

IN UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

3-23-09

TONY COLIDA,

PLAINTIFF,

V.

Civil Action No:

09-1316
(JLL)

PANASONIC CORP. OF NORTH AMERICA,

DEFENDANT.

COMPLAINT

PLAINTIFF DECLARES THE FOLLOWING:

1. Plaintiff pro se, (Tony Colida) is a citizen of Canada and resides at 750 Montpellier Blvd, Suite 1210, in the city of St. Laurent (Montreal), Quebec H4L 5A7 Canada, Tel.: 514-512-1888 and his Fax: 514-315-8542;

2. Defendant (Panasonic North America Corp.) a duly incorporated company and having corporate offices at One Panasonic Way, Secaucus, New Jersey, 07094, in the United States;

3. At all relevant time, Defendant tranacts business by advertising, selling and producing directly or indirectly themselves or through their distributors, in the United States and elsewhere in the world including portable handset telephone in which the Defendant has committed acts of infringement on Plaintiff U.S. Design Patent No.: 321,184 for portable handheld telephone and is being sued upon this District;

4. This is an action for design patent infringement of Pro Se Plaintiff's U.S. Design Patent No.: 321,184;

5. Plaintiff is the inventor and owner of the United States Design Patent No.: 321,184;

6. On October 29, 1991 the United States Patent Commission granted Plaintiff U.S. Design Patent No.: 321,184 for an article of manufacture and produced herewith as Plaintiff's Exhibit 1;

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AT 8:30 _____M
WILLIAM T. WALSH, CLERK

7. The said invention consists of a new, original and ornamental design of an article for the manufacture of a portable handheld telephone;

THE INFRINGEMENT:

8. On or about April of 2005 it came to Plaintiff's attention that the Defendant had already begun to manufacture and sell in the United States a portable handheld telephone know as the Panasonic KX-TG 6502, the whole as appears morefully and produced as Plaintiff's **Exhibit 2**;

9. Defendant's portable phone conforms to the distinctive design incorporated in Plaintiff's U.S.Design Patent No.: 321,184;

10. Defendant's portable telephone has met with wide acceptance and is being sold in the United States and else where in the world without permission or compensation to the Plaintiff;

11. Plaintiff has invested substantial amount of energy and money in the development and promotion of his U.S.Design Patent;

12. Plaintiff in his capacity has priority in connection to the distintive design incorporated in the Defendant's portable telephone;

13. Notwithstanding Plaintiff's U.S. Design Patent Defendant since a precise date unknow to Plaintiff but know to Defendant has infringed upon Plaintiff's rights under his Design Patent by directly or under its control authorization or instuctions is illegally and without authority, the Defendant's portable handheld phone infringes on Plaintiff's rights of his U.S. Design Patent;

14. More particulary Defendant portable handheld telephone infringes on Plaintiff's Design Patent in that it reproduces the "distinctive design" appearance incorporated in its telephone;

15. The sales of Defendant's portable phone is causing Plaintiff to suffer as well as damages to his clear rights. Moreover as a result of the said infringement Defendant is making illegal profits from the appropriation incorporated into Defendant's portable handheld telephone which may be impossible to prove and to quantify without this Honorable Court's assistance;

16. The full extent of Defendant's infringing activities is unknown to Plaintiff but is known to Defendant and therefore, Plaintiff claims all acts of infringement by Defendant past, present and future;

17. Plaintiff has been notified Defendant of the infringement and the Defendant has willfully and deliberately continued to infringe in flagrant disregard of Plaintiff's rights and a copy of the notice letter to Defendant is herewith attached as Plaintiff's **Exhibit 3**;

18. The damages caused to Plaintiff through the infringement of his U.S. Design Patent is estimated at one billion dollars but Plaintiff reserves his right to amend the quantum of damages suffered by him once the full extent of Defendant's infringement sales activities are known;

19. Plaintiff further requests a jury trial in this case;

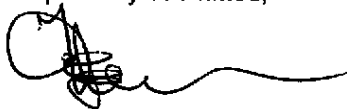
WHEREFORE PLAINTIFF PRAYS FOR RELIEF;

GRANT THE PRESENT ACTION;

CONDEMN Defendant to pay for damages to Plaintiff the sum of one billion dollars plus any interests according to the Laws of the United States of America.

