

ORIGINAL

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

SANIJET CORPORATION,  
Plaintiff,  
vs.

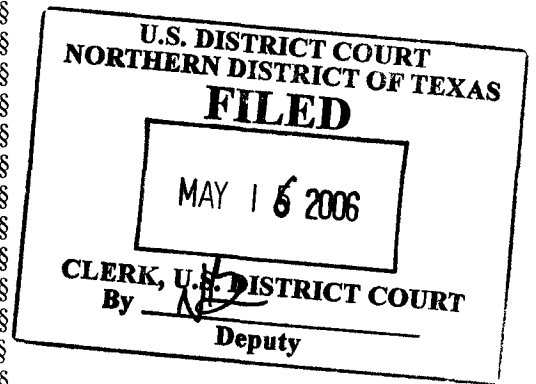
CASE NO.

230847

KHANH DUY NGUYEN d/b/a BEAUTY TIMES; DINH QUANG LY d/b/a BEAUTY TIMES; KATHY LE d/b/a LT NAILS; LONG TRUONG d/b/a LT NAILS; THANH DAO d/b/a PARADISE NAILS; BAC CHAU d/b/a SIGNATURE NAIL SALON; HA THU THAI d/b/a TT NAIL CARE a/k/a T&T NAILS; XUAN HONG THAI d/b/a TT NAIL CARE a/k/a T&T NAILS; ALICE TRAN d/b/a ALICE NAIL a/k/a ALICE'S NAILS; DIEM NGUYEN d/b/a GLAMOUR NAILS & SPA; LAM THAI VO THIEN d/b/a OCEAN NAILS; LETHANY RODRIGUEZ d/b/a OCEAN NAILS; HAI NGUYEN d/b/a SIGNATURE NAIL SALON; HUNG PHAM d/b/a SIGNATURE NAIL SALON; MANH VAN BUI d/b/a SIGNATURE NAIL SALON; TUYEN THI NGUYEN d/b/a HENRY NAILS a/k/a HENRY'S NAILS; DARREN TRAN d/b/a DELUXE NAILS SALON a/k/a DELUXE NAIL SALON; KIM HO d/b/a DELUXE NAILS 1 a/k/a DELUXE NAIL SALON; CNT NAILS INC., d/b/a NAILS NOW; RONALD VAN d/b/a PURE NAILS; KATHY THUY LE d/b/a PRO NAILS & SPA TANNING and/or PRO NAILS & SPA; NGA B. MAC d/b/a ALFA NAILS; T. TRAN THAO d/b/a PT NAILS and/or PT NAIL DUYEN TRAN d/b/a NAIL ART; TRUNG DO d/b/a T NAIL and/or T NAILS; NUONG NGUYEN d/b/a SIGNATURE NAIL SALON; THANH T. HUYNH d/b/a NAIL FOCUS; THOMAS NGUYEN d/b/a CITY NAILS; LAN KIM HO d/b/a CITY NAILS; MINH NGUYEN d/b/a CANDLE NAILS & SPA a/k/a CANDEL NAIL SPA; HUYEN NGUYEN d/b/a COLORFUL NAILS; CHAU THI DUONG d/b/a FINE NAILS SALON; LINDY BUI d/b/a H2O NAIL AND SPA; KHANH NGUYEN d/b/a NAIL COURT; DUNG NGUYEN d/b/a NAIL COURT; HUNG PHAN d/b/a NAIL COURT; LOANANH THIEU d/b/a MODERN NAILS; XANH TRAN d/b/a MODERN NAILS; DONNA LEE CORPORATION d/b/a NAIL BOUTIK; BEVERLY HILLS NAILS, UNIVERSITY PARK, INC., d/b/a HOLLYWOOD STAR NAILS & SPA; VUONG TRAN d/b/a NAIL FOCUS; THANH HUYNH d/b/a NAIL STUDIO OF LAS COLINAS; BE VAN HO d/b/a NAILS BY JUDY; KHANH DUY NGUYEN d/b/a NAILTIMES DINH QUANG LY d/b/a NAILTIMES; LINH TRAN d/b/a LEGENDS NAIL; CHUONG NGUYEN d/b/a MAI-LE NAILS; BICH-HIEP TA d/b/a VISTA NAIL; DUNG HOANG d/b/a STONE OAK SPA; HUE NGUYEN d/b/a STONE OAK SPA; OANH NGUYEN d/b/a PRO NAILS and/or PRO NAILS 7; MAI NGOC LA d/b/a T.L.C. NAILS & TAN and/or T.L.C. NAILS & TANNING; HAI LE, d/b/a SEXY NAILS & SPA; KHA DINH d/b/a SPA PRO NAILS & TAN;

