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I. (a) PLAINTIFFS				DEFENDANTS				1	
ScantiWear International, L.L.C.			4	Victoria's Secret	Stores, Inc.	FEB	- 1 2001		
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(b) County of Residence of First Listed Plaintiff <u>Dallas</u> (EXCEPT IN U.S. PLAINTIFF CASES)				County of Resider	County of Residence of First Listed Defendant, Delaware (IN U.S. PLAINTIFF CASES ONLY)				
(EACEFT IN U.S. FLAINTIFF CASES)				NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE					
				LAND	INVOLVED.				
(c) Attorney's (Firm Nam	ne. Address, and Telephon	e Number)	<u> </u>	Attorneys (If Kn	own)				
G. Scott Damuth				Angelo Notaro					
Burt Barr & Associates, L.L.P P.O. Box 223667				Colucci & Umans Manhattan Tower, 101 East 52 nd Street					
Dallas, Texas 75222-3667				New York, NY 10022-6018					
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Defendant	/ (Indicate Citiz	enship of Parties				•	n Another State	/	
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& Enforcement of Judgment	Slander	☐ 368 Asbestos Persona	al 🔲 64	0 R R & Truck	PROPERTY I	UGHTS	☐ 470 Racketeer	r Influenced and	
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☐ 153 Recovery of Overpayment	Liability	☐ 371 Truth in Lending		LABOR	SOCIAL SEC	TIDITY	☐ 875 Customer	Challenge	
of Veteran's Benefits ☐ 160 Stockholders' Suits	☐ 350 Motor Vehicle ☐ 355 Motor Vehicle	☐ 380 Other Personal Property Damage	e 🗆 71		<u> </u>	UKITT	12 USC 3		
☐ 190 Other Contract☐ 195 Contract Product Liability	Product Liability	☐ 385 Property Damage Product Liability		0 Fair Labor Standards Act	☐861 HIA (1395ff) ☐862 Black Lung (9		☐ 892 Economic ☐ 893 Environm		
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REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITION	□ 73	0 Labor/Mgmt Reporting		•	☐ 895 Freedom (Information		
☐ 210 Land Condemnation☐ 220 Foreclosure	☐ 441 Voting ☐ 442 Employment	☐ 510 Motions to Vacat Sentence		& Disclosure Act 0 Railway Labor Act	FEDERAL TA	X SUITS	☐ 900 Appeal of	f Fee	
☐ 230 Rent Lease & Ejectment☐ 240 Torts to Land	☐ 443 Housing/ Accommodations	Habeas Corpus ☐ 530 General	□ 79	0 Other Labor Litigation	□ 1870 Taxes (U.S. Pla	aıntiff	Access to		
245 Tort Product Liability	☐ 444 Welfare	535 Death Penalty			or Defendant)		950 Constituti State State		
☐ 290 All Other Real Property	☐ 440 Other Civil Rights	☐ 540 Mandamus & Otl ☐ 550 Civil Rights	her 🔲 79	1 Empl Ret Inc Security Act	26 USC 7609	rty	☐ 890 Other Stat		
	<u> </u>	☐ 555 Prison Condition		-	20 030 7009				
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/ Original	tate Court	Appellate Court	Reope	ned	iy) ====	Litigation	100	dgment	
VI. CAUSE OF ACTION		tute under which you are final statutes unless diversity		brief statement of cause					
B	•	·	.,						
Patent Infringement, Patent Act 35	U.S.C. §2/1, et seq., also dive	ersity 28 U S C. §1332							
VII. REQUESTED IN ☐ CHECK IF THIS IS A CLASS ACTION DEMAND \$ >100,000.00 CHECK YES only if demanded in complaint: UNDER F R.C.P. 23 JURY DEMAND: ☐ Yes ☐ No									
VIII RELATED CASE(S) (See									
IF ANY DOCKET NUMBER									
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RECEIPT #	AMOUN	APPLYING IFP		JUDGE		MAG. JUD	GE		

LEAD COUNSEL:

G. Scott Damuth

State Bar No. 05351400

John Holman Barr

State Bar No. 01798700

M. Forest Nelson

State Bar No. 14904625

BURT BARR & ASSOCIATES, L.L.P.

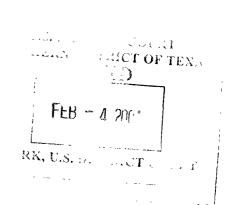
P. O. Box 223667

Dallas, Texas 75222-3667

214/943-0012 (Telephone)

214/943-0048 (Telecopier)

Attorneys for ScantiWear International, L.L.C.



