

**UNITED STATES SOUTHERN DISTRICT COURT
FOR THE DISTRICT OF TEXAS**

Aztec, As Displays and Francisco Maldonado

Plaintiffs,

- against -

M & G Displays and Martin Maldonado,

Defendants.

H-08-2735

COMPLAINT

Plaintiffs, Aztec, As Displays and Francisco Maldonado for its complaint alleges as follows:

NATURE OF ACTION

1. This is an action for design patent infringement in violation of the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*; the use of false designations of origin and false and misleading descriptions and representations in violation § 43(a) of the United States Trademark Act of 1946, 15 U.S.C. § 1125(a); for statutory unfair competition in violation of Texas Business and Commerce Code Section 16.29(2)(c); for related claims of trade dress infringement and unfair competition in violation of the common law of Texas; and for injury to business reputation Texas Business and Commerce Code Section 16.29(1).

THE PARTIES

2. Plaintiff, Aztec, As Displays, is a sole proprietorship with its principal place of business at, 7034 Lyons Ave Houston, TX 77020-5505. Plaintiff, Francisco Maldonado, is an individual with an address of 7034 Lyons Ave Houston, TX 77020-5505. The plaintiffs will be referred to as AZTEC in this complaint.
3. Upon information and belief, defendant M & G Displays, is a business entity with a place of business at 7403 Anzac St., Houston, TX 77020-5505. Defendant, Martin Maldonado, is an individual with an address of 7403 Anzac St., Houston, TX 77020-5505. The defendants will be referred to as MGD in this complaint.

JURISDICTION AND VENUE

4. The Court has jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a) and (b) and 15 U.S.C. § 1121, as it involves substantial claims arising under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*; and the United States Trademark Act of 1946, 15 U.S.C. § 1051 *et seq.*, together with related claims under state law.
5. Venue is proper in this District pursuant to 28 U.S.C. § 1391 as the unlawful acts of defendant complained of herein have been committed by defendant within this District and have had or will have had effect in this Judicial District.

PLAINTIFF'S PRODUCTS AND REPUTATION

6. Plaintiffs are, and for several years since at least 2002 has been, engaged in the design, development, and manufacture of store fixtures. AZTEC specialize in the design, development, and manufacture of grocery store fixtures. AZTEC sells its store fixtures throughout the State of Texas, including in this District. All of AZTEC's store fixtures are designed and manufactured to precise specifications and have been and continues to be of the highest quality. This consistent high quality has enabled plaintiff to establish and maintain over several years a reputation for excellence.
7. At least as early as late 2005, and long prior to the acts of defendant complained of herein, plaintiff introduced a line of high quality octagonal produce tables under the trade name, *Aztec, As Displays*. These octagonal produce display tables were designed by Francisco Maldonado, the owner of, Aztec, As Displays in late 2005. As Owner of Aztec, As Displays, Francisco Maldonado was approached by Mission Foods to create a novel design to display its products in grocery stores.
8. In order to protect the exclusive design requested by Mission Foods, Francisco Maldonado filed a design patent.
9. At least as early as 2006, and long prior to the acts of defendant complained of herein, plaintiff introduced a novel line of Aztec, As Displays octagonal produce tables, with unique design features. A substantial amount of man hours and substantial sums of money were invested by plaintiff in the development and testing of various combinations of materials, dimensions and manufacturing processes for the Aztec, As Displays octagonal produce table.
10. Like Plaintiff's Aztec, As Displays octagonal produce tables, the M&G Displays octagonal produce tables are made of substantially of some type of wood material.
11. Since their date of first introduction, and since long prior to the acts of defendant complained of herein, the Aztec, As Displays octagonal produce tables have prominently featured several distinctive, striking and innovative trademarks/trade dress design features to distinguish these octagonal produce tables from any octagonal produce tables ever sold in the United States or elsewhere, and to identify plaintiff's octagonal produce tables to consumers and the trade alike.

