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U.S. DISTRICT COURT  
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S.D. OF N.Y. W.P.

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

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)  
ZIP CLIP, LLC, )  
)  
Plaintiff, )  
)  
)  
v. )  
)  
REMINGTON PRODUCTS COMPANY, L.L.C., )  
)  
Defendant. )  
)  
-----X

**04 CIV. 5920**

04 Civ. \_\_\_\_\_ ( )

COMPLAINT

Plaintiff, Zip Clip, LLC ("Zip Clip"), for its complaint against defendant, Remington Products Company, L.L.C. ("Remington"), alleges:

1. Plaintiff Zip Clip is a New York limited liability company, with its principal place of business at 75 Montebello Road, Suffern, New York, 10901. Zip Clip is the owner of U.S. Patents Nos. 4,508,124, titled "Hair Curling Spool Holder" and Des. 293,489, titled "Spring Loaded Clip For Hair Roller or the Like" (collectively "the patents in suit," copies of which are annexed as Exhibits A and B) ("the patents in suit").

2. Defendant Remington is, on information and belief, a Connecticut company with its principal place of business at 60 Main Street, Bridgeport, CT. 06604.

On information and belief, Remington is a consumer products company that sells

products in all 50 States. Remington sells, among other things, spring loaded hair clips

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under the tradename “Kindness Clips” that infringe the patents in suit. On information and belief, these products are sold separately and also packaged together with other Remington products.

JURISDICTION AND VENUE

3. The Court has personal jurisdiction over Remington because it sells the infringing product in New York State.

4. The Court has subject matter jurisdiction pursuant to 28 U.S.C. §1338.

5. Venue lies in this District pursuant to 28 U.S.C. §§1391 and 1400.

CAUSE OF ACTION -- PATENT INFRINGEMENT

6. Plaintiff repeats and realleges the allegations in Paragraphs 1 to 5 as if set forth in full herein.

7. Remington’s product, on information and belief, called “Kindness Clips,” infringe the patents in suit.

PRAYER FOR RELIEF

WHEREFORE the plaintiff Zip Clip, LLC, demands judgment as follows:


- A. Determining that Remington has infringed the patents in suit;
- B. Awarding to it and against Remington lost profit damages, pursuant to 35 U.S.C. § 284;

- C. Awarding to it and against Remington a reasonable royalty for Remington's infringement, pursuant to 35 U.S.C. § 284;
- D. Awarding to it and against Remington, Remington's total profits, pursuant to 35 U.S.C. § 289;
- E. Awarding it prejudgment interest, pursuant to 35 U.S.C. § 284;
- F. Determining that Remington's infringement of the patents in suit was willful, and awarding to it and against Remington treble damages;
- G. Determining that this case is exceptional and awarding to it and against Remington reasonable attorneys' fees pursuant to 35 U.S.C. § 285;
- H. Awarding to it costs and expenses; and
- I. Awarding to it and against Remington such other relief in its favor as is just in the circumstances.

JURY DEMAND

The plaintiff demands a trial by jury of all issues that are triable by a jury.

Dated: July 28, 2004

  
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