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Attorneys for Plaintiff
Buzz Bee Toys, Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

Buzz Bee Toys, Inc.	:	
	:	Civil Action No. _____
Plaintiff,	:	
	:	
v.	:	
	:	
East-West Distributing Company	:	
	:	
And	:	ELECTRONICALLY FILED
	:	
Darice, Inc.	:	
	:	
Defendants.	:	

**COMPLAINT
PARTIES**

1. Plaintiff, Buzz Bee Toys, Inc. (Buzz Bee) is a Delaware corporation, having a place of business at 309 Fellowship Road, Suite 105, Mt Laurel, New Jersey 08054.

2. Upon information and belief, Defendant, East-West Distributing Company (“East-West”) is a company organized and existing under the laws of the

state of Illinois, having a principal place of business at 200 Wilmot Road, Deerfield, IL 60015-4620.

3. Upon information and belief, Defendant, Darice, Inc. (“Darice”) is a company organized and existing under the laws of the state of Ohio having a principal place of business at 13000 Darice Parkway, Strongsville, OH 44149.

JURISDICTION

4. This action arises out of the patent laws of the United States, Title 35, United States Code, and this Court has jurisdiction under Title 28, United States Code Sections 1331 and 1338(a).

5. Venue is properly laid in this judicial district pursuant to Title 28, United States Code, Sections 1391(b), 1391(c), and 1400(b).

BACKGROUND

6. Plaintiff is a developer and distributor of toys and created a toy foam sword for which it filed a U.S. patent application on March 14, 2007.

COUNT I – PATENT INFRINGEMENT

7. On February 9, 2010, U.S. Patent 7,658,664 (“the ‘664 patent”), was duly and legally issued to Plaintiff for an invention entitled Exercise or Toy Foam Sword and Method of Making Same; and since that date Plaintiff has been its

owner. A true and correct copy of the '664 patent is attached hereto as Exhibit A and is incorporated herein by reference.

8. Defendant East-West is willfully infringing, contributing to, or inducing the infringement of the '664 patent by making, selling, and/or offering for sale products, including its “Pirates of the Sea Foam Sword” product identified as Item No. 111508-516558, that falls within the scope of the claims of the '664 patent, and will continue to do so unless enjoined by this Court. True and correct copies of photographs of East-West's “Pirates of the Sea Foam Sword” product are attached hereto as Exhibit B.

9. Defendant Darice is willfully infringing, contributing to, or inducing the infringement of the '664 patent by making, selling, and/or offering for sale products, including its “It’s So Spooky Foam Sword” product identified as Item No. 9852/200908/0101, that falls within the scope of the claims of the '664 patent, and will continue to do so unless enjoined by this Court. True and correct copies of photographs of Darice's “It’s So Spooky Foam Sword” product are attached hereto as Exhibit C.

10. As a result of Defendants’ willful, wanton and acts, Plaintiff has suffered and will continue to suffer irrevocable damages in its trade and business.

11. As a result of Defendants’ willful, wanton and deliberate acts, Plaintiff has suffered monetary damages by reason of Defendants’ infringement of the '664 patent, the amount of which is presently unknown.

12. As a result of Defendants' willful, wanton and deliberate acts, Plaintiff has sustained irreparable harm to its business, and unless Defendants are enjoined and restrained by this court, Defendants will continue in the activities alleged herein and as a result thereof, Plaintiff will continue to sustain irreparable harm to its business.

13. Plaintiff has no adequate remedy at law.

PRAYERS FOR RELIEF

WHEREFORE, Plaintiff respectfully requests the following relief:

A. A permanent injunction against the Defendants, their agents, servants, employees, and all persons in active concert or participation with, through, or under them, from doing, abiding, causing, aiding or abetting any of the following:

1. Infringing the '664 patent pursuant to the provisions of 35 U.S.C. Section 283; and

2. From assisting, aiding or abetting any other person or business entity from engaging in or performing any of the above-described acts.

B. An award of damages and lost profits, to be determined at trial, against the Defendants that is sufficient to compensate Plaintiff for its damage pursuant to the provisions of 35 U.S.C. Section 284.

C. An Order trebling the amount of such damages determined under Paragraph B above pursuant to the provisions of 35 U.S.C. Sections 284 and 285 and awarding attorney's fees.

D. An Order requiring Defendant to take all necessary and appropriate steps to recall for destruction all products infringing the '664 patent;

E. An Order requiring Defendants to send a written notice acceptable to Plaintiff and to the Court to each of the customers from whom they have received an order for any products infringing the '664 patent, notifying each customer that the orders have been cancelled;

F. An Order requiring Defendants to provide Plaintiff with a list of all customers that have received, ordered or have received quotes or bids from Defendants for any products infringing the '664 patent;

G. That the Court award Plaintiff its costs, including attorneys' fees, and an assessment of interest.

H. Such other relief as this Court deems just and equitable.

JURY TRIAL DEMAND

Plaintiff hereby demands trial by jury of all issues properly tried to a jury.

Respectfully submitted,

Date: 3/09/10

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RULE 11.2 CERTIFICATION

We hereby certify that this matter in controversy is not the subject of any other action pending in any court, or of any pending arbitration or administrative proceeding.

Date: 3/09/10

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