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

<p>ETAGZ, INC., an Indiana Corporation,  Plaintiff,  v.  MARVEL ENTERTAINMENT INC., a Delaware Corporation; and DOES 1-10.  Defendants.</p>	<p><b>PLAINTIFF’S COMPLAINT FOR PATENT INFRINGEMENT</b></p>  <p><b>JURY TRIAL DEMANDED</b></p>
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Plaintiff, Etagz, Inc. (“Etagz”), by and through its attorneys, asserts as its Complaint against Defendants Marvel Entertainment Inc. (“Marvel”), 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. Marvel is a Delaware Corporation with its principal place of business at 417 5<sup>th</sup> Avenue, New York, New York, 10016.

5. Upon information and belief, Marvel has one or more affiliates or shell companies, referred to herein as Does 1-10, including, but not limited to, The Walt Disney Company, Marvel Comics Enterprises, Marvel Comics Group, Marvel Publishing, Inc., and Marvel Worldwide, Inc.

6. Marvel 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 red “Incredible Hulk” t-shirts and long-sleeve shirts 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 Marvel, 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 Marvel 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 Marvel 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: January 21<sup>st</sup>, 2011

Respectfully submitted,

PIA ANDERSON DORRUS REYNARD & MOSS

/s/ Joseph G. Pia

Joseph G. Pia

Attorney for Plaintiff Etagz, Inc.