

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE**

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)	
BABE EASE, LLC.,)	
a New Hampshire limited liability)	
corporation, and)	Case No. 08-cv-223
MELISSA COHEN-FYFFE,)	
an individual,)	JURY TRIAL DEMANDED
)	
Plaintiffs,)	
)	
v.)	
)	
NURTURED LITTLE ONE, LLC.,)	
a Texas corporation,)	
)	
Defendant.)	

COMPLAINT

Plaintiffs Babe Ease, LLC and Melissa Cohen-Fyffe (hereinafter "Plaintiffs") for their complaint against defendant Nurtured Little One, LLC, a Texas corporation (hereinafter "Defendant") state as follows:

1. This is an action for patent infringement and for damages under the United States Patent law 35 U.S.C. § 271 et. seq.

THE PARTIES

2. Plaintiff Babe Ease, LLC is a limited liability corporation organized and existing under the laws of the State of New Hampshire, with its principal office located at 77 Jericho Road, Pelham, New Hampshire, 03076.

3. Plaintiff Melissa Cohen-Fyffe is an individual resident of New Hampshire.

4. Upon information and belief, Defendant Nurtured Little One, LLC, is a Texas corporation, organized and existing under the laws of the State of Texas, with its principal office located at 10406 Overland Creek, San Antonio, Texas 78245-2231. Upon further information and belief, Defendant is in the business of manufacturing, importing and/or selling products in interstate commerce, including sales in the State of New Hampshire and this District.

JURISDICTION AND VENUE

5. The Court may exercise subject matter jurisdiction over the claims set forth in this complaint pursuant to 28 U.S.C. § 1338.

6. The Court may exercise personal jurisdiction over Defendant in this action on the grounds that, upon information and belief: (a) Defendant has committed acts of patent infringement in the State of New Hampshire; and (b) Defendant does business in the State of New Hampshire directly and through authorized distributors and dealers; and (c) Defendant operates an interactive website that facilitates its business dealings in the State of New Hampshire and in this District.

7. Service of process on Defendant in this action will be effected pursuant to Fed. R. Civ. P. 4(h).

8. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(c) and 1400(b).

CLAIM FOR RELIEF -- PATENT INFRINGEMENT

9. On October 10, 2000, United States Patent No. 6,129,417 was duly and legally issued to Plaintiff Melissa Cohen-Fyffe for the invention "Shopping Cart Clean Seat Cover" (hereinafter the '417 Patent).

10. A true and correct copy of the '417 Patent is attached hereto as Exhibit 1.

11. Plaintiff Melissa Cohen-Fyffe has licensed all exclusive rights, title, and interest in the '417 Patent to Babe Ease LLC. Plaintiffs have the right to recover damages for past and future infringement of the '417 Patent.

12. Babe Ease is the manufacturer, director, importer and supplier of products manufactured for the U.S. under the '417 Patent.

13. Defendant has infringed and continues to infringe the '417 Patent by making, using, selling, and/or importing products embodying the patented invention in violation of 35 U.S.C. § 271(a), inducing others to make, use, sell, and/or import products embodying the patented invention in violation of 35 U.S.C. § 271(b), and/or by contributing to the manufacture, use, sale, and/or importation of products embodying the patented invention in violation of 35 U.S.C. § 271(c).

14. Defendant's infringement of the '417 Patent has caused Plaintiffs monetary harm in an amount to be proved at trial. In addition, unless restrained, Defendant's continued infringement of the '417 Patent will cause Plaintiffs irreparable harm for which there is no adequate remedy at law.

15. Plaintiffs' products embodying the patented invention have properly been marked with references to the '417 Patent.

16. Upon information and belief, Defendant has known of the '417 Patent, but has continued to infringe the '417 Patent and thus has knowingly and willfully infringed the '417 Patent in disregard of Plaintiffs' rights.

Prayer for Relief

WHEREFORE, Plaintiffs pray for:

A. An order finding that Defendant has infringed the '417 Patent;

- B. An accounting for and an award of damages, including lost profits, resulting from Defendant's infringement, and/or reasonable royalties for such infringement pursuant to 35 U.S.C. § 284;
- C. A trebling of Plaintiffs' damages pursuant to 35 U.S.C. § 284 because of the knowing, willful, and wanton nature of Defendant's conduct;
- D. An assessment of interest, both prejudgment and post judgment, on the damages awarded pursuant to 35 U.S.C. § 284;
- E. A finding of this case to be exceptional and an award of attorneys' fees incurred by Plaintiffs in this action pursuant to 35 U.S.C. § 285;
- F. A preliminary and permanent injunction against Defendant and its parents, subsidiaries, divisions, agents, dealers, officers, employees, successors, and assigns, and all others acting in concert or participation with them from infringing the '417 Patent pursuant to 35 U.S.C. § 283;
- G. An order directing that all goods in the possession, custody, or control of Defendant that infringe the '417 Patent be delivered up and destroyed within 30 days of entry of judgment;
- H. An award of Plaintiffs' costs in bringing and prosecuting this action pursuant to 35 U.S.C. § 284; and
- I. Such other and further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Fed. R. Civ. P. 38(b), Plaintiffs demand a jury trial on all issues triable by jury.

Respectfully submitted,

BABE EASE LLC

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By: /s/ Jeffrey C. Spear
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