

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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J. Blazek SKLO Podebrady s.r.o. and  
Mr. Dalibor Blazek,

Plaintiffs,

v.

Euro Expo 3000, Inc.,

Defendant.

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**Case Number:**

**JURY TRIAL DEMANDED**

**COMPLAINT**

Come now the Plaintiffs, J. Blazek SKLO Podebrady s.r.o. and Mr. Dalibor Blazek, for their Complaint against Defendant, state and allege as follows:

**THE PARTIES**

1. Plaintiff, J. Blazek SKLO Podebrady s.r.o. ("J. Blazek") is a business entity of the Czech Republic having a principal place of business at Olbrachtova 600, 290 01 Podebrady, Czech Republic. Plaintiff, Mr. Dalibor Blazek, is an individual with the legal address of Olbrachtova 600, 290 01 Podebrady, Czech Republic.

2. Upon information and belief, Defendant, Euro Expo 3000, Inc. ("Euro"), is a business entity incorporated under the laws of the State of Florida, having a principal place of business at 357 Lanier Drive, Palm Springs, FL 33461.

**JURISDICTION**

3. This is an action for patent infringement arising under the Acts of Congress relating to patents, 35 U.S.C. §§ 271 and 282-85.

4. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331, 1332 and 1338(a).

5. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391 and 1400(b). Upon information and belief, Defendant has engaged in the distribution, offer for sale, or both, of products embodying the inventions of United States Patent Nos. 6,488,034 B1 and 6,694,988 B2 in this judicial district and throughout the United States.

### **BACKGROUND**

6. J. Blazek is engaged in the business of making and selling glass nail files to customers around the world in numerous shapes and sizes.

7. On December 3, 2002, United States Patent No. 6,488,034 B1 ("the '034 patent") entitled FILE, PARTICULARLY NAIL FILE, was duly and legally issued by the United States Patent and Trademark Office ("USPTO"). Mr. Dalibor Blazek is the owner of all right, title, and interest in the '034 patent. J. Blazek is the exclusive licensee of the '034 patent.

8. On February 24, 2004, United States Patent No. 6,694,988 B2 ("the '988 patent") entitled FILE, PARTICULARLY NAIL FILE, was duly and legally issued by the USPTO. Mr. Dalibor Blazek is the owner of all right, title, and interest in the '988 patent. J. Blazek is the exclusive licensee of the '988 patent.

9. Defendant is engaged, *inter alia*, in the business of making and selling glass nail files. Defendant has purposefully sold and offered for sale such glass nail files throughout the United States.

10. Plaintiffs have expended a substantial amount of money and effort in making and selling its patented glass nail files. Defendant's business of making and selling glass nail files is in violation of Plaintiffs' patent rights.

**COUNT I – INFRINGEMENT OF U.S. PAT. NO. 6,488,034 B1**

11. Plaintiffs restate the allegations set forth in paragraphs 1-10 and incorporate them herein by reference.

12. By virtue of his ownership of the '034 patent, Plaintiff Mr. Dalibor Blazek maintains the right to sue thereon and the right to recover for infringement thereof.

13. As exclusive licensee of the '034 patent, Plaintiff J. Blazek maintains the right to sue thereon and the right to recover for infringement thereof.

14. On information and belief, Defendant has directly infringed, contributed to the infringement of, and/or induced infringement of the '034 patent through the manufacture, use, sale, offer for sale, and or importation of certain glass nail files including, but not limited to, its Crystal Unique® line of products.

15. Plaintiffs have been damaged by Defendant's infringement of the '034 patent and will continue to be damaged in the future unless Defendant is permanently enjoined from infringing the '034 patent, contributing to the infringement of the '034 patent, and/or inducing the infringement of the '034 patent by others.

16. Defendant has had actual knowledge of the '034 patent and, on information and belief, has had actual knowledge that the use, manufacture, sale, offer for sale, and/or importation of the above-identified glass nail files infringes the '034 patent, contributes to the infringement of the '034 patent, and/or induces the infringement of '034 patent by others.

17. Plaintiffs have satisfied the notice provisions of 35 U.S.C. § 287.

**COUNT II – INFRINGEMENT OF U.S. PAT. NO. 6,694,988 B2**

18. Plaintiffs restate the allegations set forth in paragraphs 1-17 and incorporate them herein by reference.

19. By virtue of his ownership of the '988 patent, Plaintiff Mr. Dalibor Blazek maintains

the right to sue thereon and the right to recover for infringement thereof.

20. As exclusive licensee of the '988 patent, Plaintiff J. Blazek maintains the right to sue thereon and the right to recover for infringement thereof.

21. On information and belief, Defendant has directly infringed, contributed to the infringement of, and/or induced infringement of the '988 patent through the manufacture, use, sale, offer for sale, and or importation of certain glass nail files including, but not limited to, its Crystal Unique® line of products.

22. Plaintiffs have been damaged by Defendant's infringement of the '988 patent and will continue to be damaged in the future unless Defendant is permanently enjoined from infringing the '988 patent, contributing to the infringement of the '988 patent, and/or inducing the infringement of the '988 patent by others.

23. Defendant has had actual knowledge of the '988 patent and, on information and belief, has had actual knowledge that the use, manufacture, sale, offer for sale, and/or importation of the above-identified glass nail files infringes the '988 patent, contributes to the infringement of the '988 patent, and/or induces the infringement of the '988 patent by others.

24. Plaintiffs have satisfied the notice provisions of 35 U.S.C. § 287.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs pray for judgment that:

A. Defendant has directly infringed, contributorily infringed, and/or induced infringement of one or more claims of the '034 patent;

B. Defendant has directly infringed, contributorily infringed, and/or induced infringement of one or more claims of the '988 patent;

C. Defendant has willfully infringed one or more claims of the '034 patent;

D. Defendant has willfully infringed one or more claims of the '988 patent;

E. Defendant, its officers, agents, servants and employees, and those persons in active concert or participation with any of them be enjoined from further infringing, contributing to the infringement, or inducing the infringement of the '034 patent;

F. Defendant, its officers, agents, servants and employees, and those persons in active concert or participation with any of them be enjoined from further infringing, contributing to the infringement, or inducing the infringement of the '988 patent;

G. An accounting be had for the damages arising out of Defendant's infringement of the '034 patent, including treble damages for willful infringement as provided by 35 U.S.C. § 284, with interest;

H. An accounting be had for the damages arising out of Defendant's infringement of the '988 patent, including treble damages for willful infringement as provided by 35 U.S.C. § 284, with interest;

I. Plaintiffs be awarded their attorneys' fees, costs, and expenses in this action; and

J. Plaintiffs be awarded such other and further relief as this Court may deem necessary and proper.

**DEMAND FOR JURY TRIAL**

Plaintiffs hereby demand a trial by jury of all issues so triable.

Respectfully submitted,

**J. BLAZEK SKLO PODEBRADY S.R.O. and  
MR. DALIBOR BLAZEK,  
Plaintiffs**

By its attorneys,

Dated: September 25, 2006

A handwritten signature in cursive script, reading "Rebecca Bortolotti", written over a horizontal line.

Anthony R. Zeuli (MN #0274884)

Rebecca A. Bortolotti (MN #309634)

**MERCHANT & GOULD P.C.**

3200 IDS Center

80 South Eighth Street

Minneapolis, MN 55402-2214

Telephone: (612) 332-5300

Facsimile: (612) 332-9081