

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MAG-NIF INCORPORATED,)	
)	
Plaintiff,)	
)	Civil Action No.
v.)	
)	Judge
THE MCEVOY GROUP, LLC)	
and CHRONICLE BOOKS,)	
LLC, and BECKER & MAYER!)	
LLC, and SMARTLAB TOYS,)	
)	
)	COMPLAINT FOR PATENT
Defendants)	INFRINGEMENT AND DEMAND FOR
)	JURY TRIAL

Plaintiff, Mag-Nif Incorporated ("Mag-Nif"), by its attorneys and for its Complaint against Defendants, The McEvoy Group, LLC, Chronicle Books, LLC, Becker & Mayer!, LLC, and SmartLab Toys (collectively, "the Defendants"), alleges and states as follows:

THE PARTIES, JURISDICTION AND VENUE

1. Mag-Nif is an Ohio corporation having its principal place of business located at 8820 East Avenue, Mentor, Ohio 44060. Mag-Nif manufactures, markets, and sells coin sorting banks, puzzles and other consumer products. Mag-Nif's products are sold throughout the United States and abroad.

2. Upon information and belief, The McEvoy Group, LLC is a Delaware limited liability company having a place of business at 680 Second St., San Francisco, California 94107. The McEvoy Group, LLC imports, makes, sells, offers to sell, and/or

uses various books and consumer products, including the SmartLab® Snap-Together: Coin Sorter.

3. Upon information and belief, Chronicle Books, LLC is a subsidiary of The McEvoy Group, LLC and is a Delaware limited liability company having a place of business at 680 Second Street, San Francisco, California 94107. Chronicle Books, LLC imports, makes, sells, offers to sell, and/or uses various books and consumer products, including the SmartLab® Snap-Together: Coin Sorter.

4. Upon information and belief, Becker & Mayer!, LLC is a subsidiary of The McEvoy Group, LLC and is a Delaware limited liability company having a place of business at 11120 NE 33rd Place, Suite 101, Bellevue, Washington 98004. Becker & Mayer!, LLC imports, makes, sells, offers to sell, and/or uses various books and consumer products, including the SmartLab® Snap-Together: Coin Sorter.

5. Upon information and belief, SmartLab Toys is a subsidiary of Becker & Mayer!, LLC and is a Delaware limited liability company having a place of business at 11120 NE 33rd Place, Suite 101, Bellevue, Washington 98004. SmartLab Toys imports, makes, sells, offers to sell, and/or uses various books and consumer products, including the SmartLab® Snap-Together: Coin Sorter.

6. This is a complaint for patent infringement pursuant to 35 U.S.C. § 271 *et. seq.* This Court has subject matter jurisdiction over Mag-Nif's claims pursuant to 28 U.S.C. §§ 1331 and 1338.

7. Venue in this Court is based on 28 U.S.C. §§ 1391 and 1400. Defendants sell and/or offer to sell their various books and consumer products, including the SmartLab® Snap-Together: Coin Sorter, in this District.

CLAIM FOR PATENT INFRINGEMENT

8. On November 21, 2000, U.S. Pat. No. RE 36,966 (“the ‘966 patent”) entitled “Coin Bank” was duly and legally issued to Jerzy Perkitny and has been assigned to Mag-Nif Inc. A true and correct copy of the ‘966 patent is attached to this Complaint as Exhibit A.

9. Upon information and belief, Defendants have infringed and continue to infringe the ‘966 patent by importing, making, selling, offering to sell, and/or using coin sorting products embodying the patented invention, including, but not limited to the SmartLab® Snap-Together: Coin Sorter, or by inducing or contributing to the infringement by others of U.S. Pat. No. RE 36,966, and will continue to do so unless enjoined by this Court.

10. Defendants have caused or will cause, by their infringing conduct and their inducement or contributing to infringement by others, irreparable harm to Mag-Nif, for which there is no adequate remedy at law.

11. Upon information and belief, Defendants have engaged in their conduct willfully and in complete disregard of, or with indifference to, Mag-Nif’s rights and interests.

WHEREFORE, Mag-Nif prays that this Court:

A. Enter judgment that Defendants have infringed, actively induced others to infringe, and/or contributorily infringed U.S. Pat. No. RE 36,966.

B. Permanently enjoin Defendants and their officers, agents, servants, employees, and attorneys, and those in active concert or participation with them who receive actual notice of the Order, from importing, manufacturing, using, selling and/or offering for sale devices which infringe U.S. Pat. No. RE 36,966.

C. Issue an Order directing Defendants and their officers, agents, servants, employees, and attorneys, and those acting in concert and participation with them who receive actual notice of the Order, to destroy all infringing products as well as all molds, machines, tooling, or other equipment used in the manufacture of products infringing U.S. Pat. No. RE 36,966.

D. Award Mag-Nif monetary damages adequate to compensate it for past infringement consistent with 35 U.S.C. § 284, up to and including treble the amount of actual damages assessed, together with costs and prejudgment interest.

E. Adjudge and decree this case exceptional under 35 U.S.C. § 285 and award Mag-Nif its reasonable attorneys' fees.

F. Grant and award any and all relief found necessary and proper under these circumstances.

JURY DEMAND

Mag-Nif requests a trial by jury on its claims.

Respectfully submitted,

Date: August 5, 2008

/John S. Zanghi/
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