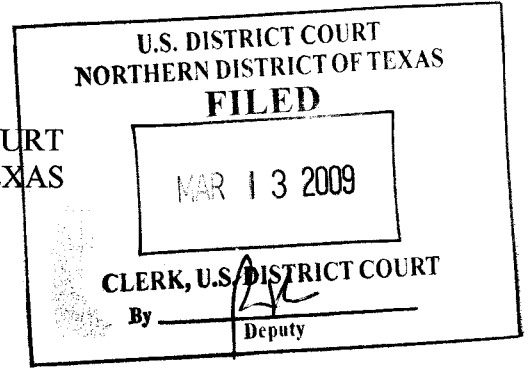


ORIGINAL

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION



RICHEMONT INTERNATIONAL, S.A.,

Plaintiff,

vs.

ALWAYS AT MARKET, INC. d/b/a
BERNOULLI WATCHES,

Defendant.

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Civil Action No.:

3-09CV0500-P

29445

COMPLAINT

TO THE HONORABLE UNITED STATES DISTRICT COURT:

COMES NOW Richeмонт International, S.A. (hereinafter referred to as "Plaintiff" or "Richeмонт"), and for cause of action against Defendant Always at Market, Inc. d/b/a Bernoulli Watches (hereinafter "Defendant" or "Bernoulli") would respectfully show the Court the following:

NATURE OF THE CASE, JURISDICTION AND VENUE

1. This is a design patent infringement case involving the sale and promotion of watches that bear designs protected by Plaintiffs' design patent.
2. This Court has subject matter jurisdiction pursuant to 35 U.S.C. § 271 and 28 U.S.C. §§ 1331 and 1338(a).
3. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1400.

THE PARTIES

4. Plaintiff Richemont International, S.A, is a Société Anonyme organized under the laws of Switzerland, with its principal place of business at 10 Route Des Biches, Villars-Sur-Glane, Switzerland.

5. Defendant Always at Market, Inc. d/b/a Bernoulli Watches is a corporation organized and existing under the laws of the state of Delaware, which is registered to do business in the State of Texas, and has an office and place of business at 1545 Capital Drive, Suite 100, Carrollton, Texas 75006.

PLAINTIFF'S DESIGN PATENT

6. United States Design Patent No. D484,062 was duly issued by the U.S. Patent Office for an ornamental design for watches on December 23, 2003 (hereinafter the "Richemont Design Patent"). Richemont owned the Richemont Design Patent throughout the period of the Defendants' infringing acts and still owns such patent.

DEFENDANT'S INFRINGING ACTIVITIES

7. Upon information and belief, long after Richemont obtained the design patent listed above, Defendant commenced the manufacture, distribution, advertising and/or sale of watches bearing copies of the watch designs shown therein.

8. Upon information and belief, the activities of Defendant complained of herein constitute willful and intentional infringement of Richemont's design patent, and were commenced and have continued in spite of Defendant's knowledge that the use of Richemont's watch designs or a copy or a colorable imitation thereof was and is in direct contravention of Richemont's rights.

**DEFENDANT HAS COMMITTED PATENT INFRINGEMENT
IN VIOLATION OF 35 U.S.C. § 271**

9. Defendant has been and is infringing the Richemont Design Patent under 35 U.S.C. §271(a) by making, using, offering for sale or selling, without license or authority from Richemont, in this District and elsewhere in the United States, watches bearing an ornamental design that embodies the inventions claimed in such design patent.

10. Defendant will continue to do so unless enjoined by the Court.

11. Richemont has been damaged by the Defendant's infringement of the Richemont Design Patent, and will continue to be damaged by that infringement, unless Defendant's infringement is enjoined by this Court.

12. Richemont has no adequate remedy at law.

WHEREFORE, Plaintiff prays for the following relief:

1. That Defendant, its officers, agents, servants, employees and attorneys, and those in active concert or participation with them or any of them, be permanently enjoined and restrained from further infringing the Richemont Design Patent.

2. That Defendant be required to deliver up to Plaintiffs for destruction, any and all goods in its possession or under its control that are infringing of the Richemont Design Patent.

3. That Defendant be required, pursuant to 35 U.S.C. § 284 and 35 U.S.C. § 289, to account to Richemont for any and all profits derived by it, either individually or jointly, and for all damages sustained by plaintiffs by reason of Defendant's actions complained of herein, but not less than a reasonable royalty and no less than \$250, plus interest.

4. That the award of damages be trebled as provided for by 35 U.S.C. §284 for willful patent infringement.

5. That Richemont be awarded both pre-judgment and post-judgment interest on each and every damage award.

6. That Richemont have such other and further relief as the Court may deem just and proper.

DATED March 13th, 2009.

Respectfully submitted,



CHARLES M. HOSCH

State Bar No. 10026925

LAUREN T. BECKER

State Bar No. 24046983

STRASBURGER & PRICE, LLP

4400 Bank of America Plaza

901 Main Street

Dallas, Texas 75202

(214) 651-4300

(214) 651-4330 (Fax)

ATTORNEYS FOR PLAINTIFF RICHEMONT
INTERNATIONAL, S.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
 Richemont International, S.A.
 (b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF
 (EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS
 Always at Market, Inc. d/b/a Bernoulli Watches
 COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT Dallas County, Texas

ORIGINAL

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
 Charles M. Hosch
 Lauren T. Becker
 Strasburger & Price, LLP
 901 Main Street, Suite 4300
 Dallas, Texas 75202
 (214)651-4300

ATTORNEYS (IF KNOWN)

3-09CV0500-P
 RECEIVED
 MAR 13 2009
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF TEXAS

II. BASIS OF JURISDICTION (PLACE AN "X" IN ONE BOX ONLY)

1 U.S. Government Plaintiff
 3 Federal Question (U.S. Government Not a Party)
 2 U.S. Government Defendant
 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (For Diversity Cases Only) (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/>	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 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

IV. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<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 Stockholder's Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	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 checked="" 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	<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 Patents <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lund (923) <input type="checkbox"/> 863 DMC/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 RS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <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"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environment 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 <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	
<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	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 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"/> 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 Law <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 <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. Ref. Inc. Security Act	

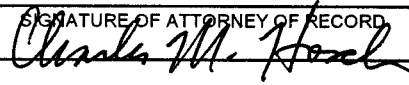
V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

1 Original Proceeding
 2 Removed from State Court
 3 Remanded from Appellate Court
 4 Reinstated or Reopened
 5 Transferred from another district (specify)
 6 Multidistrict litigation
 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION Design Patent Infringement

VII. REQUESTED IN COMPLAINT: DEMAND
 CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23
 CHECK YES only if demanded in complaint
 JURY DEMAND: YES NO

VIII. RELATED CASE(S) IF ANY: (See instructions):
None JUDGE DOCKET NUMBER

DATE March 13, 2009
 SIGNATURE OF ATTORNEY OF RECORD


FOR OFFICE USE ONLY
 RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____
 JS 44 Reverse (Rev. 12/96)