

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

FANTASY DIAMOND CORPORATION,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:12-cv-00354
)	
ULTRA STORES, INC.)	
)	
Defendant.)	
)	

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, Fantasy Diamond Corporation (“Fantasy”) complains of Defendant Ultra Stores, Inc. (“Ultra”) as follows:

1. This is a claim for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code. This Court has exclusive jurisdiction over the subject matter of this action under 28 U.S.C. § 1338(a).

PARTIES

2. Fantasy is an Illinois corporation having its principal place of business at 1550 West Carroll Avenue, Chicago, Illinois 60607-1012.

3. Fantasy owns and has standing to sue for the infringement of United States Patent No. 6,591,633 entitled “Jewelry Apparatus” originally issued on July 15, 2003 (Exh. A); and United States Patent No. D650,308 entitled “Eleven gemstones in an arrangement in a jewelry setting” originally issued on December 13, 2011 (Exh. B); (the “patents in suit”)

4. Ultra is a Illinois corporation located in Chicago, Illinois at 122 South Michigan Avenue, Suite 800, Chicago, Illinois 60610.

5. Ultra sells jewelry throughout the United States and has a retail outlet located in Illinois and elsewhere.

VENUE AND PERSONAL JURISDICTION

6. Ultra is subject to jurisdiction in this Court because it conducts regular and ongoing business in Illinois, and maintains regular, ongoing and systematic sales channels for its products in the State of Illinois.

7. Ultra also is subject to jurisdiction in this Court because it has committed acts of patent infringement in Illinois that are the subject of this complaint. On information and belief, Ultra has infringed the patents in suit in Illinois by offering for sale and/or selling infringing products.

8. Venue is proper in this district under 28 U.S.C. §§ 1391 and 1400(b). Ultra resides in this District because it is subject to jurisdiction here. Ultra transacts business in this district by systematically and continuously offering to sell or selling products in the district and by advertising and selling its products generally to customers in Illinois.

PATENT INFRINGEMENT

9. Ultra has infringed the patents in suit by its activities in the United States including, among other things, the manufacture, use, importation, sale and/or offer for sale products that infringe the patents in suit.

10. Ultra has been aware of the patents in suit and has, nonetheless committed infringing acts with knowledge of the patents in suit. As a consequence, Ultra's infringement has been willful and deliberate.

11. Ultra's infringement has injured and will continue to injure Fantasy, unless and until this Court enters an injunction prohibiting further infringement and, specifically, enjoining

further importation, manufacture, use, offer for sale and/or sale of infringing products falling within the scope of the patents in suit.

12. Fantasy has complied with the provisions of 35 U.S.C. § 287.

WHEREFORE, Plaintiff Fantasy asks this Court to enter judgment against Defendant and against its subsidiaries, successors, parents, affiliates, agents, servants, employees and all persons in active concert or participation with them, granting the following relief:

- A. An award of damages adequate to compensate Fantasy for the infringement that has occurred, together with prejudgment interest from the date infringement of the patents in suit began pursuant to 35 U.S.C. § 284;
- B. Increased damages as permitted by 35 U.S.C. § 284;
- C. A finding that this case is exceptional and an award to Fantasy of its attorneys' fees and costs as provided by 35 U.S.C. § 285;
- D. A permanent injunction prohibiting further infringement of the patents in suit;
and;
- E. Such other and further relief as this Court or a jury may deem proper and just.

Dated: July 30, 2012

/s/ Keith A. Vogt
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DEMAND FOR JURY TRIAL

Pursuant to Fed. R. Civ. P. 38(b), Plaintiff, Fantasy, demands a jury trial of all issues properly triable to a jury in this case.

Dated: July 30, 2012

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Fantasy Diamond Corporation*

CERTIFICATE OF SERVICE

I hereby certify that on July 30, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing via electronic mail to all counsel of record.

/s/ Keith A. Vogt
Keith A. Vogt