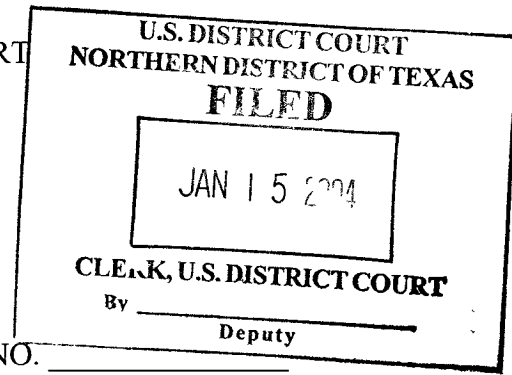


ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION



LAUGHLIN PRODUCTS, INC.,

Plaintiff,

v.

JESSICA H. HALEY,  
d/b/a Paradise Tan,

Defendant.

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CIVIL ACTION NO. \_\_\_\_\_

**4-04CV0035-A**

**ORIGINAL COMPLAINT**

Plaintiff, LAUGHLIN PRODUCTS, INC., alleges:

1. This is an action for patent infringement, brought under the patent laws of the United States, 35 U.S.C. § 271 *et seq.*

**PARTIES**

2. Plaintiff, Laughlin Products, Inc., is a Texas corporation having its principal place of business at 3506 Blueberry Hill, Grapevine, Texas 76051.

3. Defendant Jessica H. Haley, d/b/a Paradise Tan, is a proprietorship having a principal place of business at 7451 N. Beach St. #148, Fort Worth, Texas 76137, where Defendant can be served.

**JURISDICTION AND VENUE**

4. This is an action for patent infringement brought under the patent laws of the United States, 35 U.S.C. § 271 *et seq.* Jurisdiction of the patent infringement claims is conferred on this Court under 28 U.S.C. §§ 1331 and 1338 (a).

5. This Court has personal jurisdiction over Defendant under § 17.042 of the Texas Civil Practice and Remedies Code as it is doing business in this judicial district.

6. Venue is proper in this district under 28 U.S.C. § 1391 in that the unlawful activities herein alleged were performed in whole or in part in this district.

COUNT ONE - PATENT INFRINGEMENT

7. Plaintiff is the owner of U.S. Patent No. 5,922,333 (“the ‘333 patent”) titled “System for Automatically Coating the Human Body.” The ‘333 patent describes and claims a system for spray applying self-tanning solutions and other compositions onto the human body. Plaintiff licenses others to manufacture and sell the system of the ‘333 patent to businesses and individuals. A true and correct copy of the ‘333 patent is attached hereto as Exhibit A.

8. On information and belief, Defendant operates within this district a system for spray applying self-tanning solutions and other compositions onto the human body (“The System”). Defendant’s use of The System constitutes infringement of the ‘333 patent under 35 U.S.C. § 271.

9. Plaintiff has suffered damages as a direct result of Defendant’s infringement. Under 35 U.S.C. § 284, Plaintiff is entitled to damages adequate to compensate for the infringement, including lost profits, but not less than a reasonable royalty.

10. On information and belief, Defendant’s infringement of the ‘333 patent is willful. Plaintiff is therefore entitled to enhanced damages under 35 U.S.C. § 284. Plaintiff also requests that the Court hold this to be an exceptional case.

COUNT TWO - PATENT INFRINGEMENT of U.S. PATENT NO. 6,298,862

11. Plaintiff is the owner of U.S. Patent No. 6,298,862 (“the ‘862 patent”) titled “Method of and Apparatus for Automatically Coating the Human Body: Fogging Technology.” The ‘862

patent describes and claims a method and apparatus for spray applying self-tanning solutions and other compositions onto the human body. Plaintiff licenses others to manufacture and sell the system of the '862 patent to businesses and individuals. A true and correct copy of the '862 patent is attached hereto as Exhibit B.

12. On information and belief, Defendant operates within this district a system for spray applying self-tanning solutions and other compositions onto the human body ("The System"). Defendant's use of The System constitutes infringement of the '862 patent under 35 U.S.C. § 271.

13. Plaintiff has suffered damages as a direct result of Defendant's infringement. Under 35 U.S.C. § 284, Plaintiff is entitled to damages adequate to compensate for the infringement, including lost profits, but not less than a reasonable royalty.

14. On information and belief, Defendant's infringement of the '862 patent is willful. Plaintiff is therefore entitled to enhanced damages under 35 U.S.C. § 284. Plaintiff also requests that the Court hold this to be an exceptional case.

COUNT THREE - PATENT INFRINGEMENT of U.S. PATENT NO. 6,474,343

15. Plaintiff is the owner of U.S. Patent No. 6,474,343 ("the '343 patent") titled "Method of and Apparatus for Automatically Coating the Human Body." The '343 patent describes and claims a method and apparatus for spray applying self-tanning solutions and other compositions onto the human body. Plaintiff licenses others to manufacture and sell the system of the '343 patent to businesses and individuals. A true and correct copy of the '343 patent is attached hereto as Exhibit C.

16. On information and belief, Defendant operates within this district a system for spray applying self-tanning solutions and other compositions onto the human body ("The System").

Defendant's use of The System constitutes infringement of the '343 patent under 35 U.S.C. § 271.

17. Plaintiff has suffered damages as a direct result of Defendant's infringement. Under 35 U.S.C. § 284, Plaintiff is entitled to damages adequate to compensate for the infringement, including lost profits, but not less than a reasonable royalty.

18. On information and belief, Defendant's infringement of the '343 patent is willful. Plaintiff is therefore entitled to enhanced damages under 35 U.S.C. § 284. Plaintiff also requests that the Court hold this to be an exceptional case.

#### COUNT FOUR - INJUNCTIVE RELIEF

19. Plaintiff reasserts the foregoing paragraphs 7 through 18.

20. Plaintiff will be irreparably harmed if Defendant's patent infringement continues. The balance of equities favors a preliminary injunction in favor of Plaintiff. Plaintiff therefore requests a preliminary injunction prohibiting Defendant and anyone else in active concert with Defendant, from using the system or taking any other actions that would infringe the '333, the '862, or the '343 patent.

#### JURY DEMAND

21. Plaintiff requests a jury trial of all issues in this action so triable.

WHEREFORE, Plaintiff respectfully requests that this Court enter a judgment:

- A. that Defendant has infringed the '333 patent;
- B. that Defendant has infringed the '862 patent;
- C. that Defendant has infringed the '343 patent;
- D. entering a preliminary and, ultimately, a permanent injunction as requested above  
restraining Defendant and anyone else in active concert with her, from using the

infringing system or taking any other actions that would directly or indirectly infringe the '333, the '862, or the '343 patent;

- E. entering an award of enhanced damages under 35 U.S.C. § 284;
- F. that this case is exceptional, and that Plaintiff therefore recover reasonable costs, expenses, and attorney's fees, under 35 U.S.C. § 285;
- G. that Plaintiff recover such other and further relief as this court may deem appropriate.

Respectfully submitted,

A handwritten signature in black ink, reading "Michael A. O'Neil". The signature is fluid and cursive, with a horizontal line drawn underneath the name.

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