

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No.

FUSION SPECIALTIES, INC.,

Plaintiff,

v.

JAMES CHIAO, an individual, d/b/a CNL International; and CHINA NETWORK LEADER, INC., a California corporation, d/b/a CNL International

Defendants.

COMPLAINT AND JURY DEMAND

Plaintiff Fusion Specialties ("Fusion"), for its Complaint against Defendants James Chiao, d/b/a CNL International, and China Network Leader, Inc., d/b/a CNL International, states as follows:

THE PARTIES, JURISDICTION AND VENUE

1. Fusion is a corporation existing under the laws of the state of Colorado, with its principal place of business in Broomfield, Colorado.
2. Upon information and belief, Defendant James Chiao is an individual residing in California who has done or is doing business as CNL International.
3. Upon information and belief, Defendant China Network Leader, Inc., is a corporation existing under the laws of the state of California with a principal place of business in Cerritos, California, that has done or is doing business as CNL International.

4. Upon information and belief, Defendants are doing or have done business in this judicial district.

5. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 271 and 281. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331, 1338(a) and 2201.

6. Venue as to both Defendants is proper in this judicial district under 28 U.S.C. §§ 1391 and 1400(b).

GENERAL ALLEGATIONS

7. Fusion is the owner of all rights, title, and interest in and to United States Letters Patent No. 6,705,794 (the “‘794 Patent”), duly and lawfully issued to it on March 16, 2004. The ‘794 Patent, titled “Display Form Having Magnetically Attachable Parts,” is attached as Exhibit 1.

8. Fusion is also the owner of all rights, title, and interest in and to United States Letters Patent No. 7,144,179 (the “‘179 Patent”), which is a continuation-in-part application of the ‘794 Patent and which was duly and lawfully issued to it on December 5, 2006. The ‘179 Patent, also titled “Display Form Having Magnetically Attachable Parts,” is attached as Exhibit 2.

9. Upon information and belief, Defendants are infringing, contributing to the infringement and/or inducing the infringement of one or more claims of both the ‘794 Patent and the ‘179 Patent.

10. In particular, upon information and belief, Defendants are making, importing into the United States or offering to sell manikins that are made using the inventions and a process that infringe upon one or more claims of the ‘794 Patent and the ‘179 Patent.

11. Defendants have engaged in the above-mentioned activities within this judicial district and elsewhere within the United States, without the consent of Fusion and will continue to do so unless enjoined by this Court.

12. Upon information and belief, Defendants' infringement of the '794 Patent has been willful and deliberate.

13. By reason of the foregoing, Fusion has been damaged in an amount to be determined at trial.

WHEREFORE, Plaintiff Fusion Specialties, Inc., prays for relief against Defendants James Chiao, d/b/a CNL International, and China Network Leader, Inc., d/b/a CNL International, as follows:

(a) an injunction preliminarily and permanently enjoining Defendants from making, using, offering for sale, selling or importing into the United States products that infringe or induce or contribute to the infringement of the claims of the '794 Patent or the '179 Patent;

(b) a judgment that the claims of the Patent are valid and the Defendants have infringed and have induced others to infringe or contributed to infringement of the claims of the '794 Patent or the '179 Patent;

(c) an award of damages for Defendants' infringement of the '794 Patent and the '179 Patent, together with interest, costs and disbursements as fixed by this Court pursuant to 35 U.S.C. § 284;

(d) trebled damages pursuant to 35 U.S.C. § 284 for Defendant's willful infringement of the '794 Patent;

(e) a determination that this is an exceptional case within the meaning of 35 U.S.C. § 285 and an assessment of Plaintiff's reasonable attorneys' fees; and

(f) such other and further relief as the Court deems just and proper.

JURY DEMAND

Plaintiff demands a trial to a jury on all issues so triable.

Dated: January 2, 2008

HUTCHINSON BLACK AND COOK, LLC



/s/ William D. Meyer

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