

Joseph Pia (9945)  
[joe.pia@padrm.com](mailto:joe.pia@padrm.com)  
PIA ANDERSON DORIUS REYNARD & MOSS  
299 South Main Street, Suite 1710  
Salt Lake City, Utah 84111  
Telephone (801) 350-9000  
Facsimile (801) 350-9010

*Attorneys for Plaintiff*

---

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

---

ETAGZ, INC., an Indiana Corporation,	<b>PLAINTIFF'S COMPLAINT FOR PATENT INFRINGEMENT</b>
Plaintiff,	
v.	<b>JURY TRIAL DEMANDED</b>
THE PROCTOR & GAMBLE U.S. BUSINESS SERVICES COMPANY, an Ohio Corporation; and DOES 1-10.	
Defendants.	

---

Plaintiff, Etagz, Inc. ("Etagz"), by and through its attorneys, asserts as its Complaint against Defendants The Proctor & Gamble U.S. Business Services Company ("P&G"), and Does 1-10 as follows:

**PARTIES, JURISDICTION AND VENUE**

1. This is a claim for patent infringement that arises under the patent laws of the United States, including 35 U.S.C. § 281. This Court has exclusive subject matter jurisdiction under 28 U.S.C. § 1338.

2. Etagz is an Indiana corporation, with its principal place of business in Provo, Utah.

3. Etagz owns and has all right, title and interest, including standing to sue for past, present or future infringement, in United States Patent No. 6,298,332 (the “332 Patent,” attached as Exhibit A) entitled “CD-Rom Product Label Apparatus and Method,” No. 7,503,502 B2 (the “502 Patent,” attached as Exhibit B) entitled “Computer Readable Hang Tag and Product,” and No. 7,703,686 B2 (the “686 Patent,” attached as Exhibit C) entitled “Consumer-Computer-Readable Product Label and Apparatus.”

4. P&G is an Ohio Corporation with its principal place of business at One Proctor & Gamble Plaza, Cincinnati, Ohio, 45202.

5. Upon information and belief, P&G has one or more affiliates or shell companies, referred to herein as Does 1-10.

6. P&G and Does 1-10 have committed acts of infringement within this judicial district. Venue is proper in this district under 28 U.S.C. §§ 1391 and 1400.

#### **PATENT INFRINGEMENT**

7. Etagz realleges and incorporates by reference as if fully set forth herein the preceding paragraphs.

8. Etagz has complied with the provisions of 35 U.S.C. § 287.

9. Defendants have infringed at least claims 11 and 16 of the ‘332 Patent and one or more claims of the ‘502 and ‘686 Patents, by, at a minimum, selling “Head and Shoulders” shampoo with a label including a computer readable medium.

10. Defendants' infringement has injured Etagz, and Etagz is entitled to recover damages adequate to compensate it for such infringement, but in no event less than a reasonable royalty.

11. Defendants' infringing activities have injured and will continue to injury Etagz unless and until this Court enters an injunction prohibiting further infringement and, specifically, enjoining further infringement of the '332, '502 and '686 Patents.

WHEREFORE, Plaintiff Etagz respectfully requests this Court to enter judgment against P&G, their subsidiaries, affiliates and all persons in active concert or participation with them as Does 1-10, as follows:

- A. An entry of final judgment in favor of Etagz and against P&G and Does 1-10;
- B. An award of damages adequate to compensate Etagz for the infringement that has occurred, but in no event less than a reasonable royalty as permitted by 35 U.S.C. § 284, together with prejudgment interest from the date the infringement began;
- C. An injunction permanently prohibiting P&G and Does 1-10 and all persons in active concert or participation with any of them from further acts of infringement of the '332, '502 and '686 Patents; and
- D. Such other further relief that Etagz is entitled to under the law, and any other and further relief that this Court or a jury may deem just and proper.

**TRIAL BY JURY DEMANDED**

Etagz demands a trial by jury on all issues presented in this Complaint.

/

/

DATED this 21<sup>st</sup> day of January, 2011.

Respectfully submitted,

PIA ANDERSON DORRUS REYNARD & MOSS

/s/ Joseph G. Pia  
Joseph G. Pia  
Attorney for Plaintiff Etagz, Inc.