Defendants

3-06CV0.881-6



PLAINTIFF'S ORIGINAL COMPLAINT

Plaintiff, Sanijet Corporation, pursuant to RULE 8 OF THE FEDERAL RULES OF CIVIL PROCEDURE, files its original complaint against the above-listed Defendants.

#### NATURE OF SUIT

1.01. This is a patent infringement suit seeking injunctive relief and damages. The patented invention is a pipeless whirlpool jet. The infringing devices are pipeless jets and pedicure spas equipped with pipeless jets.

#### PARTIES

2.01. The Plaintiff is Sanijet Corporation, a Texas corporation with its principal place of business located in Dallas County, Texas.

2.02. Defendants are salon owners particularly identified below who reside in Dallas and other Texas counties and who use pipeless pedicure spas to give pedicures and other foot treatments to their customers.

2.03. The main supplier of infringing spas and jets to Defendants is Beauty Mall, Ltd. ("Beauty Mall"). Beauty Mall markets pipeless pedicure spas to salons and distributes pipeless jets to other original equipment manufacturers (OEMs), who in turn market their pedicure spas to salons. Each Defendant uses at least one pedicure spa that is either made by Beauty Mall or made by another OEM and equipped with Beauty Mall pipeless jets.

2.04. On January 19, 2006, Plaintiff filed suit against Beauty Mall, *et al.* The suit is now pending as Case #3-06CV0135-L in this district and division.

2.05. Defendants are more particularly identified as follows and may be served with a summons and a copy of this complaint at the addresses noted:

- 1) Khanh Duy Nguyen d/b/a Beauty Times  
11929 Preston Road  
Dallas, TX 75230.
- 2) Dinh Quang Ly d/b/a Beauty Times  
11929 Preston Road.  
Dallas, TX 75230
- 3) Kathy Le d/b/a LT Nails  
1515 N. Cockrell Hill, Suite 105  
Dallas, TX 75211
- 4) Long Truong d/b/a LT Nails  
1515 N. Cockrell Hill Suite 105  
Dallas, TX 75211
- 5) Thanh Dao d/b/a Paradise Nails  
17721 Dallas Pkwy. Suite 122  
Dallas, TX 75287
- 6) Bac Chau d/b/a Signature Nail Salon  
6333 E. Mockingbird Lane  
Dallas, TX 75214  
  
(Secondary address) 1010 Lakeland Drive  
Lewisville, Texas 75067
- 7) Ha Thu Thai d/b/a TT Nail Care a.k.a. T&T Nails  
294 Casa Linda Plaza  
Dallas, TX 75218
- 8) Xuan Hong Thai d/b/a TT Nail Care a.k.a. T&T Nails  
294 Casa Linda Plaza  
Dallas, TX 75218
- 9) Alice Tran d/b/a Alice Nail a.k.a. Alice's Nails  
501 S. Plano Road, Suite 651  
Richardson, TX 75081
- 10) Diem Nguyen d/b/a Glamour Nails & Spa  
1930 N. Coit Road, Suite 111  
Richardson, TX 75080  
  
(Secondary address) 2865 Stoneridge Drive  
Garland, Texas 75074

- 11) Lam Thai Vo Thien d/b/a Ocean Nails  
6100 Ave. K. Suite 118  
Plano, TX 75074  
  
(Secondary address) 105 South Barns Drive, Apt. 1017  
Garland, Texas 75042
- 12) Lethany Rodriguez d/b/a Ocean Nails  
6100 Ave. K. Suite 118  
Plano, TX 75074
- 13) Hai Nguyen d/b/a Signature Nail & Facial Salon a.k.a.  
Signature Nail Salon  
9720 Coit Road, Suite 250  
Plano, TX 75025  
  
