IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

LAUGHLIN PRODUCTS, INC.,

Plaintiff,

v.

MAURINE AVERY, and
JULIE RAGER,

Defendants.

Cause No. 3:03CV 887 RM

ORIGINAL COMPLAINT

Plaintiff, LAUGHLIN PRODUCTS, INC., alleges:

1. This is an action for inducement of patent infringement, brought under the patent laws of the United States, 35 U.S.C. § 271 *et seq.*

PARTIES

2. Plaintiff, Laughlin Products, Inc., is a Texas corporation having its principal place of business at 3506 Blueberry Hill, Grapevine, Texas 76051.

3. Defendant, Maurine Avery, is an individual residing at 1518 Eisenhower Dr., La Porte, Indiana 46350-6035, where she can be served.

4. Defendant, Julie Rager, is an individual residing at 501 E. Farneman St., South Bend, Indiana 46614-1936, where she can be served.

JURISDICTION AND VENUE

5. This is an action for patent infringement brought under the patent laws of the United States, 35 U.S.C. § 271 *et seq.* Jurisdiction of the patent infringement claims is conferred on this Court under 28 U.S.C. §§ 1331 and 1338 (a).

6. Defendant is doing business within this judicial district, subjecting it to jurisdiction within the judicial district and making venue proper in this district pursuant to 28 U.S.C. §§ 1391 and 1400.

FACTUAL BACKGROUND

7. Plaintiff is the owner of U.S. Patent No. 5,922,333 ("the '333 patent") titled "System for Automatically Coating the Human Body." The '333 patent describes and claims a system for spray applying self-tanning solutions and other compositions onto the human body. Plaintiff licenses others to manufacture and sell the system of the '333 patent to businesses and individuals. A true and correct copy of the '333 patent is attached hereto as Exhibit A.

8. Plaintiff is the owner of U.S. Patent No. 6,298,862 ("the '862 patent") titled "Method of and Apparatus for Automatically Coating the Human Body: Fogging Technology." The '862 patent describes and claims a method and apparatus for spray applying self-tanning solutions and other compositions onto the human body. Plaintiff licenses others to manufacture and sell the system of the '862 patent to businesses and individuals. A true and correct copy of the '862 patent is attached hereto as Exhibit B.

9. Plaintiff is the owner of U.S. Patent No. 6,474,343 ("the '343 patent") titled "Method of and Apparatus for Automatically Coating the Human Body." The '343 patent describes and claims a method and apparatus for spray applying self-tanning solutions and other compositions onto the human body. Plaintiff licenses others to manufacture and sell the system of the '343 patent to businesses and individuals. A true and correct copy of the '343 patent is attached hereto as Exhibit C.

10. On information and belief, Defendants sell and offer for sale within this judicial

district a system for spray applying self-tanning solutions and other compositions onto the human body ("The System").

COUNT ONE - PATENT INFRINGEMENT of U.S. PATENT NO. 6,298,862

11. Plaintiff incorporates herein paragraphs 1 through 10 above.

12. Defendants' sale and offer for sale of The System constitutes infringement of the '862 patent.

13. Plaintiff has suffered damages as a direct result of Defendants' infringement. Under 35 U.S.C. § 284, Plaintiff is entitled to damages adequate to compensate for the infringement, including lost profits, but not less than a reasonable royalty.

14. On information and belief, Defendants' infringement of the '862 patent is willful.

COUNT TWO - PATENT INFRINGEMENT of U.S. PATENT NO. 6,474,343

15. Plaintiff incorporates herein paragraphs 1 through 10 above.

16. Defendants' sale and offer for sale of The System constitutes infringement of the '343 patent.

17. Plaintiff has suffered damages as a direct result of Defendants' infringement. Under 35 U.S.C. § 284, Plaintiff is entitled to damages adequate to compensate for the infringement, including lost profits, but not less than a reasonable royalty.

18. On information and belief, Defendants' infringement of the '343 patent is willful.

COUNT THREE - INDUCEMENT OF PATENT INFRINGEMENT OF U.S. PATENT NOS. 5,922,333, 6,298,862, AND 6,474,343

19. Plaintiff incorporates herein paragraphs 1 through 10 above.

20. Defendants' sale and offer for sale of The System constitutes inducement of patent

infringement under 35 U.S.C. § 271 (b).

21. As a direct and proximate result of Defendants' acts of inducing patent infringement, Plaintiff has been and continues to be injured and has sustained and will continue to sustain substantial damages in an amount not presently known.

COUNT FOUR - INJUNCTIVE RELIEF

22. Plaintiff reasserts the foregoing paragraphs 1 through 21.

23. Plaintiff will be irreparably harmed if Defendants' acts of patent infringement and inducing patent infringement continue. The balance of equities favors a preliminary injunction in favor of Plaintiff. Plaintiff therefore requests a preliminary injunction prohibiting Defendants and anyone else in active concert with them from making, selling or offering the system for sale or taking any other actions that would infringe the '862 or '343 patent or induce the infringement of the '333, '862, or '343 patent.

JURY DEMAND

24. Plaintiff requests a jury trial of all issues in this action so triable.

WHEREFORE, Plaintiff respectfully requests that this Court enter a judgment:

A. that Defendant has infringed the '862 patent;

B. that Defendant has infringed the '343 patent;

C. that Defendants have induced the infringement of the '333 patent;

D. that Defendants have induced the infringement of the '862 patent;

E. that Defendants have induced the infringement of the '343 patent;

F. granting a preliminary and, ultimately, a permanent injunction as requested above restraining Defendants and anyone else in active concert with them from selling or

offering the system for sale or taking any other actions that would constitute the infringement of the '862 or '343 patent or induce the infringement of '333, the '862, or the '343 patent;

G. awarding enhanced damages under 35 U.S.C. § 284;

H. finding that this case is exceptional, and that Plaintiff therefore recover reasonable costs, expenses, and attorney's fees, under 35 U.S.C. § 285;

I. awarding Plaintiff such other and further relief as this court may deem appropriate.

Respectfully submitted,

DANN PECAR NEWMAN & KLEIMAN,
Professional Corporation

By: _____
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