12. One of the distinctive the features of trademark/trade dress which appears on Plaintiff's, *Aztec, As Displays*, octagonal produce table consists of a octagonal shape multi-layered shelf on all sides. The *Aztec, As Displays* octagonal produce table, bearing the aforementioned distinctive mark, has been extensively shipped, distributed and sold in a manner that effects interstate commerce. The aforementioned distinctive mark identifies plaintiff's *Aztec, As Displays* table and distinguishes said produce table from those of others and represents and symbolizes a vast and valuable goodwill belonging exclusively to plaintiff.
13. In further recognition of the novelty and innovation of the aforementioned *,Distinctive trade dress/ mark*, plaintiff was awarded a design patent under U.S. Patent No.D562596 on 10/5/2007, which grants plaintiff, as of that date, the exclusive right to import, make, use, sell and offer for sale octagonal produce tables bearing the aforementioned, *Distinctive trade dress/ mark* and to exclude others from doing so.
14. Since their date of first introduction, and since long prior to the acts of defendant complained of herein, plaintiff adopted an inherently distinctive and non-functional trade dress for the *Aztec, As Displays* octagonal produce table. The unique appearance of the *Aztec, As Displays* Trade Dress results from a combination of the individual trademarks described above. No other produce display table, past or present, has an appearance that resembles the AZTEC's Trade Dress.
15. Since at least as early as 2005, and long prior to the acts of defendant complained of herein, Plaintiff has continuously and exclusively used the AZTEC's Trade Dress and with a trade name label in connection with the advertising, promotion and sale of its *Aztec, As Displays* octagonal produce table. Plaintiff's *Aztec, As Displays* octagonal produce table have been extensively shipped, distributed and sold in Texas, including in the District of Texas.
16. Since long prior to the acts of defendant complained of herein, plaintiff octagonal displays design was promoted through Mission Foods, a nationwide and international company. AZTEC built the specialized octagonal displays to promote Mission Foods products in grocery stores that advertised and sold Mission Foods products. As a result AZTEC, octagonal design was installed in major store chains in the United States including but not limited to Wal-Mart, Fiesta, and Food Town.
17. As a result of the aforesaid advertising, promotion, and sales through Mission Foods and as well as the excellence and craftsmanship of the products, the *Aztec, As Displays* Trade Dress, including the aforementioned distinctive mark and Trade name label, has become recognized and relied upon by Mission Foods and its customers as exclusively identifying the products of plaintiff and distinguishing those products from the products of others. The distinctive *Aztec Display's* Trade Dress and Trade Name, has come to represent an extremely

DEFENDANT'S UNLAWFUL CONDUCT

18. Defendant's were well aware, and has been well aware since long prior to the acts complained of herein, of the vast goodwill represented and symbolized the unique appearance of plaintiff's Aztec, As Displays Trade Dress and distinctive marks and design, and that the public recognizes and relies upon the Aztec, As Displays Trade Dress and the distinctive marks as identifying plaintiff's products and distinguishing plaintiff's products from the products of others.
19. Notwithstanding its aforesaid knowledge and indeed by reason of such knowledge, defendant upon information and belief, in 2006 set upon a scheme and course of conduct to misappropriate plaintiff's rights in the Aztec, As Displays Trade Dress and distinctive mark and design and to deceive the public into believing that defendant's goods are plaintiff's goods, by manufacturing, distributing, selling, offering for sale, promoting and advertising octagonal produce table which closely copy and imitate the appearance of plaintiff's Aztec, As Displays Trade Dress and the distinctive marks and designs. Photographs showing the imitation octagonal produce table sold by defendants are attached hereto as Exhibit "B".
20. Upon information and belief, defendant is distributing, selling, offering for sale, promoting and advertising its Knock off imitations of plaintiff's Aztec, As Displays Trade Dress and mark and design, with the deliberate and calculated intent to trade on the goodwill and reputation symbolized by the Aztec, As Displays Trade Dress and the mark and design and to confuse and mislead the public into believing that defendant's products are the same or come from the same source as plaintiff's products or have been sponsored, approved or connected with plaintiff.
21. Defendant's Octagonal display so closely simulate and imitate plaintiff's Aztec, As Displays Trade Dress and the mark and design, as to be likely to cause confusion and mistake and to deceive and to make the public to believe that defendant's products are plaintiff's products, or have been sponsored, approved or somehow connected with plaintiff, with consequent injury to plaintiff and to the public.
22. Defendant's simulation and imitation of plaintiff's Aztec, As Displays Trade Dress and the mark and design constitutes the use of false designations of origin and false and misleading representations as to the source of the products sold, distributed and offered for sale by defendant and is likely to cause confusion among consumers and to cause them to mistakenly believe that defendant's Octagonal Displays are plaintiff's Aztec, As Displays Octagonal Produce Table or are approved, endorsed, affiliated or sponsored by or associated or connected with plaintiff.

