invention entitled “Cutting Board Scoop.” A copy of said patent is attached as Exhibit A. At all times relevant herein, Plaintiff has been and still is the owner under the patent and owns all rights to sue for infringement of said patent.
7. Defendant has been and still is infringing the patent by making, selling, offering for sale, importing, and/or using a product embodying the Plaintiff’s patented invention. Photographs of the infringing product are attached as Exhibit B. Defendant advertises its infringing product under the “Core Kitchen” and “Core Home” brand names on its website ([www.corehome.com](http://www.corehome.com)) as a “Grip Strip<sup>TM</sup> Funnel Board,” and the accused product

is offered for sale on the Core Home website at (<http://corekitchenshop.com/poly-cutting-boards/grip-strip-funnel-cutting-boards.html>), as shown in Exhibit C. USPTO.gov trademark records show that Brumis Imports, Inc. is the current owner of the “Core Home” trademark, and lists “Core Bamboo” under the “dba, aka, formerly” field, as shown in Exhibit D. Defendant will continue to infringe the patent unless enjoined by the Court.

8. Defendant’s infringement has caused Plaintiff to suffer damages. On information and belief, said infringement was willful, making this an exceptional case.

#### JURY DEMAND

Plaintiff demands a trial by jury.

#### 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, using and selling any product in violation of Plaintiff’s patent on the “Cutting Board Scoop” invention;
- b. That Plaintiff be granted a judgment against Defendant for its damages, which damages should be trebled;
- 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.

DATED: December 11, 2013.

Respectfully submitted,

/s/ Daniel V. Thompson  
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