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6 Attorneys for Plaintiff THE TORO  
COMPANY  
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9 **UNITED STATES DISTRICT COURT**  
10 **CENTRAL DISTRICT OF CALIFORNIA**  
11 **EASTERN DIVISION**

12  
13 THE TORO COMPANY,

14 Plaintiff,

15 vs.

16 THE DECOR GROUP, INC. d/b/a  
17 NITE TIME DECOR

18 Defendants.  
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20

Case No.

**COMPLAINT FOR PATENT  
INFRINGEMENT**

**REQUEST FOR JURY TRIAL**

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1 Plaintiff, The Toro Company, alleges as follows:

2 **PARTIES**

3 1. Plaintiff, The Toro Company, is a corporation organized and existing  
4 under the laws of the State of Delaware with a principal place of business at 5825  
5 Jasmine Street, Riverside, CA 92504. The Toro Company acquired certain assets  
6 of Unique Lighting Systems including its patents. Since 1995, Unique Lighting  
7 Systems has been a leader and innovator in outdoor lighting products and  
8 installations.

9 2. Upon information and belief, Defendant, The Decor Group, Inc. d/b/a  
10 Nite Time Decor, is a corporation organized and existing under the laws of the  
11 State of Texas with its principal place of business at 709 E. 44th Street, Lubbock,  
12 TX 79404. Until recently, Defendant has been one of Plaintiff's largest customers,  
13 purchasing Plaintiff's patented outdoor lighting products and other goods and  
14 services.

15 **JURISDICTION AND VENUE**

16 3. This is a claim of patent infringement arising under the Acts of  
17 Congress relating to patents, 35 U.S.C. §§ 171, 271, 282-285, and 289.

18 4. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a)  
19 as the Complaint states a claim for relief based upon a federal question under the  
20 Patent Laws.

21 5. Venue is proper in this District under 28 U.S.C. §§ 1391(b)(1),  
22 1391(b)(2), 1391(d), and/or 1400(b). Defendant regularly conducts business in this  
23 District. Defendant has been one of Plaintiff's largest customers for its patented  
24 outdoor lighting products, placing numerous orders in this District for the patented  
25 products. Defendant attended training and meetings in the District related to the  
26 patented products.

**FIRST CLAIM FOR RELIEF**

(Infringement Of U.S. Patent No. D495,079)

6. Plaintiff restates and re-alleges the allegations set forth in preceding paragraphs and incorporates them by reference.

7. On August 24, 2004, U.S. Patent No. D495,079 (“the ’079 Patent”) entitled Pulsar Lighting Fixture was duly and legally issued to Nate Mullen. Plaintiff is the owner, by assignment, of the ’079 Patent and has been throughout the period of Defendant’s infringement and still is the owner thereof. The ’079 Patent is attached as Exhibit A.

8. Defendant has imported, used, sold, and/or offered for sale products that infringe the ’079 Patent, including at least Nite Time Decor Product Number SPOT-CB.

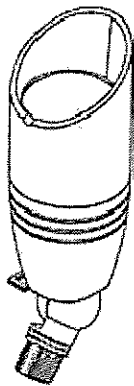
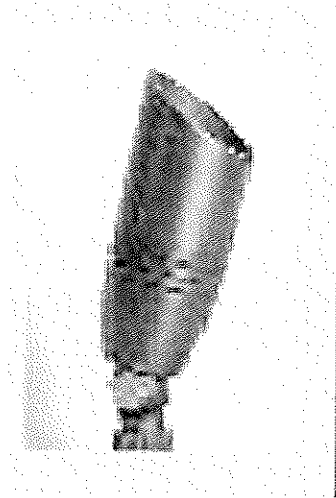


FIGURE 1

U.S. Patent No. D495,079



Nite Time Décor SPOT-CB



1 d. A judgment and order directing Defendant to pay the costs of this  
2 action (including all disbursements) and attorney fees as provided by 35 U.S.C. §  
3 285, with interest; and

4 e. Such other and further relief as this Court may deem just and  
5 equitable.

