

FILED

United States District Court
for the
EASTERN DISTRICT OF VIRGINIA

2014 DEC -5 P 4: 22

~~PAUL LEITNER-WISE, and~~
~~VANESSA TRUOG, and~~
~~LEITNER-WISE MANUFACTURING, LLC,~~
~~and~~
~~RICH CAVIAR, LLC, and~~
~~MUZZLESHOT, LLC,~~

CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

Plaintiffs

v.

Civil Action No. 2:14-cv-619
(RGD)

BEAM DISTRIBUTING, INC.,

Defendant

COMPLAINT

COUNT 1

PATENT INFRINGEMENT

1. Plaintiffs Paul Leitner-Wise and Vanessa Truog are citizens of the State of Virginia. Plaintiffs Leitner-Wise Manufacturing, LLC, Rich Caviar, LLC, and Muzzleshot, LLC are each incorporated under the laws of Virginia with its principal place of business in Virginia (Plaintiffs Paul Leitner Wise, Vanessa Truog, Leitner-Wise Manufacturing, LLC, Rich Caviar, LLC, and Muzzleshot, LLC are collectively referred to herein as "Plaintiff"). The defendant is a corporation incorporated under the laws of Virginia with its principal place of business in Virginia. The amount in controversy, without interest and costs, exceeds the sum or value specified by 28 U.S.C. § 1332. This Court has subject matter jurisdiction over the claims relating to the Copyright Act (17 U.S.C. §§ 101,501) and the Lanham Act (15 U.S.C. §§1125 et. seq.) pursuant to 28

U.S.C. § 1331 (federal subject matter jurisdiction) and 17 28 U.S.C. §1338(a) (any act of Congress relating to copyrights, patents and trademarks).

2. On June 25th, 2013, United States Letters Patent No. D684,820 was issued to the Plaintiff for the design of a Drinking Vessel. The Plaintiff owned the patent throughout the period of the Defendant's infringing acts and still owns the patent.

3. Defendant has infringed and is still infringing on the Letters Patent D684 820 by selling, and using images of drinking vessels that embody the patented design, and the defendant will continue to do so unless enjoined by this court. Defendant's actions are causing confusion in the marketplace and materially harming the Plaintiff.

4. Plaintiff has complied with the statutory requirement of placing a notice of the Letters Patent on all Drinking Vessels it manufactures and sells and has given the defendant written notice of the infringement.

COUNT 2

COPYRIGHT INFRINGEMENT

5. Paragraphs 1-4 of this Complaint are hereby incorporated by reference as though set forth fully herein.

6. Plaintiff applied for United States Copyright of its United States Letters Patent No. D684,820 issued June 25th 2013, Image: No. 1-1923124421. Plaintiff owned the patent and pending copyright throughout the period of the Defendant's infringing acts and still owns the patent and pending copyright.

7. Defendant has infringed and is still infringing the Letters Patent and pending Copyright by selling, and using images of drinking vessels that embody the patented design and pending copyright, and Defendant will continue to do so unless enjoined by this court. Defendant's actions are causing confusion in the marketplace and materially harming Plaintiff.

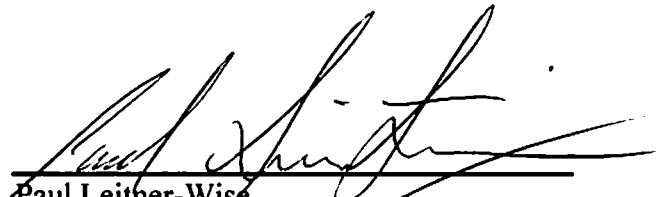
8. Plaintiff has complied with the statutory requirement of placing a notice of the Letters Patent and Copyright on all Drinking Vessels it manufactures and sells and has given Defendant written notice of the infringement.

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9. Paragraphs 1 – 8 of this Complaint are hereby incorporated by reference as though set forth fully herein. Therefore, the plaintiff demands:

- (a) a preliminary and final injunction against the continuing infringement;
- (b) an accounting for damages;
- (c) interest and costs; and
- (d) any additional penalties, damages or actions justified by the evidence.

Date: 12/05/2014



Paul Leither-Wise
On Behalf of Plaintiff *PR OE*
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