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AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
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03-CV-03329-CMP

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

LAUGHLIN PRODUCTS, INC.,
Plaintiff,

v.

MARILYN MAYSEY, d/b/a MARILYN'S
MAGIC TAN,
Defendant.

03-3329C

COMPLAINT

Plaintiff, LAUGHLIN PRODUCTS, INC., alleges:

1. This is an action for 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, Marilyn Maysey, d/b/a Marilyn's Magic Tan is an individual doing business at 620 SE Everett Mall Way # 340, Everett, Washington 98208, where he can be served.

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ORIGINAL

JURISDICTION AND VENUE

4. 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).

5. This Court has personal jurisdiction over Defendant.

6. Venue is proper in this district under 28 U.S.C. §§ 1391 and 1400(b) in that the unlawful activities herein alleged were performed in whole or in part in this district.

COUNT ONE - PATENT INFRINGEMENT OF U.S. PATENT NO. 5,922,333

7. Plaintiff reasserts the foregoing paragraphs 1 through 6.

8. 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.

9. On information and belief, Defendant operates within this district a system for spray applying self-tanning solutions and other compositions onto the human body ("The System"). Defendant's use of The System constitutes infringement of the '333 patent under 35 U.S.C. § 271.

10. Plaintiff has suffered damages as a direct result of Defendant's 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.

11. On information and belief, Defendant's infringement of the '333 patent is willful.

COUNT TWO - PATENT INFRINGEMENT OF U.S. PATENT NO. 6,298,862

12. Plaintiff reasserts the foregoing paragraphs 1 through 11.

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

7 14. On information and belief, Defendant operates within this district a system for
8 spray applying self-tanning solutions and other compositions onto the human body ("The
9 System"). Defendant's use of The System constitutes infringement of the '862 patent under 35
10 U.S.C. § 271.

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

14 16. On information and belief, Defendant's infringement of the '862 patent is
15 willful.

16 **COUNT THREE - PATENT INFRINGEMENT OF U.S. PATENT NO. 6,474,343**

17 17. Plaintiff reasserts the foregoing paragraphs 1 through 16.

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

24 19. On information and belief, Defendant operates within this district a system for
25 spray applying self-tanning solutions and other compositions onto the human body ("The
26 System"). Defendant's use of The System constitutes infringement of the '343 patent under 35
27 U.S.C. § 271.

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

4 21. On information and belief, Defendant's infringement of the '343 patent is
5 willful.

6 **COUNT FOUR - INJUNCTIVE RELIEF**

7 22. Plaintiff reasserts the foregoing paragraphs 1 through 21.

8 23. Plaintiff will be irreparably harmed if Defendant's patent infringement
9 continues. The balance of equities favors a preliminary injunction in favor of Plaintiff.
10 Plaintiff therefore requests a preliminary injunction prohibiting Defendant and anyone else in
11 active concert with him from using the system or taking any other actions that would infringe
12 the '333, the '862, or the '343 patent.

13 **JURY DEMAND**

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

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

16 A. that Defendant has infringed the '333 patent;

17 B. that Defendant has infringed the '862 patent;

18 C. that Defendant has infringed the '343 patent;

19 D. granting Plaintiff a preliminary and, ultimately, a permanent injunction as
20 requested above restraining Defendant and anyone else in active concert with him, from using
21 the infringing system or taking any other actions that would directly or indirectly infringe the
22 '333, the '862, or the '343 patent;

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

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

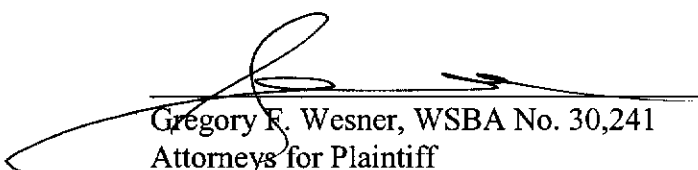
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1 G. awarding Plaintiff such other and further relief as this Court may deem
2 appropriate.

3 Dated this 4th day of November, 2003.

5 CHRISTENSEN O'CONNOR
6 JOHNSON KINDNESS^{PLLC}

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9 
10 Gregory F. Wesner, WSBA No. 30,241
11 Attorneys for Plaintiff

12 Michael A. O'Neil
13 TSBA No. 15285000
14 Michael A. O'Neil, P.C.
15 5949 Sherry Lane, Ste. 820
16 Dallas, Texas 75225
17 (214)739-0088 Telephone
18 (214)739-8284 Facsimile
19 *Pro Hac Vice* Pending