(Secondary address) 5516 Mountain Valley Drive  
The Colony 75056
- 14) Hung Pham d/b/a Signature Nail Salon  
4275 Legacy Drive, Ste. 200  
Frisco, TX 75034  
  
(Secondary address) 6399 Morning Star Drive #901  
The Colony, Texas 75056
- 15) Manh Van Bui d/b/a Signature Nail Salon  
4275 Legacy Drive, Ste. 200  
Frisco, TX 75034
- 16) Tuyen Thi Nguyen d/b/a Henry Nails a.k.a. Henry's Nails  
3386 Lakeview Parkway  
Rowlett, TX 75088
- 17) Darren Tran d/b/a Deluxe Nails Salon a.k.a.  
Deluxe Nail Salon  
200 N. Kimball Ave., Suite 204  
Southlake, TX 76092  
  
(Secondary address) 855 Kilbridge  
Coppell, Texas 75019
- 18) Kim Ho d/b/a Deluxe Nails 1 a.k.a.  
Deluxe Nail Salon  
200 N. Kimball Ave., Suite 204  
Southlake, TX 76092

- 19) CNT Nails Inc.,  
a Texas corporation d/b/a
- Nails Now  
3520 Preston Road  
Frisco, TX 75034  
and  
11661 Preston Rd # 212  
Dallas, TX 75230

Summons and complaint may be served on a) the registered agent, Arthur R. Snyder, at the registered address, 4851 LBJ Freeway., Ste. 616, Dallas, TX 75244 or b) an officer, managing agent or general agent of the corporation at either of the above Preston Road locations.

- 20) Ronald Van d/b/a
- Pure Nails  
8200 Stonebrook Parkway, #107  
Frisco, TX 75034

(Secondary address)

5920 Sidney Lane  
McKinney, Texas 75070

- 21) Kathy Thuy Le d/b/a
- Pro Nails & Spa Tanning and/or  
Pro Nails & Spa  
4020 Cedar Spring  
Dallas, TX 75219

(Secondary Address)

5001 Remington Drive  
Garland, Texas 75044

- 22) Nga B. Mac d/b/a
- Alfa Nails  
1901 Long Prairie Suite #306  
Flower Mound, TX 75022

- 23) T. Tran Thao d/b/a
- PT Nails and/or PT Nail  
4300 Main Street #600  
The Colony, Texas 75056

- 24) Duyen Tran d/b/a
- Nail Art  
1445 Los Rios Blvd. #201  
Plano, TX 75074

(Secondary Address)

7025 Mazy Lane  
Rowlett, Texas 75089

- 25) Trung Do d/b/a
- T Nail and/or T Nails  
1624 or 6421 Wesley Drive, Suite A  
Greenville, TX 75402

- (Secondary Address) 1601 Lillian Lane  
Garland, Texas 75040
- 26) Nuong Nguyen d/b/a Signature Nail Salon  
7707 MacArthur Blvd. #130  
Irving, Texas 75063
- (Secondary Address) 1017 Apache Lake Drive  
Carrollton, Texas 75010
- 27) Thanh T. Huynh d/b/a Nail Focus  
5910 N. MacArthur Blvd. # 130  
Irving, Texas 75039
- (Secondary Address) 4528 Reunion Drive  
Plano, Texas 75024
- 28) Thomas Nguyen d/b/a City Nails  
6751 Abrams Road #104  
Dallas, TX 75231
- 29) Lan Kim Ho d/b/a City Nails  
6406 Gaston Ave.  
Dallas, TX 75214
- 30) Minh Nguyen d/b/a Candle Nails & Spa a.k.a.  
Candel Nail Spa  
2918 Oak Lawn Ave.  
Dallas, TX 75219
- 31) Huyen Nguyen d/b/a Colorful Nails  
6780 Abrams Road #101  
Dallas, TX 75231
- 32) Chau Thi Duong d/b/a Fine Nails Salon  
5706 E. Mockingbird  
Suite 145  
Dallas, TX 75206
- (Secondary Address) 8610 Scottsdale Dr.  
Rowlett, TX 75089
- 33) Lindy Bui d/b/a H20 Nail and Spa  
761 S. MacArthur Blvd. #125  
Coppell, TX 75019
- (Secondary Address) 211 Briar Oak Drive  
Murphy, TX 75094

