



CTS ORIGINAL NO COPY

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

Paint Rock Designs, LLC  
Plaintiff

vs.

Louis McCutcheon Inc., d/b/a  
Dressage Extensions  
Defendant.

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CIVIL ACTION NO.

**4-07 CV - 054 - Y**

**COMPLAINT**

NOW COMES Plaintiff, Paint Rock Designs, LLC, by and through its attorneys,  
and for its Complaint against Defendant, Louis McCutcheon, Inc., states as follows:

**PARTIES**

1. Plaintiff, Paint Rock Designs, LLC is a Texas limited liability company, having its principal place of business in Weatherford, Texas.
2. Defendant, Louis McCutcheon Inc., is a California corporation, and upon information and belief, does business as Dressage Extensions, and sells horse wear items as well as other equine related items. Agent for service of process is Louis McCutcheon, 27501 Cumberland Road, Tehachapi, California, 93561-9612.

**JURISDICTION AND VENUE**

3. This is an action for infringement of a United States patent. The court has jurisdiction under 28 U.S.C. §1338(a).
4. Defendant does business in Texas. Defendant advertises on the internet via a website and does catalog sales. Defendant is advertising, selling and offering for

sale the infringing product, a horse blanket, "the blanket," in Texas. Venue is proper in this district under 28 U.S.C. §1400(b).

### **PATENT INFRINGEMENT**

5. The blanket being sold and distributed by Defendant doing business as Dressage Extensions infringes on U.S. Patent No. 6,877,300 B1 ("Patent") issued on April 12, 2005 to H. Glen Hathcock. The Patent relates to a horse blanket used to help keep a horse warm in cold weather.

6. Plaintiff is the exclusive licensee of the Patent. Plaintiff has manufactured and sold a horse blanket through the license exactly like the blanket sold by the Defendant.

7. Defendant has actual notice of the Patent.

8. Defendant is infringing the patent by making, using, selling and offering to sell the blanket in the channels of commerce.

9. Defendant will continue to infringe unless enjoined by the Court. Plaintiff has suffered damages due to Defendant's infringing activities.

10. Defendant's infringement is willful, making this an exceptional case.

WHEREFORE, Plaintiff, respectfully prays this Court to enter Judgment in Plaintiff's favor and against Defendant, as follows:

A. Defendant be preliminarily and permanently enjoined from infringing U.S. Patent No. 6,877,300 B1 in any manner;

B. Defendant be ordered to deliver up for destruction all blankets that infringe the Patent and any advertising offering the blanket for sale or distribution;

C. Defendant be ordered to pay Plaintiff's actual damages for infringing the Patent;

D. Defendant be ordered to pay Plaintiff three (3) times the amount of actual damages for willfully infringing the Patent;

E. Defendant be ordered to pay interest, costs and attorneys' fees to Plaintiff; and

F. Such further and other relief be granted to Plaintiff as may be just and equitable in the circumstances.

The Law Office of D. Lee Thomas  
507 West Central Avenue  
Fort Worth, Texas 76164-9135  
Telephone: 817-625-8866  
Facsimile: 817-625-8950

By: 

D. Lee Thomas, Jr.

State Bar No. 19847500  
Attorney for Plaintiff,  
Paint Rock Designs, LLC

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CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS

CIVIL COVER SHEET

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 Paint Rock Designs, LLC DEFENDANTS Louis McCutcheon Inc., d/b/a Dressage Extensions  
(b) County of Residence of First Listed Plaintiff Parker County of Residence of First Listed Defendant Kern  
(c) Attorney's (Firm Name, Address, and Telephone Number) D. Lee Thomas, Jr., State Bar No. 19847500 The Law Offices of Vogel and Thomas Phone: (817) 625-8866 507 West Central Avenue, Fort Worth, Texas 76164-9135 Attorneys (If Known) N/A  
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

4-07 CV - 054 - Y

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)  
1 U.S. Government Plaintiff 2 U.S. Government Defendant 3 Federal Question (U.S. Government Not a Party) 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)  
(For Diversity Cases Only)  
Citizen of This State PTF DEF 1 1 Incorporated or Principal Place of Business In This State 4 4  
Citizen of Another State 2 2 Incorporated and Principal Place of Business In Another State 5 5  
Citizen or Subject of a Foreign Country 3 3 Foreign Nation 6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

<b>CONTRACT</b> <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 <input type="checkbox"/> 196 Franchise	<b>TORTS</b> <b>PERSONAL INJURY</b> <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"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <b>PERSONAL INJURY</b> <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 <b>PERSONAL PROPERTY</b> <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	<b>FORFEITURE/PENALTY</b> <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"/> 690 Other <b>LABOR</b> <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	<b>BANKRUPTCY</b> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <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)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<b>OTHER STATUTES</b> <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <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"/> 890 Other Statutory Actions <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
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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 (Do not cite jurisdictional statutes unless diversity):  
28 U.S.C. §1338(a)  
Brief description of cause:  
Patent Infringement

VII. REQUESTED IN COMPLAINT:  
CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ Injunction & Dam CHECK YES only if demanded in complaint:  
JURY DEMAND: Yes No

VIII. RELATED CASE(S) PENDING OR CLOSED (See instructions): JUDGE DOCKET NUMBER

DATE January 19, 2007 SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY  
RECEIPT # FW02305 AMOUNT 350 APPLYING IFP JUDGE Y MAG. JUDGE

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS

**Civil Filing Notice - Fort Worth Division**

CIVIL ACTION NO: <u style="text-decoration: none;">4-07 CV - 054 - Y</u>
This case has been assigned to District Judge: _____
(Complete if applicable) TRANSFERRED FROM: _____ DATE FILED: _____

Civil cases are assigned to a judge by random draw. A docket clerk for each judge maintains the recording of documents filed with the Clerk. A complete list of phone numbers for both the judges' chambers and the docket clerks is provided.

Judge	Court Settings	Pleadings Filed
(A) Judge John H. McBRYDE Even Cases: 850-6652 Odd Cases: 850-6653	(817)850-6650	(817)850-6611
(Y) Judge Terry R. MEANS	(817)850-6673	(817)850-6612
(BE) Magistrate Judge Charles BLEIL	(817)850-6690	(817)850-6697

For access to local rules, attorney admission information, frequently asked questions, common forms, filing instructions, and records information, please visit our web site at [www.txnd.uscourts.gov](http://www.txnd.uscourts.gov). To speak to someone in the district clerk's office, please call (817) 850-6601.

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Information is attached regarding trials by a United States magistrate judge, receiving electronic notice, and the court's privacy policy.