DATED: March 17, 2009

Respectfully submitted,



MR. TONY COLIDA, (pro se plaintiff)
750 Montpelier Blvd,
Suite 1210
Saint-Laurent, Quebec, H4L 5A7
Canada

TEL.: 514-512-1888
FAX: 514-315-8542

[54] PORTABLE CELLULAR HANDSET TELEPHONE

[76] Inventor: Tony Colida, 2672 Bedford Rd., Montreal, Quebec, Canada, H3S-1G1

[**] Term: 14 Years

[21] Appl. No.: 507,185

[22] Filed: Apr. 10, 1990

[52] U.S. Cl. D14/138; D14/147; D14/248

[58] Field of Search D14/147, 148, 138; 379/433; 455/89, 90

D. 278,053	3/1985	Menn et al.	D14/147
D. 283,709	5/1986	Williams et al.	D14/147
D. 300,743	4/1989	Zaugg et al.	D14/147
d. 301,874	6/1989	Roegner	D14/148
D. 305,118	12/1989	Pfeifer et al.	D14/147
D. 311,397	10/1990	Cheng	D14/148 X
D. 315,347	3/1991	Walker	D14/147

Primary Examiner—Horace B. Fay, Jr.

[57] CLAIM

The ornamental design for portable cellular handset telephone, as shown and described.

DESCRIPTION

FIG. 1 is a left side elevational view of a portable cellular handset telephone showing my new design; FIG. 2 is a front elevational view thereof; FIG. 3 is a rear elevational view thereof; FIG. 4 is a bottom plan view thereof; and FIG. 5 is a front, top and right side perspective view thereof.