- 34) Khanh Nguyen d/b/a Nail Court  
14999 Preston Road #216  
Dallas, TX 75240 or 75254  
  
(Secondary Address) 4677 Durban Park Drive  
Plano, TX 75024
- 35) Dung Nguyen d/b/a Nail Court  
14999 Preston Road #216  
Dallas, TX 75240 or 75254  
  
(Secondary Address) 4677 Durban Park Drive  
Plano, TX 75024
- 36) Hung Phan d/b/a Nail Court  
14999 Preston Road #216  
Dallas, TX 75240 or 75254  
  
(Secondary Address) 4677 Durban Park Drive  
Plano, TX 75024
- 37) Loananh Thieu d/b/a Modern Nails  
10731 Preston Rd.  
Dallas, TX 75230
- 38) Xanh Tran d/b/a Modern Nails  
10731 Preston Rd.  
Dallas, TX 75230
- 39) Donna Lee Corporation,  
a Texas corporation d/b/a Nail Boutik  
4421 Lovers Lane  
University Park, Texas 75225

Summons and complaint may be served on a) the registered agent, Donna Lee, at the registered address, 2106 Bluebonnet Drive, Richardson, Texas 75081 or the business address, 4421 Lovers Lane, University Park, Texas 75225 or on b) an officer, managing agent or general agent of the corporation at said business address.

- 40) Beverly Hills Nails, University Park, Inc.,  
a Texas corporation d/b/a Hollywood Star Nails & Spa  
5600 W. Lovers Lane, Ste. 112  
Dallas, TX 75209.

Summons and complaint may be served on a) the registered agent, Long Vu, at the registered address, 3410 Oaklawn Ave., Dallas, Texas 75219 or the business address, 5600 W. Lovers Lane, Ste. 112, Dallas, TX 75209 or

on b) the president Jimy Tien Nguyen a.k.a. Jimmy Nguyen a.k.a. Jimy Nguyen Tien at said business address or c) any other officer or a managing agent or general agent of the corporation at said business address.

- 41) Vuong Tran d/b/a Nail Focus a.k.a.  
Nail Focus By Susan  
5409 Beltline Road  
Dallas, TX 75254
- 42) Thanh Huynh d/b/a Nail Studio of Las Colinas  
6550 N. MacArthur Blvd. #130  
Irving, TX 75039  
  
(Secondary Address) 4528 Reunion Drive  
Plano, TX 75039
- 43) Be Van Ho d/b/a Nails By Judy  
4520 Frankford Road #500  
Dallas, TX 75287  
  
(Secondary Address) 2806 Caladium Court  
Garland, TX 75040
- 44) Khanh Duy Nguyen d/b/a Nailtimes  
2150 N. Josey Lane #104  
Carrollton, TX 75006  
  
(Secondary Address) 11810 Preston Road #120  
Dallas TX 75230
- 45) Dinh Quang Ly d/b/a Nailtimes  
2150 N. Josey Lane #104  
Carrollton, TX 75006  
  
(Secondary Address) 11810 Preston Road #120  
Dallas TX 75230
- 46) Linh Tran d/b/a Legends Nail  
2661 Midway Road, Ste. 228  
Carrollton, TX 75006
- 47) Chuong Nguyen d/b/a Mai-Le Nails  
4502 Lovers Lane  
Dallas, Texas 75225



- 48) Bich-Hiep Ta d/b/a  
Vista Nail  
9822 Potranco Road #1200  
San Antonio, TX 78249  
  
(Secondary address) 12219 Stable Pond Drive  
San Antonio, Texas 78249
- 49) Dung Hoang d/b/a  
Stone Oak Spa  
19141 Stone Oak Pkwy 111  
San Antonio, TX 78258  
  
(Secondary Address) 1600 Canyon Oak  
Schertz, TX 78154
- 50) Hue Nguyen d/b/a  
Stone Oak Spa  
19141 Stone Oak Pkwy 111  
San Antonio, TX 78258  
  
