UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA

GENERAL AWARDS, INC., a Florida corporation,

Plaintiff,

vs.

NORCO AWARDS, INC., a New Jersey corporation,

Defendant.

Case No.
Magistrate Judge

MAGISTA

COMPLAINT

COMES NOW the Plaintiff, General Awards, Inc. ("Plaintiff"), and complains against Defendant, Norco Awards, Inc., a New Jersey corporation ("Defendant"), as follows:

ALLEGATIONS COMMON TO ALL COUNTS

1. This is an action for patent infringement pursuant to the Patent Laws of the United States, 35 U.S.C §100, et seq.

THE PARTIES

- 2. Plaintiff is a corporation of the state of Florida, having an address at 7715 NW 64th Street, Miami, Florida 33166.
- 3. Upon information and belief, Norco Awards, Inc., is a corporation of the state of New Jersey, having an address at 237 South Avenue, Garwood, New Jersey, 07027.

JURISDICTION AND VENUE

4. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§1332 and 1338. The amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

5. Venue is proper pursuant to 28 U.S.C. §§1391(c) and 1400(b) in that Defendant is a corporation subject to personal jurisdiction in this district pursuant to Fla. §48.193(1)(f) by doing business in this district.

PLAINTIFF'S PATENTED INVENTION

- 6. United States Patent No. 6,086,965 (the "'965 patent"), was duly and lawfully issued to Plaintiff's assignor on July 11, 2000. A copy of the '965 patent is attached as Exhibit A.
- 7. Plaintiff is the owner of all right, title, and interest in and to the '965 patent, including the right to sue for past damages.
- 8. Plaintiff's invention, as claimed in the '965 patent, relates to an award medal which includes a weighted element embedded therein.

DEFENDANT'S WRONGFUL CONDUCT

- 9. Upon information and belief, Defendant is a manufacturer of award medals which fall within the scope of one or more of the claims of the '965 patent.
- 10. Upon information and belief, Defendant imports award medals which fall within the scope of one or more of the claims of the '965 patent.
- 11. Upon information and belief, Defendant offers for sale in the United States and sells in the United States award medals which fall within the scope of one or more of the claims of the '965 patent.
 - 12. The Defendant was given notice that a patent application

was pending in the U.S. Patent and Trademark Office for a colorful PVC award medal which include a weighted element embedded therein and that a U.S. patent would be issuing very soon for same.

- 13. Upon information and belief, the Defendant was fully aware of the '965 patent.
- 14. Despite such direct knowledge, upon information and belief, Defendant deliberately infringed, or caused to be infringed, the '965 patent by making, importing into the United States, offering to sell and/or selling in the United States its weighted award medals.
- 15. Upon information and belief, Defendant has continued to willfully and wantonly infringe the '965 patent by making, importing, offering to sell, selling, and/or using the patented invention, even after notification, in flagrant disregard of Plaintiff's rights thereunder.

COUNT I - INFRINGEMENT OF '965 PATENT

- 16. Plaintiff incorporates herein each and every allegation set forth in Paragraphs 1 through 15 as is fully set forth herein.
- 17. Defendant's aforesaid acts constitute infringement of the claims of the '965 patent, either literally or through the doctrine of equivalents, in violation of the Patent Laws, 35 U.S.C. §§271, 281 and 286.
- 18. Upon information and belief, Defendant's infringement has been willful and with full knowledge and in conscious disregard of Plaintiff's rights in the '965 patent.

- 19. Defendant's aforesaid acts have caused and will cause great irreparable injury to Plaintiff, and unless restrained by this Court, they will be continued and Plaintiff will continue to suffer great and irreparable injury.
 - 20. Plaintiff has no adequate remedy at law.

WHEREFORE, Plaintiff prays:

- A. That the Court find that Defendant's aforesaid acts of making, importing, using, offering to sell and/or selling the accused device constitute infringement of the '965 patent claims, either literally or through the doctrine of equivalents.
- B. That Defendant, and all of the officers, directors, agents, servants, employees, successors, assigns and all persons acting in concert or active participation with Defendant, be preliminarily and permanently enjoined and restrained:
- i) From making, importing, using, offering to sell and/or selling the accused device or any other goods that infringe the '965 patent claims, either literally or through the doctrine of equivalents;
- ii) That Defendant be ordered to deliver up for destruction all accused devices or any other goods that infringe the '965 patent; and,
- iii) That Defendant be directed to file with this Court and serve upon Plaintiff within thirty (30) days after service of the injunction issued in this action, written reports

under oath setting forth in detail the manner in which the Defendant has complied with the injunction.

