

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

O2COOL, LLC	)	
	)	
Plaintiff,	)	Civil Action No.
	)	
v.	)	
	)	
AVON PRODUCTS, INC.,	)	
	)	
Defendant.	)	

COMPLAINT

Plaintiff, O2COOL, LLC, for its complaint against defendant, Avon Products, Inc., alleges:

1. This is an action for infringement of United States Letters Patent No. 5,843,344. Jurisdiction is vested in this Court pursuant to 28 U.S.C. § 1338(a) and venue lies in this district by virtue of 28 U.S.C. §§ 1391 and 1400(b).

2. Plaintiff O2COOL, LLC ("O2COOL"), is a limited liability company organized and existing under the laws of the State of Delaware. O2COOL is licensed to do business in the State of Illinois and has a principal place of business at 1415 N. Dayton Street, Suite 2S, Chicago, Illinois 60622.

3. Defendant, Avon Products, Inc. ("Avon Products"), is, on information and belief, a corporation organized and existing under the laws of the State of New York having a principal place of business at 1345 Avenue of the Americas, New York, New York 10105. On information and belief, Avon Products is registered to do business in the State of Illinois and is doing business within this district.

4. On December 1, 1998, United States Letters Patent No. 5,843,344 ("the '344 patent") was duly and legally issued by the USPTO for an invention entitled "Portable Fan and Combination Fan and Spray Misting Device". A true and correct copy of the '344 Patent is attached as Exhibit A hereto. O2COOL is the owner of the entire right, title and interest in the '344 patent and has the right to bring suit for infringement thereon.

5. Avon Products has, on information and belief, unlawfully and intentionally infringed the '344 patent in this district and elsewhere by making, having made, using, offering for sale and/or selling spray water fans embodying the invention of the '344 patent, including the spray water fan identified in its catalog for Campaign 11, 2012 at page 118 as "Avon Misting Fan" product number 472-193. On information and belief, Avon Products has induced infringement and/or has contributed to the infringement of the '344 patent in this district and elsewhere.

6. The wrongful acts of Avon Products as alleged herein were undertaken without authority and without license from O2COOL. On information and belief, Avon Products had actual notice of said Letters Patent and its acts of infringement have been willful and wanton, in blatant disregard for the intellectual property rights of O2COOL.

7. O2COOL has suffered damage by reason of the acts of infringement by Avon Products and will suffer additional and irreparable damage unless Avon Products is enjoined by this Court from continuing its acts of direct infringement, inducement of infringement and/or contributory infringement.

WHEREFORE, O2COOL requests that this Court enter a judgment in favor of O2COOL and against Avon Products awarding to O2COOL the following relief:

A. Ordering, adjudging and decreeing that that Avon Products has directly infringed the '344 patent in violation of 35 U.S.C. § 271(a) by making, having made, using, selling and/or offering for sale spray water fans embodying the invention of the '344 patent;

B. Ordering, adjudging and decreeing that Avon Products has induced the infringement of the '344 patent in violation of 35 U.S.C. § 271(b);

C. Ordering, adjudging and decreeing that Avon Products has engaged in acts amounting to contributory infringement of the '344 patent in violation of 35 U.S.C. § 271(c);

D. Ordering, adjudging and decreeing that the acts of infringement, inducing infringement and contributory infringement of the '344 patent committed by Avon Products were committed willfully and knowingly;

E. Enjoining, both preliminarily and permanently, Avon Products, its parents, principals, officers, directors, agents, affiliates, servants, attorneys, employees and all others in privity with it from infringing the '344 patent;

F. Awarding to O2COOL damages for infringement of the '344 patents, including its lost profits, together with prejudgment interest on the amount awarded;

G. Awarding to O2COOL three times its damages to compensate O2COOL under 35 U.S.C. § 284;

H. Ordering, adjudging and decreeing that acts of infringement of Avon

Products, as herein alleged warrant a finding that this is an exceptional case and awarding to O2COOL its reasonable attorneys' fees under 35 U.S.C. § 285;

I. Awarding to O2COOL its costs incurred in the prosecution of this action;  
and

J. Awarding to O2COOL such other and further relief as the Court may deem just and proper.

JURY DEMAND

O2COOL demands trial by jury of all issues in this action so triable.

Respectfully submitted,

O2COOL, LLC

/s/ Keith V. Rockey

KEITH V. ROCKEY (ID #02360624)

KATHLEEN A. LYONS (ID #06186939)

MATTHEW L. DE PRETER (ID #06291503)

Rockey & Lyons

180 N. Stetson, Suite 3500

Chicago, IL 60601

Telephone: (312) 268-5703

Facsimile: (312) 268-5801

Attorneys for Plaintiff O2COOL, LLC