23. Upon information and belief, defendant has caused its goods to be sold, distributed and offered for sale in a manner that effects interstate commerce with the intent of defendant to cause confusion and deception of the public, and with knowledge and intent to profit unfairly from plaintiff's name, reputation and goodwill associated with plaintiff's Aztec, As Displays Trade Dress and the mark and design.
24. Because of defendant's actions, plaintiff has been damaged and is likely to be further damaged by the use of such false designations and false and misleading descriptions and representations in that the purchasing public is likely to be induced into purchasing defendant's goods in the erroneous belief that they are plaintiff's goods or that defendant's goods are endorsed by plaintiff, or are sponsored by plaintiff, or are approved or connected in some way with plaintiff, or possess the advantages, benefits and quality of plaintiff's goods.
25. Francisco Maldonado is the owner of Aztec, As Displays. He designed a unique octagonal table for manufacturing and distribution through Aztec, As Displays for Mission Foods. The octagonal display provided Mission foods an advertising advantage in the grocery stores. Upon information and belief as a result of the octagonal display, Mission foods sales of their products increased at least 15% in locations where displayed on AZTEC displays.
26. Upon information and Belief, Gruma Corporation, wholly, owns Mission. GRUMA is one of the world's largest producers of corn flour and tortilla products, with production facilities across the Americas, the UK, Holland, Italy, and Asia. Upon information and Belief, Gruma's operations and sales extend to the US, Canada, throughout Central America (through Gruma Centro America), and into England, Europe, Asia, Australia, and the Middle East. Gruma Corporation manufactures and distributes one of its principal brands of tortillas and related products in the United States through MISSION®. Upon information and Belief, Mission Foods has grown to become one of the largest producers of tortilla products, producing almost a quarter of all tortillas sold in the world. Upon information and Belief Gruma Corporation distribute their products to more than 30,000 stores.
27. Upon information and Belief, as a result of MDG infringing acts, plaintiffs lost the exclusive contract with Mission Foods to exclusively manufacture the octagonal display for installation in major store chains in Texas.
28. Upon information and Belief, as a result of MDG infringing acts, plaintiffs lost the opportunity for an exclusive contract with Mission Foods to exclusively manufacture the octagonal display for installation in major store chains throughout the United States.
29. Upon information and belief, AZTEC utilized the octagonal display as a trade dress and was a lead product to support and increase the volume of sales of other products including other standard store fixtures. As a result of MDG infringing acts, plaintiff lost the related business and the opportunity of expansion nationwide. Because plaintiff lost their

exclusive contract with Mission, the total value of AZTEC trade dress was lost by an amount to be determined during litigation.

COUNT I

INFRINGEMENT OF UNITED STATES DESIGN PATENT NO.D562596

30. Plaintiff repeats and realleges the allegations contained paragraphs 1 through 29 as if set forth herein.
31. On February 20, 2006, U.S. Patent Application No.D562596 entitled "Octagon Produce Table" was duly and legally infringed upon by the defendant. Since that date, Plaintiff Aztec, As Displays has been and still is the owner of the Octagon Produce Table patent. A copy of the Octagon Produce Table Patent application is attached hereto as Exhibit A.
32. On information and belief MGD is infringing the '596 Patent by making, using, offering for sale, and/or selling within the United States Produce Displays that embody the octagonal display design claimed in the '596 patent. On information and belief, MGD has been and is currently infringing one or more claims of the '596 Patent pursuant to 35 USC 271.
33. On information and belief, MGD has been and continues to make, use and sell products that incorporate patented octagonal design.
34. On information and belief, in addition to direct infringement, MGD has induced and contributed to the infringement by others of the '596 Patent. MGD induced its customers e.g La Michocana and others to use the patented design in their stores.
35. On information and belief, MGD was provided notice through a cease and desist letter in 2006 that AZTEC had filed a patent on the octagonal design and that MGD was infringing on that design. Despite such notice, MGD has continued to willfully infringe the '596 Patent by making, using, offering to sell, and/or selling within the United States infringing octagonal design.
36. As a result of MGD's acts of infringement, AZTEC has suffered and will continue to suffer damages in an amount to be proven at trial.
37. This case is an "exceptional" case within the meaning of 35 U.S.C. § 285 and AZTEC is entitled to an award of attorneys' fees.
38. Defendant aforesaid acts have caused and will continue to cause great and irreparable injury to plaintiff, and unless such acts are restrained by this Court, they will be continued and plaintiff will continue to suffer great and irreparable injury.
39. Plaintiff has no adequate remedy at law.