- C. That the Court order an accounting for damages resulting from Defendant's infringement profits and related profits.
- D. That the Court enter a declaration making this case exceptional within the meaning of 35 U.S.C. §285.
- E. That Plaintiff recover damages calculated as not less than a reasonable royalty of any financial or any other calculable benefits conferred upon Defendant as a result of infringing the '965 patent, and that the Court pursuant to 35 U.S.C. §284 enter judgment three (3) times such amount.
- F. That Plaintiff recover its attorneys' fees incurred in this action, pursuant to 35 U.S.C. §285.
- G. That Plaintiff recover its taxable costs and disbursements herein.
- H. That Plaintiff recover both pre-judgment and post-judgment interest.

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I. That Plaintiff have such other and further relief as the Court deems just and proper.

Dated:

Ву

Jennie S. Malloy, Florida Bar No. 655,740 Sein Cyril Malloy, III Florida Bar No. 964,220 David A. Gast Florida Bar No. 176,567 MALLOY & MALLOY, P.A. 2800 S.W. Third Avenue Miami, Florida 33129 Telephone (305) 858-8000 Facsimile (305) 858-0008

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United States Patent [19]

Waas-Russiyan et al.

[11] Patent Number:

6,086,965

[45] Date of Patent: Jul. 11, 2000

[54] AWARD MEDAL AND PROCESS FOR MAKING SAME

[76] Inventors: Cinthia Waas-Russiyan; Nicholas Russivan, both of P.O. Box 394, Sugar

Loaf, N.Y. 10981

Sep. 15, 1998

[21] Appl. No.: 09/153,685

[22] Filed:

	Related U.S. A	Application Data
[60]	Provisional application	No. 60:059,187, Sep. 17, 1998.
[51]	Int. Cl. ⁷	A47G 1/12
[52]	U.S. Cl	428/13; 428,66.5; 428,66.6;
		428.542.4; 63/20; 40/1.5
[58]	Field of Search	428/13, 15, 66.5,

[56] References Cited

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428/542.4, 66.6; 63/20; 40/1.5

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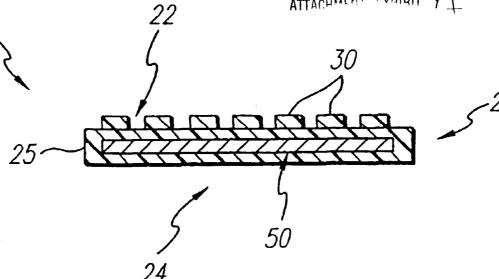
Primary Examiner—Timothy Speer Assistant Examiner-Bryant Young Attorney, Agent. or Firm-Malloy & Malloy, P.A.

[57] ABSTRACT

An improved award medal capable of being configured to include bright attractive colors and any number of unique and or intricate designs. The award medal of the present invention is structured to be formed of a relatively soft material which includes a weight element so as to substantially duplicate the weight of a conventional metallic award medal. The improved award medal includes a main body preferably formed to have a generally flat, plate-like configuration and appearance, with a first outer surface, a second outer surface, and a surrounding peripheral sidewall. The main body will be formed of a substantially soft, resilient, rubber material and ideally, a rubberized polyvinyl chloride material. In order to provide structural integrity to the main body, a substantially heavy weight assembly is disposed within the improved award medal. Additionally, a variety of decorative indicia are positioned on at least one of the outer surfaces of the main body. The decorative indicia are disposed and configured on the outer surface so as to provide a three dimensional texture and appearance to the improved award medal. The present invention additionally includes a method for manufacturing such an improved award medal.

