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11 Attorneys for Plaintiffs
12 3form, Inc. and Hunter Douglas Industries
Switzerland GmbH

14 UNITED STATES DISTRICT COURT
15 DISTRICT OF ARIZONA

16 3form, Inc., a Utah corporation; and Hunter
17 Douglas Industries Switzerland GmbH, a
Swiss limited liability company,

18 Plaintiffs,

19 v.

20 Fresh Concepts LLC, an Arizona limited
21 liability company,

22 Defendants.

No.

COMPLAINT FOR:

(1) PATENT INFRINGEMENT
(35 U.S.C. § 271); and

(2) TRADEMARK
INFRINGEMENT AND UNFAIR
COMPETITION (Lanham Act)

DEMAND FOR JURY TRIAL

24
25 Plaintiffs 3form, Inc. (“3form”) and Hunter Douglas Industries Switzerland GmbH
26 (“Hunter Douglas”) [hereinafter, 3form and Hunter Douglas are sometimes referred to
27 collectively as “Plaintiffs”] hereby complain against defendant Fresh Concepts, LLC
28 (“Defendant”) and for claims for relief against Defendant allege as follows:

1 **PARTIES**

2 1. 3form is a Utah corporation with its principal executive offices located at
3 2300 South 2300 West, Salt Lake City, Utah 84119.

4 2. Hunter Douglas is a Swiss limited liability company with its principal place
5 of business at Adligenswilerstrasse 37, 6006 Lucerne, Switzerland.

6 3. Upon information and belief, Defendant is a corporation organized and
7 existing under the laws of the State of Arizona, with its principal executive offices located
8 at 1009 West Vermont Avenue, Phoenix, Arizona 85013.

9 4. Upon information and belief, Defendant may be served through its
10 designated agent for service of process and managing member, Erica Freshly, at 1009
11 West Vermont Avenue, Phoenix, Arizona 85013.

12 **SUBJECT MATTER JURISDICTION**

13 5. This is a civil action for patent infringement brought by Plaintiffs for acts
14 committed by Defendant arising under the patent laws of the United States, and more
15 specifically under 35 U.S.C. §§ 271, 281, 283, 284, 285, and 289.

16 6. This also is a civil action for trademark infringement under Section 43 of the
17 Lanham Act, Title 15 U.S.C. § 1125.

18 7. This is also a civil action for common law trademark infringement.

19 8. Subject matter jurisdiction of this Court over this action is founded upon 28
20 U.S.C. §§ 1331 and 1338(a). This Court has related claim subject matter jurisdiction over
21 the state law claims asserted herein pursuant to 28 U.S.C. § 1338(b) and 28 U.S.C.
22 § 1367.

23 9. In addition to the foregoing, this also is a civil action with complete
24 diversity of citizenship between 3form (deemed to be a citizen of the State of Utah),
25 Hunter Douglas (deemed to be a citizen of Switzerland), on the one hand, and Defendant
26 (deemed to be a citizen of the State of Arizona), on the other hand, with the amount in
27 controversy exceeding \$75,000. Thus, subject matter jurisdiction of this Court also is
28 founded upon 28 U.S.C. § 1332.

1 GlasPro, Inc. (“GlasPro”), as “Polychrome Bamboo.” Therefore, Defendant is liable for
2 infringement of the ’068 Patent pursuant to 35 U.S.C. § 271.

3 17. Defendant’s acts of infringement have caused damage to 3form, and 3form
4 is entitled to recover from Defendant the actual damages sustained by 3form as a result of
5 Defendant’s wrongful acts in an amount subject to proof at trial pursuant to 35 U.S.C.
6 § 284, or an award of Defendant’s profits from its infringements pursuant to 35 U.S.C.
7 § 289, whichever is greater.

8 18. As a consequence of the infringement complained of herein, 3form has been
9 irreparably damaged to an extent not yet determined, and will continue to be irreparably
10 damaged by such acts in the future unless Defendant is enjoined by this Court from
11 committing further acts of infringement of the ’068 Patent.

12 **SECOND CLAIM FOR RELIEF**

13 **(By 3form for Infringement of U.S. Patent No. D608,022)**

14 19. 3form hereby incorporates the allegations of the preceding paragraphs 1
15 through 11 of this Complaint into this Second Claim for Relief, as though fully set forth
16 hereat.