COUNT II

FEDERAL UNFAIR COMPETITION AND FALSE DESIGNATIONS OF ORIGIN AND FALSE AND MISLEADING REPRESENTATION UNDER 15 U.S.C. § 1125(a)

40. Plaintiff re-alleges and incorporates paragraphs 1 through 38 as if set forth herein.
41. On information and belief, MGD has used and is using false and misleading representations of fact when it manufactures and sells knock-off octagonal Produce Displays which are substantially identical to AZTEC's Produce Displays. On further information and belief, MGD's knock off design was part of an intentional plan to deceive customers by passing off its products as originating from AZTEC.
42. *upon* information and belief, MGD sells its knock-off products in interstate commerce in the United States.
43. MGD's sales of its poor quality knock-off Produce Displays to customers causes actual confusion as to the origin of the octagonal display. Moreover, this scheme has enabled MGD to obtain the benefit of AZTEC's goodwill.
44. MGD's acts and conduct constitute unfair competition under section 43(a) of the Lanham Act.
45. MGD's conduct has caused AZTEC to suffer damages including loss of sales, dilution of goodwill and injury to AZTEC's reputation in an amount as yet unknown but to be proven at trial. In addition, AZTEC has incurred and will continue to incur attorneys' fees and costs in bringing the present action.
46. Unless enjoined by this Court, MGD will continue its unfair business practices to the irreparable damage and injury of AZTEC.
47. The aforesaid acts of defendant constitute the use in commerce in connection with defendant's goods of a symbol and device and of false designations or origin and false or misleading descriptions and representations in violation of § 43(a) of the United States Trademark Act, 15 U.S.C. § 1125(a).
48. Defendant's aforesaid acts have caused and will continue to cause great and irreparable injury to plaintiff and, unless such acts are restrained by this Court, they will be continued and plaintiff will continue to suffer great and irreparable injury.
49. AZTEC has no adequate remedy at law.

COUNT III

UNFAIR COMPETITION AND TRADEMARK INFRINGEMENT AT COMMON LAW

50. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 48 as if set forth herein.
51. The aforesaid acts of defendant constitute the sale and passing-off of its products as plaintiff's products, infringement, imitation and misappropriation of plaintiff's Aztec, As Displays Trade Dress and the distinctive marks and designs, unjust enrichment and unfair competition with plaintiff in violation of its rights at common law.

52. Defendant's aforesaid acts have caused and will continue to cause great and irreparable injury to plaintiff and, unless such acts are restrained by this Court, it will be continued and plaintiff will continue to suffer great and irreparable injury.
53. Plaintiff has no adequate remedy at law.

**COUNT IV
UNFAIR COMPETITION IN VIOLATION OF THE STATUTORY LAW OF
THE STATE OF TEXAS**

54. Plaintiff repeats and re-alleges paragraphs 1 through 52 as if set forth herein.
55. AZTEC has expended substantial time, resources and effort in developing octagonal Produce Displays.
56. MGD's unlawful acts in appropriating AZTEC's Produce Displays were intended to capitalize on AZTEC's goodwill. As a result of AZTEC's efforts, Defendants are now unjustly enriched and are benefiting from property rights that belong to AZTEC.
57. On information and belief; MGD sells its knock-off products in interstate commerce in the United States.
58. On information and belief, MGD has, without permission or authority, used and is using false and misleading representations of fact when it manufactures and sells knock off octagonal Produce Displays which are substantially identical to is AZTEC's produce table. On further information and belief; MGD's knock off produce display design was part of an intentional plan to deceive customers by passing off its products as originating from AZTEC. MGD, by misappropriating and using knock-off substitute Produce Displays has misrepresented to the general public the origin, source, association, affiliation or sponsorship of their products so as to create the likelihood of confusion by the ultimate purchaser as to both the source and sponsorship of the products.
59. MGD's unauthorized use of AZTEC's produce table design has caused and is likely to cause confusion as to the source of MGD's products, all to the detriment of AZTEC.
60. MGD's acts are reckless, willful, deliberate and/or intended to confuse the public and to injure AZTEC.
61. MGD's acts constitute unfair competition under Texas common law.
62. Unless enjoined by this Court, MGD will continue its unfair or fraudulent business practices to the irreparable damage and injury of AZTEC.
63. MGD's conduct was fraudulent, and was inflicted on AZTEC in reckless disregard of AZTEC's rights. This conduct was and is harmful to AZTEC and as such supports an award of exemplary and punitive damages in an amount sufficient to punish MGD and to deter MGD from similar conduct in the future.