9 Claims, 2 Drawing Sheets

ATTACHMENT FYHIRIT

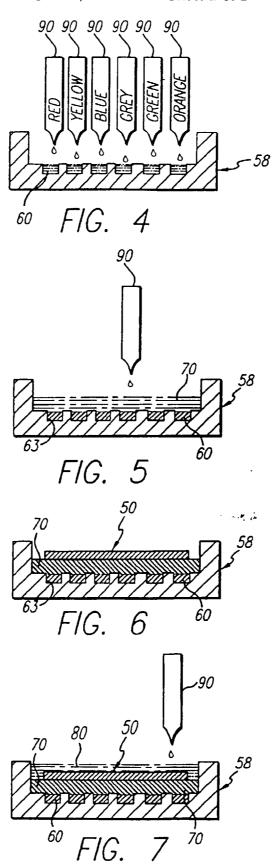


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Accordingly, there is a need in the art for an improved award medal which may be formed of a relatively soft and resilient rubberized material so as to provide a safer and more appealing alternative to conventional award medals. Such an improved award medal should also be of sufficient weight and structural integrity to instill the perception of value and worth as well as facilitate the proper and desired positioning and feel when worn about the neck of a recipient. Any such improved award medal should be capable of demonstrating a number of distinct and highly desirable characteristics in a single medal structure which were not previously obtainable using known available structure and methods of manufacturing. Such characteristics include, but are not limited to: a multitude of colors a variety of textures, high relief dimension, fine detailing and a heavy weight, as set forth above.

SUMMARY OF THE INVENTION

The present invention is directed towards an improved award medal having a weight and structural integrity which is somewhat similar to that provided by conventional metallic award medals, but which is structured to be capable of including a variety of ornamental designs in attractive color combinations on exposed surfaces thereof. The award medal of the present invention is also structured to be formed from a relatively soft, resilient material thereby providing a safer alternative to conventional award medals.

The improved award medal of the present invention includes a main body formed preferably in a substantially flat, plate-like configuration and having a first, exposed outer surface, a second exposed outer surface, and a continuous peripheral portion which may be in the form of an outer rim or sidewall. The main body of the improved award medal will be formed of a substantially soft, resilient, and rubberized material. In order to provide a predetermined amount of weight and structural integrity, the main body is formed to include a substantially rigid weight assembly that is preferably disposed within and surrounded by the soft, rubberized material. Additionally, a variety of decorative indicia will be disposed on at least one of the outer surfaces of the main body to provide proper designation and information concerning the award and give the improved award medal an aesthetically pleasing appearance.

A primary object of the present invention is to provide a new and improved award medal which is formed primarily of a soft pliable material but which is constructed to still be sufficiently heavy so as to maintain the desired positioning and feel when worn about the neck or other location on the recipient.

Another primary object of the present invention is to provide an improved award medal which is primarily formed of a soft, resilient, rubberized material so as to be substantially safer in the event the award is thrown and so as to be relatively insusceptible from cracking and breakage.

Yet another primary object of the present invention is to provide an improved award medal which includes and greatly facilitates the inclusion of several bright colors and ornamental designs so as to be substantially more attractive and desirable to recipients than conventional award medals.

It is also an object of the present invention is to provide an improved award medal which is substantially rugged and durable and structured to withstand rough handling and use.

It is a further object of the present invention to provide an improved award medal which can be economically mass produced.

Yet another object of the present invention is to provide a 65 method of economically manufacturing the improved award medal of the present invention.

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These and other objects, features, and advantages of the present invention will become more readily apparent from the attached drawings and the detailed description of the preferred embodiments, which follow.

BRIEF DESCRIPTION OF THE DRAWINGS

For a fuller understanding of the nature of the present invention, reference should be had to the following detailed description taken in connection with the accompanying drawings in which:

FIG. 1 is a front view of the improved award medal of the present invention.

FIG. 2 is a cross-sectional side view of the improved award medal of the present invention.

FIG. 3 is a front view of a preferred embodiment of the substantially heavy weighted element of the present invention.

FIG. 4 is a cross-sectional side view of a mold used to form the present invention and showing the manufacturing step of injecting the decorative layer of soft, resilient, rubberized material into the mold.

FIG. 5 is a cross-sectional side view of the mold shown in FIG. 4 and illustrating the manufacturing step of injecting a first background layer of soft, resilient, rubberized material onto the decorative layer.

FIG. 6 is a cross-sectional side view of the mold shown in FIG. 4 and further showing the manufacturing step of placing the substantially heavy weighted element on the first background layer.

