

**IN THE UNITED STATES DISTRICT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

TONYA M. PARKER, an individual	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
KIMBERLY-CLARK CORPORATION, a Delaware corporation	)	
	)	
Defendant.	)	JURY TRIAL DEMANDED

**COMPLAINT FOR PATENT INFRINGEMENT**

Tonya M. Parker, an individual, by her attorneys, for its Complaint against Kimberly-Clark Corporation, alleges as follows:

**THE PARTIES, JURISDICTION AND VENUE**

1. This is an action for patent infringement arising under Title 35 U.S.C. § 1 *et seq*, of the United States.
2. Plaintiff, Tonya M. Parker (“ Parker ” ), is an individual residing in Olympia Fields, Illinois.
3. Defendant, Kimberley-Clark Corporation (“Kimberly-Clark”) is a Delaware corporation with its corporate headquarters located in Irving, Texas.
4. This Court has general personal jurisdiction over Kimberly-Clark by virtue of Kimberly-Clark’s systematic and continuous contacts within this District. This Court also has specific personal jurisdiction because acts conducted by Kimberly Clark in this District are the same acts which constitute the instant cause of action. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§1331, 1332, and 1338(a).

5. Venue is proper in this forum pursuant to 28 U.S.C. §§1391(b) and (c), and 1400(b).

### **FACTS GIVEN RISE TO PATENT INFRINGEMENT**

6. Parker is the named inventor and owner of a duly issued and valid United States Patent, having patent number D589,611 (“the ‘611 Patent”).

7. The ‘611 Patent covers a new, original and ornamental design for a sanitary napkin.

8. Between 2009 and 2010 Parker, on several occasions, wrote to Kimberly-Clark and inquired into the manufacturing and licensing of a sanitary napkin in accordance with her ‘611 Patent.

9. Kimberly-Clark responded each time that it made copies of Parker’s material, but that “our staff concluded that it is not in keeping with our business plan.”

10. In mid-2011, Kimberly-Clark introduced its “Poise Hourglass Shape Pads” which have the same ornamental design as Parker’s ‘611 Patent.

11. Kimberly-Clark’s “Poise Hourglass Shape Pads” infringe the ‘611 Patent.

12. Kimberly-Clark’s infringement of the ‘611 Patent has been willful.

### **JURY DEMAND**

13. Parker respectfully requests a trial by jury.

**PRAYER FOR RELIEF**

WHEREFORE, Parker prays for judgment or relief against Kimberly-Clark as follows:

- a. judgment that Kimberly-Clark infringes the '611 Patent;
- b. judgment that Kimberly-Clark's infringement has been willful;
- c. damages equal to Kimberly-Clark's total profits from the sale of its "Poise Hourglass Shape Pads" pursuant to 35 U.S.C. § 289;
- d. alternatively, damages adequate to compensate Parker pursuant to 35 U.S.C. § 284;
- e. increased damages pursuant to 35 U.S.C. § 284;
- f. attorneys' fees, costs and disbursements pursuant to 35 U.S.C. §285; and
- g. any other relief this Court may deem equitable and just.

Respectfully Submitted,

TONYA M. PARKER,

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