IN THE UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

SCANTIWEAR INTERNATIONAL,		
L.L.C.,	§	
Plaintiff,	§	
	§	
V.	§	Civil Action No.
	§	JURY TRIAL DEMANDED
VICTORIA'S SECRET STORES, INC.,		
Defendant.	§	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, ScantiWear International, L.L.C. ("Plaintiff") hereby complains of Defendant, Victoria's Secret Stores, Inc. ("Defendant"), as follows:

- 1. This is an action for patent infringement under the Patent Act, 35 U.S.C. §271 et seq.
- 2. This Court has subject matter jurisdiction under 28 U.S.C. §1331, §1332, and §1338a. The amount in controversy exceeds \$75,000.00, excluding interest and costs.
- Venue is proper in this Court under 28 U.S.C. §1391b and §1400b and the Texas 3.

Statutes.

- 4. ScantiWear is a limited liability corporation organized and existing under the laws of the State of Texas, with its principal place of business in Addison, Texas. ScantiWear is a Texas citizen.
- 5. Victoria's Secret Stores is a corporation organized and existing under the laws of the State of Delaware and is registered to do business and is doing business in the State of Texas. Victoria's Secret Stores' principal place of business is in Ohio. Its registered agent for service of process is CT Corporation Systems, 350 N. St. Paul Street, Dallas, Texas 75201. Victoria's Secret Stores is an Ohio and Delaware citizen.
- 6. Plaintiff is the owner of United States Patent No. 5,345,613 ("the '613 patent"). A copy of '613 patent is attached as Exhibit 1. The '613 patent was duly and legally issued on September 13, 1994 and was subsequently assigned to Plaintiff.
- 7. Plaintiff owns the referenced patent and has been in negotiation with Defendant for the use and license of the patent for almost two years, although no agreement has been reached. Upon information and belief, Defendant has actually manufactured certain products in anticipation of a written agreement for the use of such patent. As a part of that process, Defendant prepared promotional materials to market and package the product that Plaintiff was going to license to the Defendant. Attached hereto as Exhibit 2 is a photograph that was used with these promotional and packaging materials which the Defendant provided to the Plaintiff several months ago.

8.

- At some time unknown to Plaintiff, Defendant manufactured other products using Plaintiff's invention for hosiery and related undergarments in violation of Plaintiff's protected rights to such products. Defendant began selling these products at its retail outlets in Dallas County, Texas in late November and has continued since that time. Upon information and belief, Defendant has sold and continues to sell these products at most, if not all, of its stores in the United States. Attached hereto as Exhibit 3 is the exact same photograph as Exhibit 2 but such photograph was contained in promotional mailings to Defendant's customers the same day that Defendant informed the Plaintiff that "Based on how the current situation evolved, Victoria's Secret is unwilling to proceed with further negotiations for a license under either of the ScantiWear patents."
- 9. Defendant has infringed and is infringing the '613 patent by making, using, offering to sell, selling, and/or importing products that are covered by one or more of the claims of the '613 patent.
- 10. Defendant has actively induced and is actively inducing third parties to make, use, offer for sale, sell, and/or import products that are covered by one or more of the claims of the '613 patent.
- 11. The acts of infringement of Defendant have been without express or implied license by Plaintiff, and are in violation of Plaintiff's patent rights.
- 12. Plaintiff has been damaged by Defendant's acts of infringement.
- 13. Upon information and belief, Defendant will continue to infringe the '613 patent unless enjoined by this Court.

Upon information and belief, Defendant's infringement has been willful and 14. deliberate.

WHEREFORE, Plaintiff, ScantiWear, respectfully prays that:

- This Court enter judgment that the Defendant has been and is currently infringing the a. '613 patent;
- This Court enter judgment that Defendant has been and is currently inducing the b. infringement of the '613 patent;
- Defendant, and each of its officers, agents, servants, employees, assigns and c. successors in interest, those person in active concert or participation with them, and others acting for or on their behalf, be preliminarily and permanently enjoined from infringing the '613 patent;
- d. Defendant be directed to pay Plaintiff the damages suffered by Plaintiff as a result of Defendant's infringing conduct, such damages including, but not limited to Plaintiff's lost profits on sales of the infringing products;
- Defendant be directed to pay to Plaintiff the amount of damages, which Plaintiff has e. sustained as a result of the Defendant's acts of patent infringement, and that such damages be trebled under 35 U.S.C. §284;
- f. This be declared an exceptional case under 35 U.S.C. §285, and Plaintiff be awarded its reasonable attorneys' fees;
- Defendant be directed to pay to Plaintiff an award of prejudgment interest, postg. judgment interest, and the costs of such suit; and
- h. Plaintiff be granted such other and additional relief as this Court deems equitable and

proper.

Pursuant to RCP 38b, Plaintiff demands a trial by jury.

Dated: February 4, 2004.

Respectfully submitted,

By:

G. SCOTT DAMUTH

SBN: 05351400

JOHN HOLMAN BARR

SBN: 01798700

M. FOREST NELSON

SBN: 14904625

Burt Barr & Associates, L.L.P.

P.O. Box 223667

Dallas, Texas 75222-3667

(214) 943-0012(office)

(214) 943-0048 (fax)

Attorneys for Plaintiff

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EXHIBIT "1"