(Secondary Address) 1600 Canyon Oak  
Schertz, TX 78154
- 51) Oanh Nguyen d/b/a  
Pro Nails and/or Pro Nails 7  
510 Almeda Mall  
Houston, TX 77075
- 52) Mai Ngoc La d/b/a  
T.L.C. Nails & Tan and/or  
T.L.C. Nails & Tanning  
10904 Scarsdale Blvd. # 285  
Houston, TX 77089
- 53) Hai Le, d/b/a  
Sexy Nails & Spa  
2700 W. Pecan Street, Suite 304  
Pflugerville, TX 78660
- 54) Kha Dinh d/b/a  
Spa Pro Nails & Tan  
402 W. Taylor Ave., Suite C and/or  
402 W. Palm Valley, Suite C  
Round Rock, TX 78644  
  
(Secondary Address) 102 Muscovy Lane  
Cedar Park, Texas 78613

**JURISDICTION AND VENUE**

3.01. This suit arises under the United States patent laws, 35 U.S.C. The Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

3.02. All defendants are Texas residents. Many reside within the territory of the United States District Court for the Northern District of Texas (the "Northern District") and/or have committed acts of infringement within the Northern District and have a regular and established place of business in the Northern District. Thus, venue is proper in the Northern District under 28 U.S.C. §§1391(b)(1) & (2) and 1400(b).

**FACTUAL ALLEGATIONS**

**The Subject Patents**

4.01. Plaintiff owns the following United States Letters Patent:

<u>Patent #</u>	<u>Date Issued</u>	<u>Title of Invention</u>
4,853,987	08-08-89	Unitized Hydrotherapy Jet and Pump Assembly
5,414,878	05-16-95	Sanitary Whirlpool Jet Apparatus
5,587,023	2-24-96	Method of Removing a Whirlpool Jet Apparatus From a Whirlpool Bathtub for inspection, Cleaning or Repair.

4.02. The Patents are valid and enforceable.

Plaintiff's Invention is a Key Component of Pedicure Spas

4.03. A pedicure spa is a fill-and-drain whirlpool foot bath fitted with a circulation system and a chair mounted on a platform in which the user sits while receiving a pedicure or other foot treatment. See Exh.1, Fig.1.

4.04. Conventional circulation design uses an ordinary electric pump to circulate water from the basin through a hidden piping harness and out through jets back into the basin. See Exh.1, Fig.2.

4.05. In the 1990's, Plaintiff developed pipeless circulation technology under the subject patents utilizing a jet device that pumps water from the basin into an encasement, turns it 180 degrees, and propels it in a jet stream back into the basin without routing the water through piping. See Exh.1, Fig.3.

4.06. A pipeless system consists of one or more pipeless jets connected to a drive means (*e.g.*, an electric motor) and a switch or set of controls. See Exh.1, Fig.4. Pipeless systems are installed on pedicure spas and other hydro massage appliances. See Exh.1, Fig.5 & 6.

4.07. Superior sanitation is the dominant advantage of pipeless technology. The warm, dark, moist environment of a piped system can become a fertile breeding ground for harmful bacteria. Piping is not accessible for hand cleaning and flushing the system is not effective under prevalent operating practices. In contrast, every component of Plaintiff's pipeless jet that touches water can be visually inspected and cleaned by hand without tools.

4.08. Reports in recent years of infections linked to piped pedicure spas have heightened the salon industry's concern for sanitation and helped drive the demand for pipeless pedicure spas.

4.09. In 2003, Plaintiff began selling pipeless systems to original equipment manufacturers (OEMs) for installation on pedicure spas they make and market under their own brands to salons.

4.10. Thereafter, Beauty Mall and other OEMs entered the market with infringing spas that Defendants have purchased and used and now use.

**CAUSE OF ACTION**  
(PATENT INFRINGEMENT)

5.01. Plaintiff incorporates the allegations of paragraphs 4.01 thru 4.10 above as if fully reproduced herein.

5.02. The pipeless jets and pedicure spas that Defendants use infringe, either literally or pursuant to the Doctrine of Equivalents, each and every element of one or more of the claims of the subject patents.