64. The aforesaid acts of defendant constitute trademark infringement and unfair competition in violation of Texas Practice and Remedies Code 16.29(1).
65. Defendant's aforesaid acts have caused and will continue to cause great and irreparable injury to plaintiff and, unless such acts are restrained by this court, they will be continued and plaintiff will continue to suffer great and irreparable injury.
66. AZTEC has no adequate remedy at law.

**COUNT V
INJURY TO BUSINESS REPUTATION TEXAS PRACTICE & REMEDIES
CODE 16.29(2)**

67. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 65, as though fully set forth herein.
68. Defendant's aforesaid acts are likely to injure the business reputation of plaintiff and dilute the distinctive quality of its Aztec, As Displays Octagonal Produce Table in violation of Section Texas Practice & Remedies Code 16.29(2). MGD knock off produce display which decreased the value of AZTEC octagonal display Trade Dress injured the reputation of the AZTEC in the industry.
69. Defendant's aforesaid acts have caused, and will continue to cause, great and irreparable injury to plaintiff and unless such acts are restrained by this Court it will be continued and plaintiff will continue to suffer great and irreparable injury.
70. Plaintiff has no adequate remedy at law.

Count VI

(Trade Dress Infringement)

71. AZTEC repeats and realleges each of the allegations contained in paragraphs 1 through 69 as though fully set forth herein.
72. Since 2006, AZTEC has continuously sold Octagonal Produce Displays in interstate commerce in the United States. Octagonal Produce Displays have an overall appearance of a trade dress which is inherently distinctive and which has acquired secondary meaning through continued use. Since 2006, customers have come to recognize and accept and associate the distinctive produce display with AZTEC's high quality product. Since 2006, Plaintiff has expended effort in producing high quality cassette products and as a result, has generated a great deal of goodwill.
73. AZTEC's trade dress is non-functional.
74. MGD's use of AZTEC's produce display trade dress, has caused and is likely to cause confusion as to the source or origin of MGD's products.
75. MGD's acts constitute trade dress infringement.
76. Unless enjoined by this Court, MGD will continue its trade dress infringement to the irreparable damage and injury of AZTEC.
77. AZTEC has no adequate remedy at law.

78. As a result of MGD's acts of infringement, AZTEC has suffered and will continue to suffer damages in an amount to be proven at trial.

COUNT VII CLAIM FOR RELIEF

(Intentional Interference with Prospective and Existing Business Relationships)

79. AZTEC repeats and realleges each of the allegations contained in paragraphs 1 through 77 as though fully set forth herein.
80. AZTEC has expended substantial time, resources and effort in developing its octagonal Produce Display design. AZTEC had an exclusive contract to produce the octagonal produce display for Mission Foods to be placed within its customer stores including but not limited to Walmart, Fiesta, Food-Town and other clients. AZTEC had a prospective and actual economic advantage through mission foods to provide to multiple third parties to its Produce table design.
81. On information and belief, MGD appropriated AZTEC's economic advantage by manufacturing and selling Produce Displays to customers in an effort to interfere with the business relationship existing between these customers and AZTEC.
82. On information and belief, MGD knew that AZTEC had an interest in maintaining and continuing its business relationship with these customers.
83. MGD committed fraud in manufacturing and selling knock-off Produce Displays to these customers with the intent to deceive customers as to the origin of these products and to deceive customers into believing that they were continuing to purchase AZTEC products.
84. On information and belief, MGD infringed AZTEC's patents when manufacturing and selling knock off Produce Displays to customers.
85. MGD's conduct was wrongful and unlawful and was intended to interfere with AZTEC's economic relationships.
86. MGD's acts constitute intentional interference with prospective economic advantage.
87. As a direct and proximate cause of MGD's conduct, AZTEC has suffered lost sales and damages in an amount to be proven at trial.

