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U.S. DISTRICT COURT
NORTHERN DIST. OF TX.
EAST NORTH DIVISION

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of the United States, 35 U.S.C. 271 and 281.

4. This Court also has jurisdiction over this civil action pursuant to 28 U.S.C§ 1332(a) as Plaintiffs have diversity of citizenship in relation to all Defendants and the amount in controversy exceeds \$75,000 exclusive of interest and costs.

GENERAL ALLEGATIONS

5. The Plaintiff designed and patented a new and useful improvement for optical sights that greatly facilitates shooting at different ranges or changing zeros for different loads. Scopes using one embodiment of this invention have been on the market for over 2 years in riflescopes built in China. The production of these scopes has been under proper license from the Plaintiff. The essence of the patent is separately moveable plates that become markers of different positions of the zeroing mechanism. The Defendant under its fictitious name Kahles USA has recently started to advertise for sale, a riflescope that uses an embodiment that is clearly covered by the Plaintiff's '550 patent claims. SONAL's corporate registration and the registration of Kahles and Kahles USA as fictitious names are attached at **EXHIBIT 1**.

6. Despite being put on notice by the Plaintiff to cease and desist, the Defendant has made no effort to resolve the issue.

CAUSE OF ACTION FOR PATENT INFRINGEMENT

7. Plaintiff repeats, realleges and incorporates the foregoing paragraphs as though fully set forth herein.

8. On August 10 2004, Patent 6,772,550, entitled "Rifle Scope Adjustment Invention," (hereafter referred to as '550 patent) was granted to J. Leatherwood. Since its issuance, J. Leatherwood has been, and continues to be, the owner of all right, title and interest in and to the '550 patent. A copy of the '550 patent is attached as **EXHIBIT 2**.

9. Defendant SONAL is infringing the '550 patent, in this judicial district and elsewhere, in connection with its sale of riflescopes using the embodiment of the Plaintiff's invention in the product referred to as their "Multi-Zero" feature. Copies of their ads are attached as **EXHIBIT 3**.

10. Unless enjoined by the Court, SONAL will continue to infringe the Plaintiff's '550 patent.

11. As a direct and proximate result of SONAL's conduct, J Leatherwood has suffered and will continue to suffer irreparable injury, for which it has no adequate remedy at law. The Plaintiff has also been damaged, and, until an injunction issues, will continue to be damaged in its business and reputation in an amount yet to be determined. Moreover, the willful and deliberate nature of SONAL's infringement renders this an exceptional case, and thus the Plaintiff is further entitled to treble damages, as well as its actual attorneys' fees and litigation costs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for relief as follows:

1. For a judicial determination and declaration that the '550 patent is valid and enforceable.
2. For a judicial determination and declaration that the '550 patent is infringed by the Defendant's product known as the "Multi-Zero".
3. For a judicial determination and declaration that SONAL's infringement of the '550 patent is willful.
4. For an order preliminarily and permanently enjoining SONAL, its officers, directors, shareholders, agents, servants, employees and attorneys, and all entities and individuals acting in concert with them or on their behalf, from infringing the '550 patent.
5. For damages according to proof, trebled;

6. An award of damages to Plaintiff for his costs, disbursements and attorneys' fees incurred in prosecuting this action.

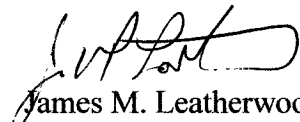
7. An award of prejudgment and post judgment interest on Plaintiff's damages; and such other relief as the Court may deem just and proper.

REQUEST FOR JURY TRIAL

J Leatherwood requests a jury trial on all issues triable to a jury.

Dated this 24th day of May, 2005

Respectfully Submitted


James M. Leatherwood
ATTORNEY PRO SE

BOX 140
LINGLEVILLE, TX
76461

UNITED STATES DISTRICT COURT OF NORTHERN TEXAS

James M. Leatherwood,

Plaintiff,

VS.

**Swarovski Optik North America
Limited**

Defendant,

Case No. _____

CERTIFICATE OF INTERESTED PERSONS

Under the provisions of L.R. 7.4 and L.R. 3.1(f) of the Local Rules of the United States District

For the Northern District of Texas, the Plaintiff would show that the following are financially

interested in the outcome of the case.

1. Plaintiff;
2. Defendant

John L. Lant

JS 44 (Rev. 11/04)

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ORIGINAL
CIVIL COVER SHEET
4005 CV - 330 A

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS James M. Leatherwood Box 140 Lingleville, TX 76461 (b) County of Residence of First Listed Plaintiff <u>Erath</u> (EXCEPT IN U.S. PLAINTIFF CASES) (c) Attorney's (Firm Name, Address, and Telephone Number) James M. Leatherwood Box 140 Lingleville, TX 76461 ph 254 965 5365	DEFENDANTS Swarovski Optik North America Limited 2 Slater Road Cranston, RI 02920 County of Residence of First Listed Defendant <u>Providence</u> (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED Attorneys (If Known)
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II. BASIS OF JURISDICTION (Place an "X" in One Box Only) <input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 2 U.S. Government Defendant <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant) (For Diversity Cases Only) <table style="width: 100%;"> <tr> <th></th> <th>PTF</th> <th>DEF</th> <th></th> <th>PTF</th> <th>DEF</th> </tr> <tr> <td>Citizen of This State</td> <td><input checked="" type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input checked="" type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input checked="" type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. NATURE OF SUIT (Place an "X" in One Box Only)					
CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition			

V. ORIGIN (Place an "X" in One Box Only)							
<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify)	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment	

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

VI. CAUSE OF ACTION	Brief description of cause: <u>35 U.S.C. & 28 U.S.C. Patent Infringement</u>
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VII. REQUESTED IN COMPLAINT:	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	DEMAND \$	CHECK YES only if demanded in complaint: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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VIII. RELATED CASE(S) IF ANY	(See instructions): JUDGE _____	DOCKET NUMBER _____
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DATE <u>24 May 05</u>	SIGNATURE OF ATTORNEY OF RECORD <u>James M. Leatherwood</u>
FOR OFFICE USE ONLY	

RECEIPT # 52815 AMOUNT \$ 250.00 APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____