

JS 44 (Rev. 3/99)

ORIGINAL

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

EGYPTIAN GODDESS, INC.

DEFENDANTS

SWISA, INC.

RECEIVED
MAR 21 2003
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

(b) County of Residence of First Listed Plaintiff DENTON
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Dallas
(IN U.S. PLAINTIFF CASES ONLY)

(c) Attorney's (Firm Name, Address, and Telephone Number)
Robert G. Oake, JR.
101 W. McDermott, Suite 109
972.727.7490

Attorneys (If Known)

3-03CV0594-N

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 420 Copyrights <input checked="" type="checkbox"/> 430 Patent <input type="checkbox"/> 440 Trademark SOCIAL SECURITY <input type="checkbox"/> 611 HIA (1395ff) <input type="checkbox"/> 612 Black Lung (923) <input type="checkbox"/> 613 DIWC/DIWW (405(g)) <input type="checkbox"/> 614 SSID Title XVI <input type="checkbox"/> 615 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 70 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 71 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	

V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Title 35 § 271, et seq. Patent Infringement

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$ damages and injunction CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) (See instructions):

IF ANY JUDGE DOCKET NUMBER

DATE March 21, 2003 SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

Handwritten signature
ORIGINAL

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

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED
MAR 21 2003
CLERK, U.S. DISTRICT COURT
By _____ Deputy

EGYPTIAN GODDESS, INC.,

Plaintiff,

v.

SWISA, INC. and
DROR SWISA, Individually,

Defendants.

§
§
§
§
§
§
§
§
§
§

CIVIL ACTION NO.

3-03CV0594-N

A JURY IS DEMANDED

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.

3. Defendant Dror Swisa is an individual residing in the State of Texas with a last 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 seq.*

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.

8. On information and belief, Defendant Swisa, Inc. and Defendant Dror Swisa have

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.*

9. On information and belief, the acts of infringement by Defendant Swisa, Inc. and 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.

11. On information and belief, Defendant Swisa, Inc. and Defendant Dror Swisa have 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:

- a. That U.S. Design Patent No. D467,389 is valid and enforceable;
- b. That Defendant Swisa, Inc. and Defendant Dror Swisa have infringed U.S. Design 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;
- e. That Defendant Dror Swisa and Defendant Swisa, Inc., its officers, agents, servants

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;

g. An award of prejudgment and post-judgment interest and costs of suit to Plaintiff Egyptian Goddess; and

h. Such other and further relief as the Court deems proper and just.

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, Jr.
Texas State Bar No. 15154300
Law Office of Robert G. Oake, Jr.
101 W. McDermott, Suite 109
Allen, Texas 75013
972.727.7490
972.727.7496 (fax)