

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

TRAVEL TAGS, INC.,
a Minnesota corporation,

Court File No. _____

Plaintiff,

vs.

**COMPLAINT FOR
PATENT INFRINGEMENT
(Jury Trial Demanded)**

PERFORMANCE COMPANIES,
a Texas corporation,

Defendant.

Plaintiff Travel Tags, Inc., by and through its counsel, for its Complaint against Defendant Performance Companies, states and alleges as follows:

PARTIES

1. Plaintiff Travel Tags, Inc. (hereinafter referred to as "Plaintiff") is a Minnesota corporation with its principal place of business at 1725 Roe Crest Drive, North Mankato, Minnesota 56002.

2. Upon information and belief, Defendant Performance Companies (hereinafter referred to as "Defendant") is a Texas corporation with its principal place of business at 2929 Stemmons Freeway, Dallas, Texas 75247.

JURISDICTION AND VENUE

3. Subject matter jurisdiction is based on 28 U.S.C. §§ 1331 and 1338(a), in that this action arises under the patent laws of the United States (35 U.S.C. § 1 et seq.).

4. This Court also has jurisdiction over this civil action pursuant to 28 U.S.C. § 1332(a) as Plaintiffs have diversity of citizenship in relation to Defendant and the amount in controversy exceeds \$75,000 exclusive of interest and costs.

5. Venue lies in this Court pursuant to 28 U.S.C. §§ 1391(b) and (c) and 1400(b) as Defendant is subject to personal jurisdiction, does business, and has committed acts of infringement in this District. Thus, this Court has personal jurisdiction over Defendant pursuant to Minn. Stat. § 543.19.

PATENT INFRINGEMENT BY DEFENDANT

6. Plaintiff restates, realleges, and incorporates by reference the allegations set forth in paragraphs 1 through 5.

7. On May 31, 2005, United States Patent No. 6,900,944 (hereinafter “the ‘944 Patent”) entitled “Lenticular Card and Processes for Making” was duly and legally issued, and subsequently assigned to Plaintiff. A true and correct copy of the ‘944 Patent is attached hereto and made a part hereof as **Exhibit A**.

8. As owner of the ‘944 Patent, Plaintiff is authorized and has standing to bring legal action to enforce all rights arising under the ‘944 Patent.

9. The ‘944 Patent generally covers processes for making lenticular cards.

10. Plaintiff manufactures lenticular card products that include utilizing the methods and processes claimed under the ‘944 Patent.

11. Plaintiff sells its lenticular card products in Minnesota and elsewhere in the United States and throughout the world.

12. Upon information and belief, Defendant has made, used, sold, offered for sale, imported, and/or exported lenticular card products in Minnesota and elsewhere in the United States.

13. Upon information and belief, one or more of Defendant's lenticular card products incorporate the patented invention claimed in the '944 Patent.

14. Upon information and belief, Defendant directly infringes, contributorily infringes, and induces the infringement of one or more of the claims of the '944 Patent, in violation of 35 U.S.C. § 271, and all causes of action thereunder, to the damage and injury of Plaintiff.

15. Upon information and belief, the acts of infringement by Defendant are willful, intentional, and in conscious disregard of Plaintiff's rights in the '944 Patent.

16. As a result of Defendant's infringement of the claims of the '944 Patent, upon information and belief Defendant has made and will continue to make unlawful gains and profits. Further, Plaintiff has been and will continue to be irreparably damaged and deprived of its rights secured by the '944 Patent due to the unlawful infringement by Defendant.

18. Plaintiff has been and will continue to be deprived of revenue, profit, and gain that it would otherwise have generated but for Defendant's infringement. Defendant has caused and will continue to cause Plaintiff to suffer losses and damages, as well as irreparable losses and damages.

19. Plaintiff is entitled to preliminary and permanent injunctive relief, enjoining Defendant from further and continuing infringement of the claims of the '944 Patent.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Travel Tags, Inc. prays for relief as follows:

1. A judgment that Defendant has directly infringed, induced infringement, and/or contributed to the infringement of Plaintiff's rights under the '944 Patent;
2. A judgment preliminarily and permanently enjoining and restraining Defendant and its subsidiaries, parents, officers, directors, agents, servants, employees, agents, affiliates, and attorneys, and all persons in active concert with them, from directly infringing, inducing infringement, and/or contributing to the infringement of the '944 Patent;
3. A judgment that Defendant's various acts of infringement have been in willful, knowing, and deliberate disregard of Plaintiff's patent rights and requiring Defendant to pay damages under 35 U.S.C. § 284, trebled for willful infringement, with interest;
4. A judgment awarding Plaintiff damages, including lost profits, adequate to compensate for Defendant's infringement, but not less than a reasonable royalty, resulting from Defendant's various acts of infringement;
5. A judgment award to Plaintiff of pre-judgment and post-judgment interest on Plaintiffs' damages as allowed by law;
6. A judgment awarding damages to Plaintiff for its costs, disbursements, and attorneys' fees incurred in prosecuting this action, with interest, including a finding of an exceptional case, pursuant to 35 U.S.C. § 285, and otherwise according to law; and

7. Such other relief as the Court may deem just and equitable.

**PATTERSON, THUENTE,
SKAAR & CHRISTENSEN, P.A.**

Dated: March 3, 2005

By: 
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