[56] References Cited

U.S. PATENT DOCUMENTS

D. 190,867	7/1961	Mosing	D14/147
D. 255,681	3/1980	Read et al.	D14/147
D. 270,445	9/1983	Chen	D14/147

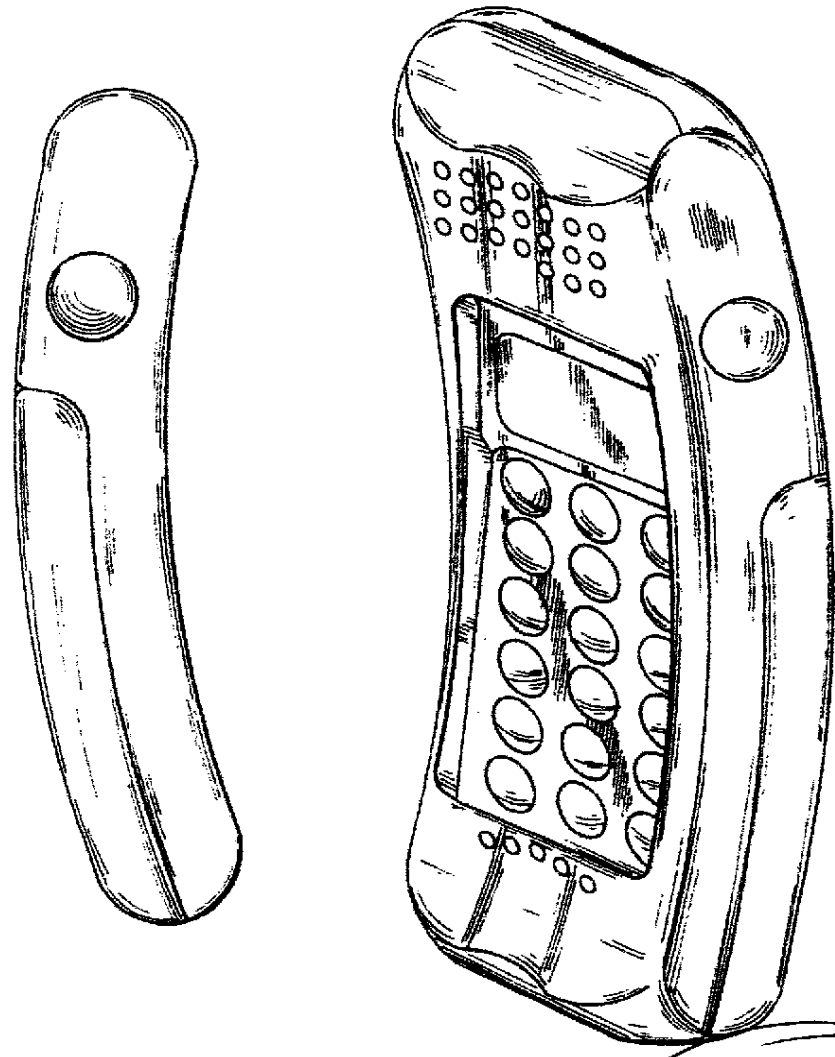


EXHIBIT
1

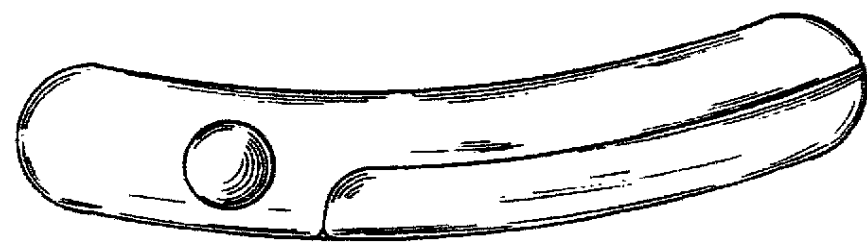


FIG. 1

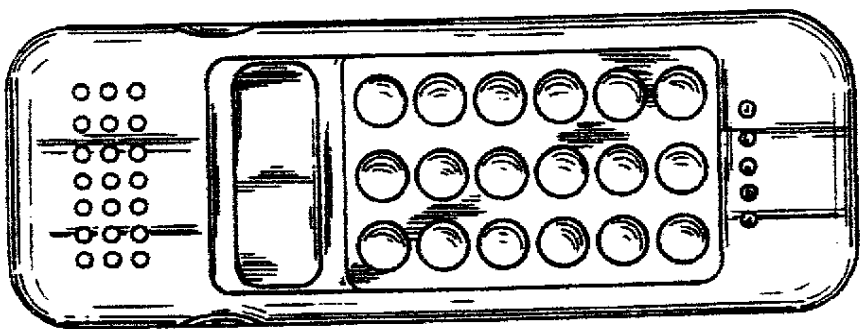


FIG. 2

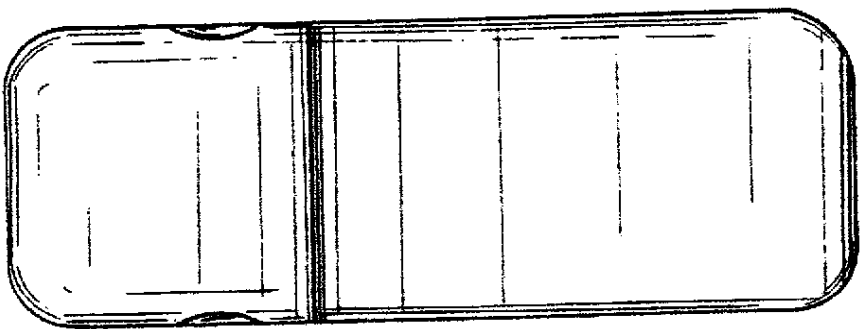


FIG. 3

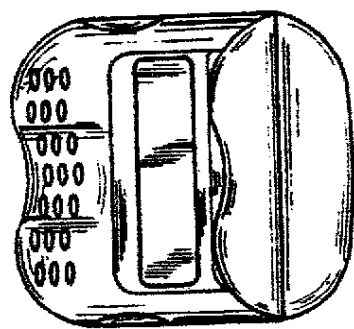


FIG. 4

EXHIBIT
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FIG. 5

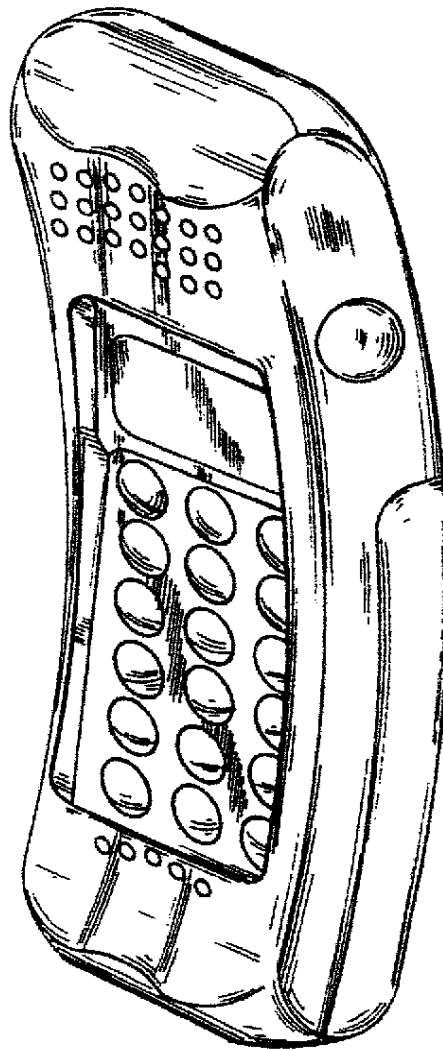
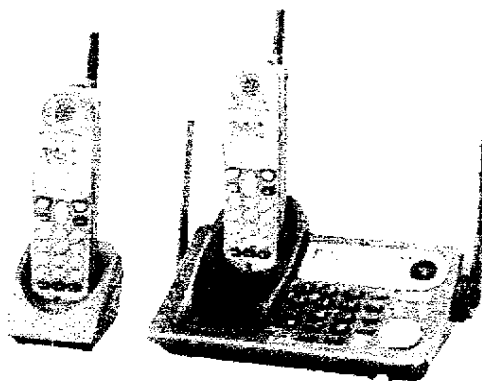