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7 Dated: September 13, 2013

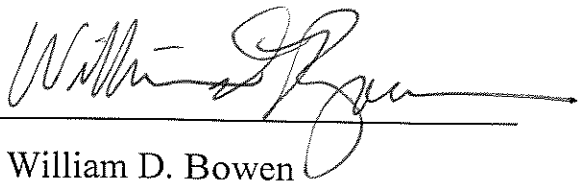
Respectfully submitted,

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**SHELDON MAK & ANDERSON PC**

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By: 

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William D. Bowen  
Attorneys for Plaintiff The Toro Company

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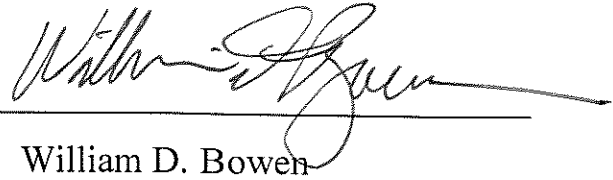
**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands that all issues be determined by jury.

Dated: September 13, 2013

Respectfully submitted,

**SHELDON MAK & ANDERSON PC**

By: 

William D. Bowen  
Attorneys for Plaintiff The Toro Company

EXHIBIT A



US00D495079S1

(12) **United States Design Patent** (10) Patent No.: **US D495,079 S**  
Mullen (45) Date of Patent: **\*\* Aug. 24, 2004**

(54) **PULSAR LIGHTING FIXTURE**  
(76) Inventor: **Nate Mullen**, 1240 Simpson Way,  
Escondido, CA (US) 92029  
(\*\*) Term: **14 Years**  
(21) Appl. No.: **29/183,384**  
(22) Filed: **Jun. 11, 2003**  
(51) LOC (7) Cl. .... **26-05**  
(52) U.S. Cl. .... **D26/63; D26/67**  
(58) Field of Search ..... **D26/60-72, 82-85,**  
**D26/87-90, 92; 362/153, 153.1, 267, 269,**  
**281, 285, 287, 418, 419, 427, 430**

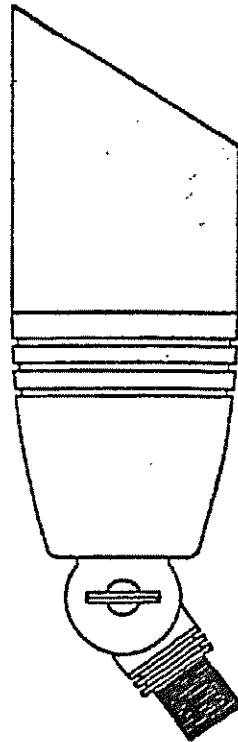
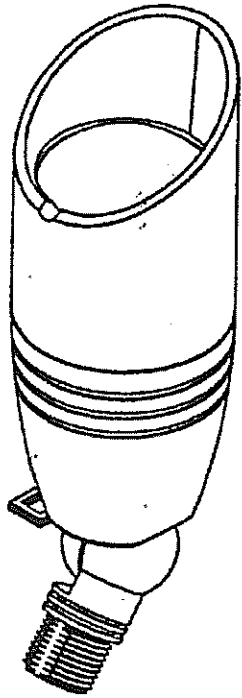
(56) **References Cited**  
**U.S. PATENT DOCUMENTS**  
3,270,192 A \* 8/1966 Watson ..... 362/293  
4,238,816 A \* 12/1980 Merlo ..... 362/279  
D286,682 S \* 11/1986 Greenlee ..... D26/63  
5,599,091 A \* 2/1997 Kira ..... 362/269  
5,651,606 A \* 7/1997 Krogman ..... 362/96  
D385,638 S \* 10/1997 Bonnette et al. .... D26/62  
5,713,662 A \* 2/1998 Kira ..... 362/427  
D392,067 S \* 3/1998 Morrow et al. .... D26/65  
D417,519 S \* 12/1999 Culler ..... D26/63

D473,669 S \* 4/2003 Hille et al. .... D26/63  
\* cited by examiner  
*Primary Examiner*—Clare Heflin  
(74) *Attorney, Agent, or Firm*—Joseph A. Yanny; Michael  
A. DiNardo; Stacie J. Sundquist

(57) **CLAIM**  
The ornamental design for a pulsar lighting fixture, as  
shown.

