

ORIGINAL

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

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CLERK OF COURT

FRESNEL TECHNOLOGIES, INC.,

Plaintiff,

v.

HONEYWELL INTERNATIONAL INC.,

Defendant.

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Civil Action No: 4:05-CV-00787 -A

PLAINTIFF'S FIRST AMENDED COMPLAINT

Fresnel Technologies, Inc. (hereinafter "Fresnel") files this its First Amended Complaint against Defendant Honeywell International Inc. ("Defendant") 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. Honeywell International Inc. is a Delaware corporation which may be served with process by serving Corporate Service Company, 701 Brazos, Suite 1050, Austin, Texas 78701.

5. 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.

6. 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.

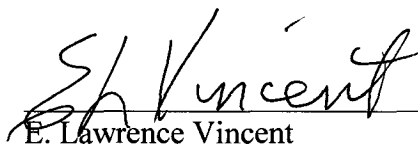
7. Dr. Richard N. Claytor has assigned all of his rights in—and title to—the ‘722 patent and the ‘534 patent to Fresnel Technologies, Inc. of Fort Worth, Texas. Fresnel is the owner of those Letters Patent. The claims of the ‘534 patent relate to Fresnel lenses of the type commonly used in motion detectors. 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.

8. Defendant and/or its subsidiaries 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.

9. 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 Defendant of its said infringement.

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "E. Vincent", written over a horizontal line.

E. Lawrence Vincent

State Bar No. 20585590

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