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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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MOLINO'S DIAMONDS INC. d/b/a	:	
MOLINO JEWELERS,	:	
Plaintiff,	:	
	:	Civil Action No. 06-cv-6560 (RJH)(MHD)
- against -	:	ECF CASE
	:	
J.C. Store Jewelry Central	:	
Defendant.	:	
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**COMPLAINT**

Plaintiff, Molino's Diamonds Inc. d/b/a Molino Jewelers (hereinafter "Molino" or "Plaintiff"), complains of the Defendant, JC Store Jewelry Central (hereinafter "JC" or "Defendant"), as follows:

1. This action arises under the patent laws of the United States, 35 U.S.C. Section 101 et seq.

Jurisdiction and Venue

2. This Court has original subject matter jurisdiction over this action under Title 28, United States Code, Sections 1338(a) and (b).

3. Upon information and belief, defendant Studs, through its officers, agents and/or employees, transacts or is doing business in this District, including soliciting business in,

shipping goods into this district, sales and derives substantial revenue from intrastate and interstate commerce, which has an effect in this district. Accordingly, venue is proper in this judicial district pursuant to 28 U.S.C. Section 1391(c) and 1400(b).

#### The Parties

4. Plaintiff is a New York corporation having a principal place of business at 324 Route 202, Pomona, New York 10970.

5. Upon information and belief, JC is a New York company having a place of business at 73 West 47<sup>th</sup> Street, New York, New York 10036.

#### Facts

6. Plaintiff is the owner of all right, title and interest in and to the valid and subsisting U.S. Patent No. 6,789,395 for “Convertible Pendant Jewelry,” issued to William Molino, Igor Dranovsky and Mikhail Buryakov on September 14, 2004 (hereinafter “the ‘395 patent” or “the patent in suit”), a copy of which is attached hereto as Exhibit A.

7. Upon information and belief, Defendant has infringed and continues to infringe the ‘395 patent, in this district and elsewhere by making, using and selling and inducing others to use and sell products called “The Convertible Necklaces” (“Defendant’s Products”). A copy of Defendant’s website at [www.jewelrycentral.com](http://www.jewelrycentral.com), showing Defendant’s Products is annexed hereto as Exhibit B.

#### Patent Infringement of U.S. Patent No. 6,789,395

8. Plaintiff repeats, re-alleges and incorporates by reference the allegations contained in paragraphs 1 through 7 as if fully set forth herein.

9. This is a claim for patent infringement, arising under the patent law of the United States, Title 35, United States Code, Sections 101 et seq.

10. Upon information and belief, Defendant has infringed one or more claims of the '395 patent, in this district and elsewhere, by making, using and selling and inducing others to use and sell Defendant's Product embodying the '395 patent.

11. On information and belief, Defendant's infringement has been with notice and knowledge of the '395 patent and has been and continues to be deliberate, willful and wanton.

12. By reason of the infringement by Defendant, Plaintiff has suffered damages in an amount to be ascertained upon an accounting.

13. By reason of the infringement by Defendant, Plaintiff has suffered irreparable harm for which there is no adequate remedy at law and will continue to suffer additional irreparable harm unless Defendant is permanently and perpetually enjoined from continuing its infringement.

WHEREFORE, Plaintiff prays for judgment:

- A. Finding the patent in suit valid and infringed by Defendant;
- B. Preliminarily and permanently enjoining Defendant, its employees, officers, directors, agents, servants and all others in privity from infringing the claims of the patent in suit as provided for in 35 U.S.C. Section 283;
- C. Ordering an accounting to assess and award damages to Plaintiff for Defendant's infringement of the patent in suit, and increasing the damages awarded to Plaintiff to three times the amount found by reason of Defendant's willful continuing infringement as provided for in 35 U.S.C. Section 284;

D. Awarding Plaintiff its costs and reasonable attorney fees;

E. Declaring this case exceptional by reason of Defendant's willful infringement and awarding Plaintiff its attorney's fees incurred in prosecuting this action as provided for in 35 U.S.C. Section 285; and

F. Granting Plaintiff such other and further relief as this Court may deem just and proper.

Date: August 28, 2006  
New York, New York

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