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ALEXX, INC.
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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
10 **SACRAMENTO DIVISION**

11
12 ALEXX, INC., a California corporation,

13 Plaintiff,

14 v.

15 Stuart Kapicka, an individual having a
place of business at 1609 41st Street,
16 Sacramento, California 95819 and DOES
1-20, Inclusive

17
18 Defendants.
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21

Civil Action No.:

**COMPLAINT FOR PATENT
INFRINGEMENT**

JURY TRIAL DEMANDED

22 Plaintiff Alexx, Inc. (hereinafter "Alexx") hereby alleges as follows:

23 **NATURE OF ACTION**

24 1. This is an action for infringement of United States Design Patent No. D539526
25 ("the '526 Design Patent"), United States Patent No. 7,308,922 B2 ("the '922 Utility Patent"),
26 and United States Patent No. 7,537,032 B2 ("the '032 Utility Patent") (collectively, "the Alexx
27 Patents"). A true and correct copy of the Alexx Patents is attached as Exhibit A.
28

1 **SUMMARY OF COMPLAINT**

2 2. In April 2004, Sandra Stein, founder of Plaintiff Alexx, invented the FINDERS
3 KEY PURSE key locator. The key locator is an innovative product for locating keys or other
4 easily misplaced objects. The key locator allows a person to attach such easily misplaced objects
5 to the key locator and hang the locator on a purse or similar article. From the outside of the purse
6 or similar article, the key locator is visible and, on the inside of the purse or similar article, the
7 attached objects are securely attached to the key locator and can therefore be easily retrieved.

8 3. Alexx has enjoyed substantial commercial success with the key locator,
9 distributing the product through more than 1000 sales representatives throughout the United
10 States, including retail gift stores, chains, and catalogs such as Hallmark, Coach House Gifts, The
11 Mole Hole, and Casual Living. Through this network of vendors, Alexx has sold more than four
12 million of the key locators.

13 4. The innovativeness of Alexx's key locator has received national recognition. In
14 November 2006, the San Fernando Valley Business Journal highlighted the novelty of Alexx's
15 key locator. In February 2007, Sandra Stein was featured in an episode of the nationally
16 syndicated Oprah Winfrey television series showcasing unique innovations. Alexx has
17 subsequently been featured in Entrepreneur, NAWBO.org, MomInventors.com,
18 MomtoMomchat.com, Bizymoms.com, Country Business, and PopularArticles.com. Moreover,
19 Sandra Stein regularly appears on the QVC home shopping network selling Alexx's patented key
20 locator.

21 5. Defendants have profited from Alexx's innovation by selling key locators that
22 infringe the Alexx Patents.

23 6. On April 21, 2008, the undersigned counsel, on behalf of Alexx, sent a cease and
24 desist letter to Stuart Kapicka demanding that he stop selling infringing key locators.

25 7. Stuart Kapicka did not respond to the April 21, 2008 cease and desist letter and
26 continued to sell key locators that infringe the Alexx Patents.

- 1 (c) Award Alexx damages resulting from defendants' infringement in accordance with
2 35 U.S.C. § 284;
- 3 (d) Treble the damages in accordance with the provisions of 35 U.S.C. § 284;
- 4 (e) Find the case to be exceptional under the provisions of 35 U.S.C. § 285;
- 5 (f) Award Alexx reasonable attorneys' fees under 35 U.S.C. § 285;
- 6 (g) Award Alexx interest and costs; and
- 7 (h) Award Alexx such further relief to which the Court finds Alexx is entitled under
8 law or equity.

9 **DEMAND FOR JURY TRIAL**

10 Plaintiff hereby demands a jury trial on all issues so triable.

11 Dated: May 24, 2010

12 ARTHUR S. BEEMAN
13 BRETT A. LOVEJOY
14 JONES DAY

15 By: /s/ Brett A. Lovejoy
16 Brett A. Lovejoy

17 Attorneys for Plaintiff Alexx, Inc.
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