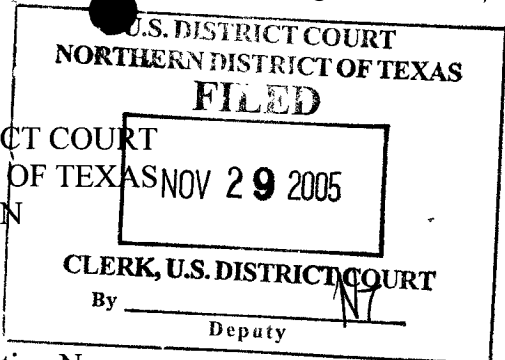


225434

✓ K/BH
ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION



FRESNEL TECHNOLOGIES, INC.,

Plaintiff,

v.

ELECTRONICS LINE 3000 LTD. and
ELECTRONICS LINE USA INC.,

Defendants.

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§
§
§
§

Civil Action No:

3-05 CV - 2352 K

PLAINTIFF'S ORIGINAL COMPLAINT

Fresnel Technologies, Inc. (hereinafter "Fresnel") files this its Original Complaint against Defendant Electronics Line 3000 Ltd. and Electronics Line USA Inc. ("Defendants") and for cause of action would show the Court as follows.

1. This cause of action arises under the patent laws of the United States, Title 35, United States Code, more particularly, 35 U.S.C. §§ 271 *et seq.* This Court has jurisdiction under 28 U.S.C. § 1338(a) and 28 U.S.C. § 1331.

2. Venue properly lies within the Northern District of Texas pursuant to the provisions of 28 U.S.C. §§ 1391 and 1400(b) in that a substantial part of the events giving rise to the claims occurred in this District, a substantial part of the property that is the subject of this action is situated in this District, substantial acts constituting infringement of the patent-in-suit have occurred in this District, and the Defendant has systematic and continuous contacts to the forum subjecting it to personal jurisdiction in this District.

3. Fresnel is a Texas corporation having its place of business in Fort Worth, Texas. Fresnel's business address is 101 West Morningside Drive, Fort Worth, Texas 76110. Fresnel is the

owner by assignment from the inventor, Dr. Richard N. Claytor, of U.S. Patent No. RE 35,534, entitled "Fresnel Lens With Aspheric Grooves," reissued on June 17, 1997, which is a reissue of U.S. Patent No. 4,787,722, of the same title, issued on November 29, 1988.

4. Electronics Line 3000 Ltd. is a n Israeli company which may be served with process by serving Mr. Eden Bar-Tal, Electronics Line 3000 Ltd., 2 Granit Street, Kiryat Arie Industrial Zone, Petah Tikvah 49130 Israel.

5. Electronics Line USA Inc. is a New York corporation which may be served with process by serving its registered agent at 360 Great Neck Road, Great Neck, New York, 11021.

6. On April 10, 1986, an application for U.S. Patent No. 4,787,722 ("the '722 patent") was filed. On November 29, 1988, the '722 patent was duly and legally issued to Dr. Richard N. Claytor.

7. Thereafter, an application to reissue the '722 patent was filed on April 15, 1994. On June 17, 1997, U.S. Patent No. RE 35,534 ("the '534 patent") was duly and legally issued to Dr. Claytor as a reissue of the '722 patent.

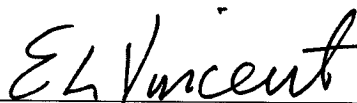
8. Dr. Richard N. Claytor has assigned all of his rights in—and title to—the '722 patent and the '534 patent to Fresnel Technologies, Inc. of Fort Worth, Texas. Fresnel is the owner of those Letters Patent. The claims of the '534 patent relate to Fresnel lenses of the type commonly used in motion detectors. Multiple Fresnel lenses are typically arranged in a grouping called an "array" or "lens array" that is formed of plastic. The arrays are essential to the operation of motion detectors, burglar alarms, and motion-activated lights, among other products.

9. Defendants have for a long time past been infringing those Letters Patent by making, selling, importing, and/or using products that include lenses and lens arrays embodying the patented invention.

10. Plaintiff has placed the required statutory notice on all lenses and lens arrays sold by it under said Letters Patent, and has given written notice to Defendants of their said infringement.

Wherefore Plaintiff demands an accounting for damages and an assessment of interest and costs (including attorneys' fees) against Defendants.

Respectfully submitted,



E. Lawrence Vincent
State Bar No. 20585590
SCOTT YUNG L.L.P.
208 N. Market Street, Suite 200
Dallas, Texas 75202
Telephone: (214) 220-0422
Facsimile: (214) 220-9932

**ATTORNEYS FOR FRESNEL
TECHNOLOGIES, INC.**

JS 44
(Rev. 3/99)

KIBH ORIGINAL

CIVIL COVER SHEET-05 CV - 2352K

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

FRESNEL TECHNOLOGIES, INC.

DEFENDANTS

ELECTRONICS LINE 3000 LTD.
and ELECTRONICS LINE USA INC.

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF (EXCEPT IN U.S. PLAINTIFF CASES) TARRANT

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT (IN U.S. PLAINTIFF CASES ONLY) _____

RECEIVED
NOV 29 2005
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Scott Young LLP
209 N. MARKET, STE. 200
DALLAS, TX 75202 214-230-0422

ATTORNEYS (IF KNOWN)

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 (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input 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 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 Stockholders' 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 type="checkbox"/> 360 Motor Vehicle <input type="checkbox"/> 365 Motor Vehicle Product Liability <input type="checkbox"/> 380 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"/> 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"/> 680 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	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395f) <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	<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 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 <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Cease & 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 HABEAS CORPUS: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 560 Civil Rights <input type="checkbox"/> 565 Prison Condition		

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 (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

35 USC 271 ; PATENT INFRINGEMENT

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$ unliquidated

CHECK YES only if demanded in complaint: JURY DEMAND: YES NO

VIII. RELATED CASE(S) IF ANY (See instructions):

JUDGE _____ DOCKET NUMBER _____

DATE 11/29/05 SIGNATURE OF ATTORNEY OF RECORD

EL Vincent

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____