EXHIBIT
1

Panasonic

business industrial

Home > Cordless Phones > KX-TG6502B



KX-TG6502B

2-Line, Dual-Handset 5.8 GHz FHSS GigaRange® Supreme Expandable Digital Cordless Phone System with Digital Answering System

\$259.95

Buy this product at a store... enter zip

To buy direct from Panasonic, or ask questions about your order from Panasonic.com: **1-800-405-0652**

CustomerService@shop.us.panasonic.com

5.8 GHz Phones FAQs

Call for Support **1-800-211-PANA (7262)**

Contact us online

Compare key features

Compare all 5.8 GHz Phones

overview

Two-Line Operation Helps You Manage Your Calls

With two-line operation, you can conference in two outside lines to have a three-way conversation. Or place your current call on hold to make another call. Being able to use two phone lines with just one phone makes it convenient and efficient to manage your calls.

Talking Caller ID demo - Learn how talking caller ID allows you to **hear who's calling**.

What's Better Than One 5.8 GHz Phone? TWO Panasonic 5.8 GHz Phones!

Now, we've made it easier to enjoy all the benefits of our functional, fashionable and flexible phone systems by putting two in one package. With these 2-in-1 bundle systems you get 1 base unit, 1 charger and 2 handsets. And just like our expandable systems you only need one phone jack to operate both handsets! Plus, the bundle phones use Frequency-Hopping Spread Spectrum technology to ensure great sound, incredible clarity, long range and excellent security from eavesdropping.

Find the **right battery** for your phone

Buy Phone Batteries direct

Handsets

Hands-Free Sets

Answering Machine Tapes

Up to 4 Handsets With Just One Phone Jack

You can put handsets all over your house-in your kid's rooms or even in the garage-without all the messy wiring or complicated setup. With our 5.8 GHz expandable phone systems, you don't need a phone jack for each additional handset-just one for the base unit. So start expanding and forget about all your wiring worries.



What we're doing to give our products **the leading edge**.

Long Range, Clear Sound, Minimal Interference

Our 5.8 GHz Frequency-Hopping Spread Spectrum technology operates on a different wavelength with much less traffic than the 2.4 GHz technology while maintaining the great security, incredible clarity and long range. Have a wireless computer

EXHIBIT 2

-- President Electronic Limited.

Tony Colida
President

6280 Decarie Blvd.
Suite 811
Montreal, Quebec H3X 2K1
CANADA

Tel: 514-268-8729
Fax: 514-735-8067

Via Telecopier: 201-348-7619

April 6, 2005

PANASONIC ELECTRIC CORPORATION
One Panasonic Way, 3C-1
Secaucus, New Jersey 07094

Attention: Intellectual Property Division

RE: INFRINGEMENT OF U.S. DESIGN PATENT 321,184

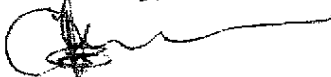
Dear Sir or Madame:

This is a notice that your company is infringing my rights under United States Design Patent 321, 184 for a portable handset telephone. Your company is infringing my rights by manufacturing and selling your model number KX-TG 6502B handset telephone.

In view of the above mentioned infringement matter, I am ready to grant Panasonic Electric Corporation a non-exclusive license agreement to use the rights of my U.S. Design Patent No: 321,184 for a lump sum of \$1,000,000US. Please call my attorney Mr. Lazar Sarna, at 514-842-4550 to discuss this offer. Please be advised, that if we do not hear from you within ten (10) days of this notice, we will be forced to initiate a patent infringement lawsuit and seek damages as a result of your infringement against Panasonic Electric Corporation without any further notice.

We look forward to hearing from you.

Sincerely,



Tony Colida

cc: Mr. Lazar Sarna, Esq.