5.03. Plaintiff has suffered and will continue to suffer immediate and irreparable harm if the Defendants continue to infringe the subject patents. Additionally, there is no adequate remedy at law for the harm and damage that will occur to Plaintiff's rights and interest in the subject patents.

**PRAYER**

Plaintiff prays for the entry of final judgment in this case:

- a) declaring that Defendants have infringed the subject patents;
- b) allowing for confiscation or destruction of all infringing jets and pedicure spas;
- c) awarding damages in an amount no less than a reasonable royalty rate for Defendant's use of infringing jets and pedicure spas;

- d) permanently enjoining Defendants and their respective officers, agents, servants, employees, and attorneys, and all other persons in active concert or participation with them, from importing, making, using, selling or offering to sell pipeless jets or any device or appliance equipped with or incorporating pipeless jets, including pedicure spas, whirlpool baths or other products, that infringe the subject patents;
- e) awarding prejudgment interest;
- f) awarding court costs; and
- g) granting all other relief the Court may deem just.

Respectfully submitted,



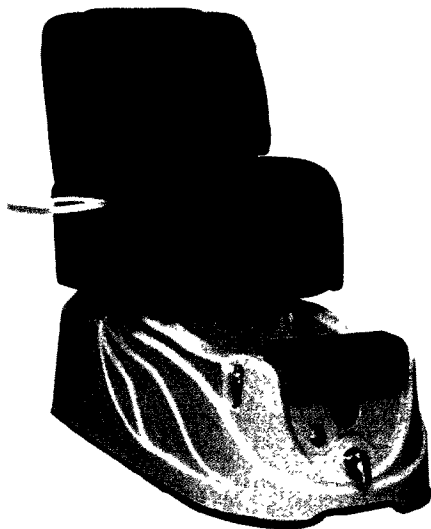
**JAMES E. DAVIS**  
State Bar No. 05504200 ✓

**DAVIS KENNEDY, P.C.**  
Greystone Centre  
3010 LBJ Freeway, Suite 1200  
Dallas, Texas 75234  
(972) 620-9800 - Telephone  
(972) 620-9803 - Facsimile

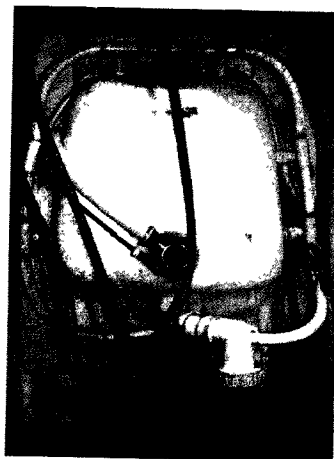
**JAMIE WALL**  
State Bar No. 20756700 ✓

