

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION**

Case No. 05-61225-CIV-MARRA
Magistrate Judge Seltzer

COBRA INTERNATIONAL, INC
a Florida Corporation,

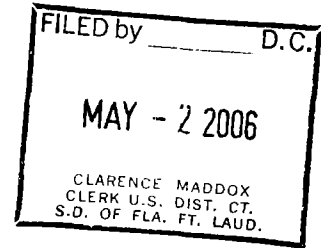
Plaintiff/Counter-Defendant,
vs.

BCNY INTERNATIONAL, INC.,
a New York corporation, and
JORDARA FAR EAST, INC.
a New York Corporation

Defendant/Counter-Plaintiff.

FAMILY DOLLAR STORES
a North Carolina Corporation
DOLLAR GENERAL STORES
a Tennessee Corporation
FRED'S DEPARTMENT STORES
a Tennessee Corporation
LARRY ROTH
an individual
BRUCE CAGNER
an individual

Defendants



SECOND AMENDED COMPLAINT

Plaintiff complains and alleges:

1. Plaintiff, Cobra International, Inc. is a Florida corporation and its principal office and place of business is at 13798 N. W. 4th Street, #310, Sunrise,

Florida 33325.

2. Defendant, BCNY International, Inc. upon information and belief is a corporation of New York and has a place of business at 350 Fifth Avenue, Suite 729, New York, NY 10118.
3. Defendant, Jordara Far East, Inc. upon information and belief is a corporation of New York and its place of business is the same as BCNY, International, Inc.
4. Defendant, Family Dollar Stores, upon information and belief is a corporation of North Carolina and has a place of business at 10401 Monroe Road, Matthews, NC 28105.
5. Defendant, Dollar General Stores, upon information and belief is a corporation of Tennessee and has a place of business at 100 Mission Ridge Drive, Goodlettsville, Tenn. 37072.
6. Defendant, Fred's Dept. Stores, upon information and belief is a corporation of Tennessee and has a place of business at 4300 New Getwell Road, Memphis, TN 37072.
7. Defendant, Larry Roth, upon information and belief is an individual who resides at 12619 Bullock Green Way Blvd., Charlotte, NC 28277.
8. Defendant, Bruce Cagner, upon information and belief is an individual who resides at 33 Etna Lane, Dix Hills, NY 11746.
9. This action arises under the patent laws of the United States, more particularly 35 U.S.C. 271, 281, 28 U.S.C. 1391 and 1400.

10. On October 13, 1998, U.S. Letters Patent No. 5,821,858 was duly and legally issued to Allan J. Stone of Weston, Florida, for an invention of a "Lighted Slipper" and said Stone became the owner of said Letters Patent.
11. On February 10, 1997, said Allan J. Stone, assigned absolutely said Letters Patent No. 5,821,858 (together with all emoluments, advantages, profits and benefits accruing or belonging thereto) to Plaintiff Cobra International, Inc., a Florida corporation.
12. Defendants have for a long time past been and still are infringing those Letters Patent by making, selling and using the shoe apparatus embodying the said invention throughout the United States including the Southern District of Florida and will continue to do so unless enjoined by this court.
13. Plaintiff has placed the required statutory notice on all shoe apparatus manufactured and sold by it under said Letters Patent.

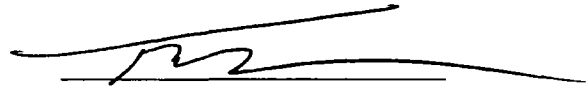
WHEREFORE, plaintiff demands:

- (a) An accounting for profits and damages in the amount of not less than \$2,000,000, and for such further amount as shall be established by the evidence.
- (b) An award of damages to Plaintiff plus interest thereon, and an increase of said damages to a sum three times the amount found as actual damages.

- (c) For an assessment of costs against Defendants, together with a reasonable attorneys fee to be allowed to Plaintiff by the Court.
- (d) For a preliminary and final injunction prohibiting further use by defendants of the devices covered by Plaintiff's patent.
- (e) For such other and further relief as the court shall deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiff requests trial by jury on all issues so triable.



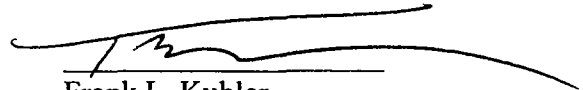
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of March 2006,

a true and correct copy of the foregoing has been served by U.S.

Mail to Michael A. Petruccelli, Esq., co-Counsel for Plaintiff, Fann
Petruccelli, & Genovese, P. A. and John F. O'Sullivan, Esq., Attorney for
Defendants, Hogan & Hartson, LLP, Mellon Financial Center, 19th Floor,
1111 Brickell Avenue, Miami, FL 33131


Frank L. Kubler