17 20. U.S. Patent No. D608,022 (“the ’022 Patent”) issued from the USPTO on
18 January 12, 2010, bearing the title “Architectural Panel with Large Blade Grass and
19 Flower.” (A true and correct copy of the ’022 Patent is attached hereto as Exhibit B and
20 incorporated herein by this reference.)

21 21. 3form is the owner of all right, title, and interest in and to the ’022 Patent,
22 including the right to sue for and recover all past, present, and future damages for
23 infringement of the ’022 Patent, and to enjoin acts of infringement of the ’022 Patent.

24 22. Neither 3form nor any authorized third party has licensed or otherwise
25 authorized Defendant to practice the ’022 Patent.

26 23. Defendant, directly or through its subsidiaries, divisions, affiliates, or
27 groups, has infringed and continues to infringe the claim of the ’022 Patent by using,
28 selling, and/or offering to sell, or inducing others to make, use, sell, and/or offer for sale,

1 in the United States and this judicial district, products that are covered by the claim of the
2 '022 Patent, including but not limited to, those designated by the manufacturer, GlasPro,
3 as "Asian Harvest" and "Asian Harvest Spring." Therefore, Defendant is liable for
4 infringement of the '022 Patent pursuant to 35 U.S.C. § 271.

5 24. Defendant's acts of infringement have caused damage to 3form, and 3form
6 is entitled to recover from Defendant the actual damages sustained by 3form as a result of
7 Defendant's wrongful acts in an amount subject to proof at trial pursuant to 35 U.S.C.
8 § 284, or an award of Defendant's profits from its infringements pursuant to 35 U.S.C.
9 § 289, whichever is greater.

10 25. As a consequence of the infringement complained of herein, 3form has been
11 irreparably damaged to an extent not yet determined, and will continue to be irreparably
12 damaged by such acts in the future unless Defendant is enjoined by this Court from
13 committing further acts of infringement of the '022 Patent.

14 **THIRD CLAIM FOR RELIEF**

15 **(By 3form for Infringement of U.S. Patent No. D608,026)**

16 26. 3form hereby incorporates the allegations of the preceding paragraphs 1
17 through 11 of this Complaint into this Third Claim for Relief, as though fully set forth
18 hereat.

19 27. U.S. Patent No. D608,026 ("the '026 Patent") issued from the USPTO on
20 January 12, 2010, bearing the title "Architectural Panel with Plant Stem and Leaf." (A
21 true and correct copy of the '026 Patent is attached hereto as Exhibit C and incorporated
22 herein by this reference.)

23 28. 3form is the owner of all right, title, and interest in and to the '026 Patent,
24 including the right to sue for and recover all past, present, and future damages for
25 infringement of the '026 Patent, and to enjoin acts of infringement of the '026 Patent.

26 29. Neither 3form nor any authorized third party has licensed or otherwise
27 authorized Defendant to practice the '026 Patent.
28

1 Thatch Reed.” (A true and correct copy of the ’023 Patent is attached hereto as Exhibit F
2 and incorporated herein by this reference.)

3 49. 3form is the owner of all right, title, and interest in and to the ’023 Patent,
4 including the right to sue for and recover all past, present, and future damages for
5 infringement of the ’023 Patent, and to enjoin acts of infringement of the ’023 Patent.

6 50. Neither 3form nor any authorized third party has licensed or otherwise
7 authorized Defendant to practice the ’023 Patent.

8 51. Defendant, directly or through its subsidiaries, divisions, affiliates, or
9 groups, has infringed and continues to infringe the claim of the ’023 Patent by using,
10 selling, and/or offering to sell, or inducing others to make, use, sell, and/or offer for sale,
11 in the United States and this judicial district, products that are covered by the claim of the
12 ’023 Patent, including but not limited to, those designated by the manufacturer, GlasPro,
13 as “Sea Grass.” Therefore, Defendant is liable for infringement of the ’023 Patent
14 pursuant to 35 U.S.C. § 271.