1461 South Beltline Road, Suite 100  
Coppell, Texas 75019  
(972) 745-2283 - Telephone  
(972) 745-2285 - Facsimile

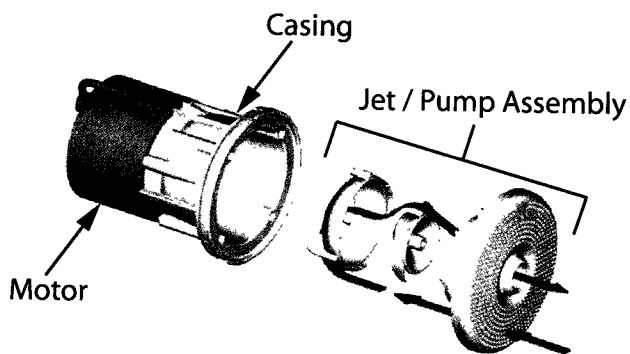
**ATTORNEYS FOR SANIJET  
CORPORATION**



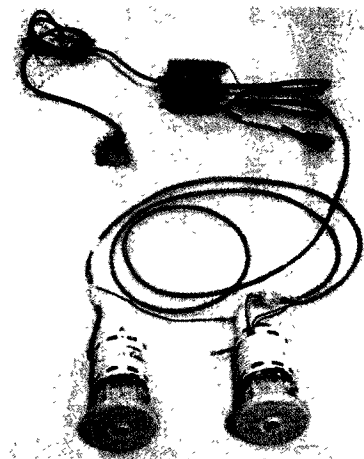
**Figure 1:**  
Pedicure Spa



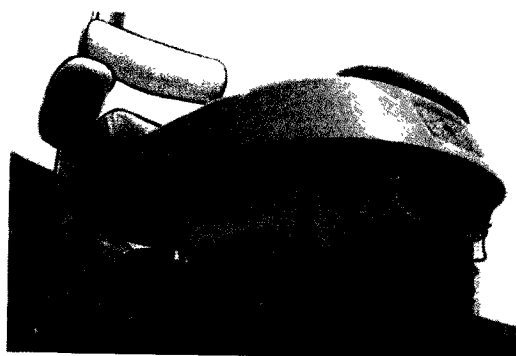
**Figure 2:**  
Piping Harness Installed on  
Pedicure Spa (Bottom View)



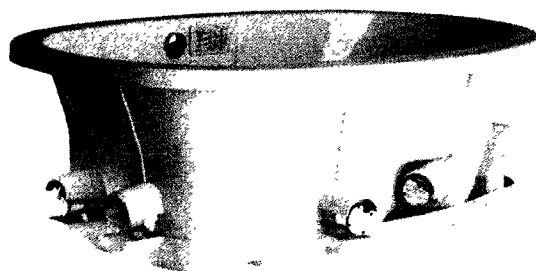
**Figure 3:**  
Pipeless Jet (Exploded View)



**Figure 4:**  
2-Jet Pipeless System for  
Pedicure Spa



**Figure 5:**  
2-Jet Pipeless System  
Installed on Pedicure Spa



**Figure 6:**  
6-Jet Pipeless System Installed on  
Whirlpool Bathtub

JS 44 (Rev. 11/04)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of indexing the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM)

**I. (a) PLAINTIFFS** SANIJET CORORATION

**DEFENDANTS** Khanh Duy Nguyen d.b.a Beauty Times, et al.

**(b) County of Residence of First Listed Plaintiff** Dallas **County of Residence of First Listed Defendant** Dallas

(EXCEPT IN U.S. PLAINTIFF CASES) (IN U.S. PLAINTIFF CASES ONLY)

**(c) Attorney's (Firm Name, Address, and Telephone Number)**  
 Davis Kennedy, P.C., 3010 LBJ Freeway, Ste. 1200, Dallas, TX 75234  
 972-620-9800; Jamie Wall 1461 S. Beltline Rd.#100 Coppell, TX 75019

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

RECEIVED  
 MAY 18 2006  
 CLERK, U.S. DISTRICT COURT  
 NORTH DALLAS DISTRICT OF TEXAS

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

1 U.S. Government Plaintiff

3 Federal Question (U.S. Government Not a Party)

2 U.S. Government Defendant

4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

(For Diversity Cases Only)

Citizen of This State	PTF <input type="checkbox"/> 1	DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	PTF <input type="checkbox"/> 4	DEF <input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

<b>CONTRACT</b> <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>TORTS</b> <b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<b>FORFEITURE/PENALTY</b> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R R & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt Relations <input type="checkbox"/> 730 Labor/Mgmt Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl Ret. Inc Security Act	<b>BANKRUPTCY</b> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<b>OTHER STATUTES</b> <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
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**V. ORIGIN** (Place an "X" in One Box Only)

1 Original Proceeding

2 Removed from State Court

3 Remanded from Appellate Court

4 Reinstated or Reopened

5 Transferred from another district (specify)

6 Multidistrict Litigation

7 Appeal to District Judge from Magistrate Judgment

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

**VI. CAUSE OF ACTION** Brief description of cause: Patent Infringement Action, Title 35 United States Code

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

**DEMAND \$** \_\_\_\_\_

**CHECK YES only if demanded in complaint:**

**JURY DEMAND:**  Yes  No

**VIII. RELATED CASE(S) IF ANY** (See instructions):

JUDGE: Sam A. Lindsay

DOCKET NUMBER: 3-06CV0135-L

DATE: 5-12-06

SIGNATURE OF ATTORNEY OF RECORD: Jamie Wall

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG JUDGE \_\_\_\_\_