WHEREFORE, Plaintiff prays for judgment against defendant as follows:

88. That United States Patent Application No.D562596 has been infringed.
89. That defendant and its suppliers, officers, directors, agents, servants, employees, attorneys, successors and assigns, and their legal representatives, and those persons in active concert or participation with them, or any of their successors or assigns or any of them, be preliminarily and permanently enjoined and restrained:
- (a) from further infringement of United States Patent Application No.D562596;
- (b) from using upon, or in connection with the manufacture, distribution, offering for sale or sale of octagonal produce table or any other products, the Aztec, As Displays Trade Dress, the mark and design as shown in exhibit "A", or any other design

or trade dress for octagonal produce table or related products that otherwise consists of or that resembles, copies, imitates, simulates or counterfeits the appearance of the Aztec, As Displays octagonal produce table or elements of the Aztec, As Displays Trade Dress including, but not limited to, the mark and design;

(c) from using any colorable imitation of the appearance plaintiff's Aztec, As Displays octagonal produce table or the Aztec, As Displays Trade Dress or the mark and design trademarks or any other false designation of origin or false or misleading description or representation in connection with the business of defendant or with the advertising, offering for sale or sale by defendant of its goods or in connection with any other goods, which may imply or lead the public to believe that a product not originating with plaintiff is plaintiff's product or that defendant's products are sponsored, licensed or authorized by plaintiff or that defendant or its products are otherwise affiliated with or approved by plaintiff; and

(d) from doing any other act or thing calculated or likely to cause confusion or mistake in the mind of the public or to deceive purchasers into the belief that defendant's products are plaintiff's products or are sponsored, licensed or authorized by plaintiff.

90. A judgment that MGD has infringed, induced others to infringe and/or committed acts of contributory infringement with respect to the claims of the '596 Patent;
91. A judgment that MGD's patent infringement has been, and continues to be, willful and deliberate;
92. An order directing MGD to account for and pay to AZTEC all damages of caused to AZTEC by reason of MGD's patent infringement, including increased damages under 35 U.S.C. § 284;
93. An order directing MGD to pay AZTEC's costs, expenses and reasonable attorneys' fees pursuant to 35 U.S.C. § 285;
94. An order permanently enjoining MGD and its subsidiaries, officers, is agents, servants, employees, licensees and all other persons acting or attempting to act in active concert or participation with it or acting on its behalf, from making false representations of fact regarding AZTEC's products;
95. An order permanently enjoining MGD and its subsidiaries, officers, agents, servants, employees, licensees and all other persons acting or attempting to act in active concert or participation with it or acting on its behalf, from infringing upon AZTEC's trade dress;
96. For damages in an amount to be proven at trial on AZTEC's claim under the Lanham Act;
97. For damages in an amount to be proven at trial on AZTEC's claim of common law unfair competition;
98. For damages in an amount to be proven at trial on AZTEC's claim of trade dress infringement;
99. For punitive damages in an amount to be determined;
100. For damages in an amount to be proven at trial on AZTEC's claim of intentional interference with prospective economic advantage.
 - i. An award of pre-judgment and post-judgment interest on the damages caused to AZTEC by MGD;

ii. For attorneys' fees incurred in bringing this suit on AZTEC's claims under the Lanham Act;

101. That defendant and those controlled by or in active concert participation with defendant be required to deliver up to plaintiff for destruction all goods, molds, labels, signs, prints, packages, advertisements, promotional items and any other written or printed materials that bear or depict or embody any of the Aztec, As Displays Trade Dress and the mark and design, or that are otherwise in violation of this Court's order issued pursuant hereto, and all plates, molds, matrices and other means for making the same.
102. That, pursuant to 35 U.S.C. § 289 and 15 U.S.C. § 1117, defendant be required to account to plaintiff for defendant's profits and for such sum in addition thereto as the Court shall find just.
103. That plaintiff recover the damages arising out of the foregoing acts of patent infringement, trade dress infringement, false descriptions and representations, unfair competition, in a sum equal to three times the damages suffered by plaintiff.
104. That plaintiffs have and recover the taxable costs of this civil action, including reasonable attorneys' fees and interests.
105. That in view of defendant's wanton and deliberate illegal acts, the plaintiff be awarded punitive damages.
106. That defendant be ordered to file with the Court and serve upon plaintiff, within thirty (30) days after the service of the injunction upon defendant, a report in writing under oath setting forth in detail the manner and form in which defendant has complied with the injunction and judgment entered pursuant to this Complaint. That plaintiff has such other and further relief as the Court may deem just
107. For the costs incurred by AZTEC in bringing this suit; and For all other legal and/or equitable relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

AZTEC demands trial by jury.

Date: 05/21/2010

Respectfully submitted,

Delphine M. James

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Attorney for Plaintiffs Azteck Displays &
Francisco Maldonado

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing document has been served in accordance with Federal Rules of Civil Procedure via electronic transmission through the court to the below counsel of record.

Delphine James

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