FIG. 7 is a cross-sectional side view of the mold shown in FIG. 4 and further showing the manufacturing step of injecting a second background layer of soft, resilient, rubberized material onto the substantially heavy weighted element.

Like reference numerals refer to like parts throughout the several views of the drawings.

DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENT

Shown throughout the Figures, the present invention is directed towards an improved award medal generally indicated as 10. The improved award medal 10 of the present 45 invention includes a main body 20 which is preferably formed to have a substantially if not completely flat, platelike configuration. The improved award medal 10 is most preferably formed to have a circular configuration as shown in the Figures, although other shapes may also be utilized without departing from the spirit and intended scope of the present invention. The main body 20 of the improved award medal 10 includes a first, exposed outer surface 22, a second exposed outer surface 24, and a continuous peripheral portion which may be in the form of a surrounding sidewall 25. 55 In the preferred embodiment, the main body 20 will be formed of a substantially soft, resilient material such as rubber or vinyl, although most preferably, a rubberized polyvinyl chloride or PVC material will be utilized. The substantially resilient, rubberized PVC material is structured to be and/or offers the advantage of being sufficiently soft so as to significantly reduce the possibility of injury or damage from an impact with the improved award medal, assuming it were thrown or dropped.

In one embodiment, the main body 20 can be formed to include a connecting structure generally indicated as 26 which, as shown, may be defined by an outwardly extending tab 27 having an aperture 28 extending therethrough. The

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of some medals may include the forming of less or even many more layers. This depends upon the complexity and overall design of the medal 10 as well as the color, texture, configuration, etc. of the body 22 and more specifically the indicia 30. Such additional layers may be necessary due to 5 the provision of added surface cuts into surface of the mold 58. These surface cuts will create additional details such as, but not limited to, texture of glass, grass, textures of a ball, and textures of the individual detailed elements such as surface 22 of the body 20. It should further be noted that in practicing the method of manufacture of the present medal structure, the liquid PVC material is preferably injected by hand using hand-held injection instruments such as injection needles 90 to form the various layers which in turn conform 15 to the many levels or surfaces (surface cuts) involved in the formation of the subject medal 10.

Since many modifications, variations and changes in detail can be made to the described preferred embodiment of description and shown in the accompanying drawings be interpreted as illustrative and not in a limiting sense. Thus, the scope of the invention should be determined by the appended claims and their legal equivalents.

Now that the invention has been described, What is claimed is:

- 1. An award medal comprising:
- a) a substantially unitary main body having a substantially flat configuration and including a first outer surface and a second outer surface oppositely disposed to one another, said main body formed of a soft, resilient, rubberized material,
- b) said main body further including a peripheral portion outer surfaces,
- c) decorative indicia formed on at least one of said first or second outer surfaces.

- d) a weight assembly permanently mounted in an encapsulated position on said main body in inwardly spaced relation to said first and second outer surfaces, and
- e) said weight assembly at least partially formed of a substantially rigid material so as to provide structural integrity to said main body.
- 2. An award medal as recited in claim 1 wherein said decorative indicia are integrally formed on and extend outwardly from at least one outer surface so as to provide a stippling on a ball or like portion of the outer exposed 10 three-dimensional texture and appearance to said award
 - 3. An award medal as recited in claim 1 wherein said weight assembly comprises a weight element structured of a metallic material.
 - 4. An award medal as recited in claim I wherein said weight assembly comprises a weight element comprising a substantially flat, annular configuration having a central aperture formed therein.
- 5. An award medal as recited in claim 1 further compristhe invention, it is intended that all matters in the foregoing 20 ing a severable connecting structure having an aperture formed therein to facilitate support of said main body.
 - 6. An award medal as recited in claim 1 wherein said decorative indicia are constructed of a colored soft, resilient, rubberized material.
 - 7. An award medal as recited in claim 1 wherein said decorative indicia is formed on said first outer surface and disposed to extend outwardly therefrom to define a substantially three dimensional texture on said first outer surface, said second outer surface having a substantially flat con-30 figuration.
 - 8. An award medal as recited in claim 3 wherein said central aperture of said weight element is substantially aligned with a center portion of said main body.
 - 9. An award medal as recited in claim 1 wherein said soft, extending continuously between said first and second 35 resilient, rubberized material is a rubberized polyvinyl chlo-

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleading 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.)

