

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

DEXAS INTERNATIONAL, LTD.,	§	Civil Action No.
	§	
Plaintiff,	§	
	§	
vs.	§	4:15-cv-851
	§	
KOLE IMPORTS, INC.,	§	
	§	
Defendant.	§	JURY DEMANDED

**ORIGINAL COMPLAINT WITH REQUEST FOR
PERMANENT INJUNCTIVE RELIEF AND DAMAGES AND JURY DEMAND**

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Plaintiff, Dexas International, Ltd., for its complaint against Defendant Kole Imports, Inc., would respectfully show the Court as follows:

INTRODUCTION

1. Plaintiff Dexas International, Ltd. (“Dexas”) is a limited partnership with its principal place of business at 585 South Royal Lane, Suite 200, Coppell, TX 75019-3807.
2. Defendant Kole Imports, Inc. (“Kole Imports”) is, upon information and belief, a corporation organized and existing under the laws of the State of California, with a principal place of business at 24600 S. Main Street, Carson, California 90745.

JURISDICTION AND VENUE

3. This is an action arising under the Patent Laws of the United States, 35 U.S.C. §§ 101, et seq., with subject matter jurisdiction based on 28 U.S.C. § 1338(a).
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 Kole Imports. The contacts with the state of Texas and this Judicial District and Division include sales of various housewares products, including sales through Amazon.com, with the knowledge and intent that they be distributed and sold within the United States, including this Judicial District.

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. At all times relevant herein, Plaintiff has complied with the marking requirements of 35 U.S.C. §287.
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 as set forth in Claim 3 of the patent. A photograph of the infringing product is attached as Exhibit B. Defendant advertises its infringing product under the “Handy Helpers” and “Kitchen Essential” brand names on its website (www.koleimports.com) as a “Scoop Cutting Board,” as shown in Exhibit C. 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 15, 2015.

Respectfully submitted,

/s/ Daniel V. Thompson
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