**DESCRIPTION**  
FIG. 1 presents a perspective view of the pulsar lighting  
fixture of the present invention.  
FIG. 2 presents a front view of the pulsar lighting fixture of  
the present invention.  
FIG. 3 presents a top view of the pulsar lighting fixture of  
the present invention.  
FIG. 4 presents a bottom view of the pulsar lighting fixture  
of the present invention.  
FIG. 5 presents a left side view of the pulsar lighting fixture  
of the present invention; and,  
FIG. 6 presents a right side view of the pulsar lighting fixture  
of the present invention.

**1 Claim, 3 Drawing Sheets**





U.S. Patent

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US D495,079 S

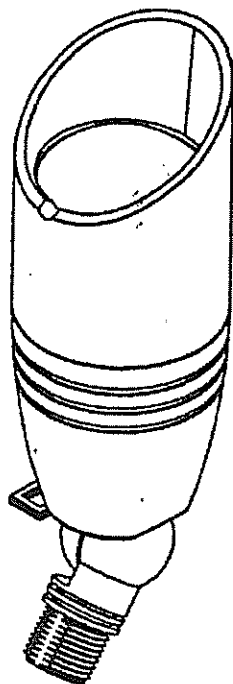


FIGURE 1

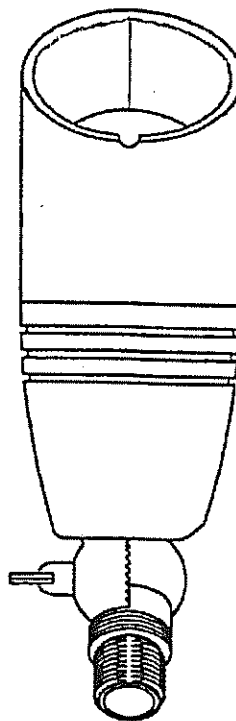


FIGURE 2

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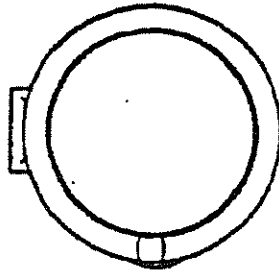


FIGURE 3

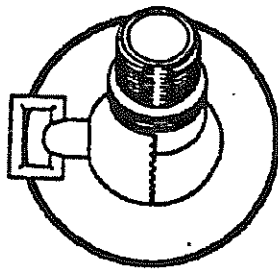


FIGURE 4

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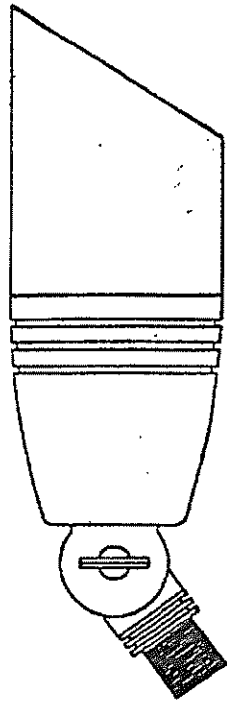


FIGURE 5

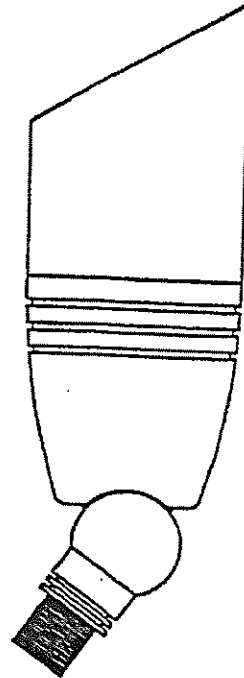


FIGURE 6