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	150 Recovery of Overpayment & Enforcement of Judgment 151 Medicare Act 152 Recovery of Defaulted Student Loans (Excl Veterans) 8 153 Recovery of Overpayment of Veterans Benefits 8 160 Stockholder's Sults 190 Other Contract 195 Contract Product Liability A REAL PROPERTY 210 Land Condemnation 220 Foreclosure 8 230 Rent Lease & Ejectment 240 Torts to Land 245 Tort Product Liability 290 All Other Real Property I. ORIGIN 1. Original Proceeding III. REQUESTED IN COMPLAINT	□ 330 Federal Employers' Liability □ 340 Marine □ 345 Marine Product Liability □ 350 Motor Vehicle Product Liability □ 355 Motor Vehicle Product Liability □ 360 Other Personal Injury A CIVIL RIGHTS □ 441 Voting □ 442 Employment □ 443 Housing/Accommodations □ 444 Welfare □ 440 Other Crvil Rights □ 2. Removed From State Court CHECK IF THIS IS A	□ 368 Asbestos Personnel Injury Product Liability PERSONAL PROPERTY □ 370 Other Fraud □ 371 Truth in Lending B □ 380 Other Personnel Product Liability ■ PRISONER PETITIONS □ 510 Motions to Vacate Sentence Habeas Corpus □ 530 General □ 530 Seath Penalty □ 550 Civil Rights □ 40 Mandarms & Other □ 3. Remended from Appellate Court CLASS ACTION	□ 630 Liquor Lawa □ 640 R.R. & Truck □ 650 Airline Rega □ 660 Occupational Salety/Health □ 690 Other ■ LABOR □ 710 Feir Labor Standards Act □ 720 Labor Management Relations B □ 730 Labor Management Relations B □ 730 Labor Management Relations B □ 740 Railway Labor Act □ 740 Railway Labor Act □ 791 Other Labor Litigation □ 791 Employee Ret. Inc. Security Act B OX ONLY) □ 4. Refiled □ 5. Transferred from another district (DEMAND \$	B30 Patent B30 Patent B40 Trademark B SOCIAL SECURITY B61 HIA (1395ff) B62 Black Lung (923) B63 DIWC/DIWW (405(g)) B64 SSID Tale XVI B65 RSI (405(g)) A FEDERAL TAX SUITS B70 Taxes (U.S. Plaintiff or Defendant) B71 IRS-Third Party 26 USC 7609 G. Multidistrict Litigation Specify) Check YES only if dermanded in complaint: JURY DEMAND: 2	430 Banks and Banking 450 Commerce/ICC Rates/etc. B 460 Deportation 470 Racketeer Influenced and Compt Organizations 810 Selective Service 850 Securities/Commodities/Exchange 875 Customer Challenge 12USC3410 891 Agricultural Acts 892 Economic Stabilization Act 893 Environmental Matters 894 Energy Allocation Act 900 Appeal of Fee Determination Under Equal Access to Justice 950 Constitutionality of State Statutes 890 Other Statutory Actions * A or B 7. Appeal to District Judge from Magistrate Judgment YES
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AO 120 (Rev. 2/97)

TO:

Commissioner of Patents and Trademarks Arlington, VA 22202

REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK

In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Southern Hereby on the following Relations or Transmission on the following Relations or Transmission of Transmission

		Trademarks:
DOCKET NO. 00-3947-CU-PCH	DATE FILED	Southern District of Florida DEFENDANT Vorco awards, Inc.
	<u>. </u>	DEFENDANT
General Qu	ands, Inc.	Norco awards. Tha
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PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
15ce attached		
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In the above-entitle	ed case, the following patent(s)	have been included:
DATE INCLUDED	INCLUDED BY	
DITTUT 00	☐ Amendment	☐ Answer ☐ Cross Bill ☐ Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above-entitle	ed case, the following decision I	has been rendered or judgement issued:
o coloro de colo		
CLEDY	1000	DEBLITY CLEDY
Clarence		DEPUTY CLERK DATE
00010100	Mado X TT	