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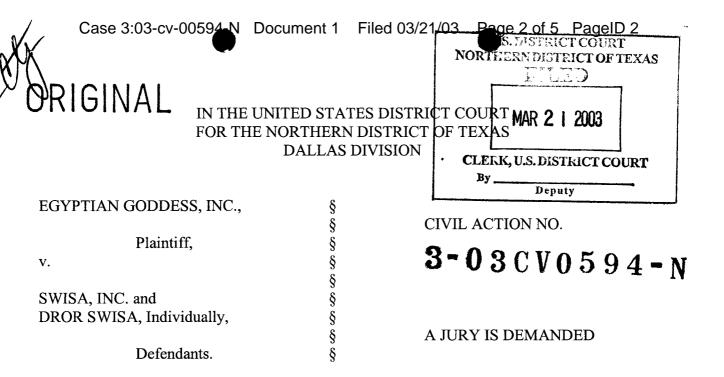
RECEIPT # \_\_\_\_

\_\_\_ AMOUNT \_

APPLYING IFP

JUDGE \_

MAG. JUDGE



# **COMPLAINT FOR PATENT INFRINGEMENT**

Egyptian Goddess, Inc. for its Complaint for Patent Infringement against Defendant Swisa, Inc. and Defendant Dror Swisa states and alleges as follows:

#### I. PARTIES

- 1. Plaintiff Egyptian Goddess, Inc. (hereinafter "Egyptian Goddess") is a corporation organized and existing under the laws of the State of Texas and doing business in this Judicial District.
- 2. Defendant Swisa, Inc. is a corporation organized and existing under the laws of the State of Texas with its principal place of business at 1700 Commerce, Suite 210, Dallas, Texas 75201. On information and belief, Defendant Swisa, Inc. has offered for sale, sold, and used infringing products in this Judicial District. Defendant Swisa, Inc. therefore is subject to personal jurisdiction in the State of Texas in this Judicial District. Defendant Swisa, Inc. may be served by serving its registered agent for service of process, Dror Swisa at (a) 1700 Commerce, Suite 210, Dallas, Texas 75201, (b) 411 Industrial Dr., Suite 107, Richardson, Texas 75081, or at (c) 6629 Pinebluff Drive, Plano, Texas.

Defendant Dror Swisa is an individual residing in the State of Texas with a last 3. known address of 6629 Pinebluff Drive, Plano, Texas.. Dror Swisa has offered for sale, sold and used infringing products in this Judicial District. Defendant Dror Swisa therefore is subject to personal jurisdiction in the State of Texas in this Judicial District and may be served with process at (a) 1700 Commerce, Suite 210, Dallas, Texas 75201, (b) 411 Industrial Dr., Suite 107, Richardson, Texas 75081, or at (c) 6629 Pinebluff Drive, Plano, Texas.

## II. JURISDICTION AND VENUE

- 4. This action is for patent infringement arising under the Patent Laws of the United States, Title 35, United States Code, § 271 et seg.
  - 5. This Court has jurisdiction of this action under 28 U.S.C. § 1338(a).
- 6. Defendant Swisa, Inc. is a Texas corporation with a principal place of business in this Judicial District and on information and belief has committed acts of patent infringement in this Judicial District. Defendant Dror Swisa is an individual residing in this Judicial District and has committed acts of patent infringement in this Judicial District. A substantial part of the events or omissions giving rise to the claims occurred in this Judicial District. Accordingly, venue is proper in this Court under 28 U.S.C. §§ 1391(b) (1) (2) and (d).

## III. DESIGN PATENT INFRINGEMENT

- 7. Egyptian Goddess is the exclusive licensee of all right, title and interest in and to United States Design Patent No. D467,389 entitled "Nail Buffer," duly issued on December 17, 2002 by the United States Patent and Trademark Office, a copy of which is attached hereto as Pleading Exhibit 1. Such right, title and interest include, without limitation, the right to sue and receive damages for past, present and future patent infringement.
  - On information and belief, Defendant Swisa, Inc. and Defendant Dror Swisa have 8.

offered to sell, sold and used in this Judicial District, and offered to sell and sold to others in the United States, nail buffer products that fall within the scope of the claim of Patent No. D467,389, all in violation of 35 U.S.C. § 271, et seq.

- On information and belief, the acts of infringement by Defendant Swisa, Inc. and 9. Defendant Dror Swisa described above have been and continue to be intentional and willful.
- 10. Plaintiff Egyptian Goddess is entitled to damages as a result of the intentional and willful infringement of Defendant Swisa, Inc. and Defendant Dror Swisa, as provided by law.
- On information and belief, Defendant Swisa, Inc. and Defendant Dror Swisa have 11. caused irreparable damage to Plaintiff Egyptian Goddess by their acts of infringement as described above and will continue said acts of infringement unless permanently enjoined by this Court.

## IV. PRAYER FOR JUDGMENT AND RELIEF

WHEREFORE, Plaintiff Egyptian Goddess prays for a judgment against Defendant Swisa, Inc. and Defendant Dror Swisa as follows:

- That U.S. Design Patent No. D467,389 is valid and enforceable; a.
- That Defendant Swisa, Inc. and Defendant Dror Swisa have infringed U.S. Design b. Patent No. D467,389, and that such infringement was willful;
- c. An award of damages to Plaintiff Egyptian Goddess against Defendant Swisa, Inc. and Defendant Dror Swisa for infringement of U.S. Design Patent No. D467,389, under 35 U.S.C. § 284 or § 289;
- d. In the event Egyptian Goddess elects to recover damages under 35 U.S.C. § 284, an increase of the sums awarded to Plaintiff Egyptian Goddess to three times the actual damages, pursuant to 35 U.S.C. § 284;
  - That Defendant Dror Swisa and Defendant Swisa, Inc., its officers, agents, servants e.

and employees be permanently enjoined from infringing U.S. Design Patent No. D467,389;

- f. That this case be deemed as exceptional under 35 U.S.C. § 285 due to the intentional and willful infringement by Defendant Swisa, Inc. and Defendant Dror Swisa, and an award to Plaintiff Egyptian Goddess of attorneys' fees under 35 U.S.C. § 285;
- An award of prejudgment and post-judgment interest and costs of suit to Plaintiff g. Egyptian Goddess; and
  - Such other and further relief as the Court deems proper and just. h.

## V. DEMAND FOR JURY TRIAL

Plaintiff Egyptian Goddess, pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, demands a trial by jury on all issues triable by right by a jury.

Respectfully submitted,

By:

Robert G. Oake

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