

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

3FORM, INC.,

Plaintiff,

vs.

MERIDIEN ACCENTS, INC.,

Defendant.

CIVIL ACTION NO. _____

COMPLAINT FOR PATENT INFRINGEMENT
(JURY TRIAL DEMANDED)

Plaintiff 3form, Inc. (“Plaintiff” or “3form”) hereby complains against defendant Meriden Accents, Inc. (“Defendant” or “Meridien”) and for claims of relief alleges as follows:

PARTIES

1. Plaintiff is a Utah corporation with its principal executive offices located at 2300 South 2300 West, Salt Lake City, Utah 84119.

2. Upon information and belief, Defendant is a corporation organized and existing under the laws of the State of Florida, with its principal place of business located at 203 N. Lewis Street, LaGrange, Georgia 30240.

3. Defendant may be served through its designated agent for service of process, Patricia B. Murray, 251 Crandon Boulevard #441, Key Biscayne, Florida 33149.

JURISDICTION AND VENUE

4. This is a civil action for patent infringement brought by Plaintiff for acts committed by Defendant arising under the patent laws of the United States, and more specifically under 35 U.S.C. §§ 271, 281, 283, 284, 285, and 289. Jurisdiction of this Court is founded upon 28 U.S.C. §§ 1331 and 1338(a).

5. This also is a civil action with complete diversity of citizenship between Plaintiff and Defendant with the amount in controversy exceeding \$75,000. Jurisdiction of this Court is founded upon 28 U.S.C. § 1332.

6. Upon information and belief, Defendant has transacted business, contracted to supply goods or services, caused injury within the State of Georgia, and has otherwise purposely availed itself of the privileges and benefits of the laws of the State of Georgia, and is therefore subject to the jurisdiction of this Court pursuant to Rule 4(k)(1)(A) of the Federal Rules of Civil Procedure.

7. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 and 1400(b).

FIRST CLAIM FOR RELIEF
(Infringement of U.S. Patent No. D621,068)

8. Plaintiff hereby incorporates the allegations of the preceding paragraphs 1 through 6 of this Complaint into this First Claim for Relief as though fully set forth hereat.

9. U.S. Patent No. D621,068 (“the ’068 Patent”) issued from the USPTO on August 3, 2010, bearing the title “Architectural Panel with Thatch Reed Design.” (A true and correct copy of the ’068 Patent is attached hereto as Exhibit A and incorporated herein by this reference).

10. Plaintiff is the owner of all right, title, and interest in and to the ’068 Patent, including the right to sue for and recover all past, present, and future damages for infringement of the ’068 Patent, and to enjoin acts of infringement of the ’068 Patent.

11. Neither Plaintiff nor any authorized third party has licensed or otherwise authorized Defendant to practice the ’068 Patent.

12. Defendant, directly or through its subsidiaries, divisions, or groups, has infringed and continues to infringe one or more claims of the ’068 Patent by making, using, selling, and/or offering to sell, or inducing others to make, use, sell,

and/or offer for sale, in the United States and this judicial district, products that are covered by the claim of the '068 Patent, including but not limited to, those designated as "MA9002" and "MA9054." Therefore, Defendant is liable for infringement of the '068 Patent pursuant to 35 U.S.C. § 271.

13. Defendant's acts of infringement have caused damage to Plaintiff, and Plaintiff is entitled to recover from Defendant the actual damages sustained by Plaintiff as a result of Defendant's wrongful acts in an amount subject to proof at trial pursuant to 35 U.S.C. § 284, or an award of Defendant's profits from its infringements pursuant to 35 U.S.C. § 289, whichever is greater.

14. As a consequence of the infringement complained of herein, Plaintiff has been irreparably damaged to an extent not yet determined and will continue to be irreparably damaged by such acts in the future unless Defendant is enjoined by this Court from committing further acts of infringement of the '068 Patent.

15. One or more of Defendant's acts of infringement were made and/or are made with knowledge of the '068 Patent. Such acts constitute willful infringement and make this case exceptional pursuant to 35 U.S.C. §§ 284 and 285 and entitle Plaintiff to enhanced damages and reasonable attorneys' fees.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for entry of a final order and judgment that:

1. Defendant has infringed the '068 Patent;
2. Defendant account for and pay to Plaintiff all damages caused by its infringement of the '068 Patent and a trebling of damages for willful infringement under 35 U.S.C. § 284, or an award of Defendant's profits from its infringement pursuant to 35 U.S.C. § 289, whichever is greater;
3. Plaintiff be granted permanent injunctive relief pursuant to 35 U.S.C. § 283 enjoining Defendant, its officers, agents, servants, employees, and all those persons in active concert or participation with them from further acts of patent infringement;
4. Plaintiff be granted pre-judgment and post-judgment interest on the damages caused to it by reason of Defendant's infringement of the '068 Patent;
5. The Court declare this an exceptional case and that Plaintiff be granted its reasonable attorneys' fees in accordance with 35 U.S.C. § 285;
6. Costs be awarded to Plaintiff; and
7. Plaintiff be granted such other and further relief as the Court may deem just and proper under the circumstances.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff
demands trial by jury on all claims and issues so triable.

DATED this 24th day of October, 2012.

/s/ Ann G. Fort

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Attorneys for Plaintiff 3FORM, INC.

CERTIFICATE OF COMPLIANCE

Pursuant to L.R. 7.1D, the undersigned counsel certifies that the foregoing document has been prepared in accordance with one of the font and point selections approved by the Court in L.R. 5.1B. This pleading has been prepared using Times New Roman font (14 point).

/s/ Ann G. Fort

Ann G. Fort (269995)