15 52. Defendant’s acts of infringement have caused damage to 3form, and 3form
16 is entitled to recover from Defendant the actual damages sustained by 3form as a result of
17 Defendant’s wrongful acts in an amount subject to proof at trial pursuant to 35 U.S.C.
18 § 284, or an award of Defendant’s profits from its infringements pursuant to 35 U.S.C.
19 § 289, whichever is greater.

20 53. As a consequence of the infringement complained of herein, 3form has been
21 irreparably damaged to an extent not yet determined, and will continue to be irreparably
22 damaged by such acts in the future unless Defendant is enjoined by this Court from
23 committing further acts of infringement of the ’023 Patent.

24 **SEVENTH CLAIM FOR RELIEF**

25 **(By 3form for Infringement of U.S. Patent No. D644,340)**

26 54. 3form hereby incorporates the allegations of the preceding paragraphs 1
27 through 11 of this Complaint into this Seventh Claim for Relief, as though fully set forth
28 hereat.

1 55. U.S. Patent No. D644,340 (“the ’340 Patent”) issued from the USPTO on
2 August 30, 2011 bearing the title “Architectural Panel with Line and Bunch Interlayer
3 Design.” (A true and correct copy of the ’340 Patent is attached hereto as Exhibit G and
4 incorporated herein by this reference.)

5 56. 3form is the owner of all right, title, and interest in and to the ’340 Patent,
6 including the right to sue for and recover all past, present, and future damages for
7 infringement of the ’340 Patent, and to enjoin acts of infringement of the ’340 Patent.

8 57. Neither 3form nor any authorized third party has licensed or otherwise
9 authorized Defendant to practice the ’340 Patent.

10 58. Defendant, directly or through its subsidiaries, divisions, affiliates, or
11 groups, has infringed and continues to infringe the claim of the ’340 Patent by using,
12 selling, and/or offering to sell, or inducing others to make, use, sell, and/or offer for sale,
13 in the United States and this judicial district, products that are covered by the claim of the
14 ’340 Patent, including but not limited to, those designated by the manufacturer, GlasPro,
15 as “Linear Array Tea,” “Linear Array Bloom,” “Linear Array Gold,” and “Linear Array
16 Charcoal.” Therefore, Defendant is liable for infringement of the ’340 Patent pursuant to
17 35 U.S.C. § 271.

18 59. Defendant’s acts of infringement have caused damage to 3form, and 3form
19 is entitled to recover from Defendant the actual damages sustained by 3form as a result of
20 Defendant’s wrongful acts in an amount subject to proof at trial pursuant to 35 U.S.C.
21 § 284, or an award of Defendant’s profits from its infringements pursuant to 35 U.S.C.
22 § 289, whichever is greater.

23 60. As a consequence of the infringement complained of herein, 3form has been
24 irreparably damaged to an extent not yet determined, and will continue to be irreparably
25 damaged by such acts in the future unless Defendant is enjoined by this Court from
26 committing further acts of infringement of the ’340 Patent.

1 **EIGHTH CLAIM FOR RELIEF**

2 **(By 3form for Infringement of U.S. Patent No. D632,811)**

3 61. 3form hereby incorporates the allegations of the preceding paragraphs 1
4 through 11 of this Complaint into this Eighth Claim for Relief, as though fully set forth
5 hereat.

6 62. U.S. Patent No. D632,811 (“the ’811 Patent”) issued from the USPTO on
7 February 15, 2011, bearing the title “Architectural Panel with Woven Textile Interlayer.”
8 (A true and correct copy of the ’811 Patent is attached hereto as Exhibit H and
9 incorporated herein by this reference.)

10 63. 3form is the owner of all right, title, and interest in and to the ’811 Patent,
11 including the right to sue for and recover all past, present, and future damages for
12 infringement of the ’811 Patent, and to enjoin acts of infringement of the ’811 Patent.

13 64. Neither 3form nor any authorized third party has licensed or otherwise
14 authorized Defendant to practice the ’811 Patent.

15 65. Defendant, directly or through its subsidiaries, divisions, affiliates, or
16 groups, has infringed and continues to infringe the claim of the ’811 Patent by using,
17 selling, and/or offering to sell, or inducing others to make, use, sell, and/or offer for sale,
18 in the United States and this judicial district, products that are covered by the claim of the
19 ’811 Patent, including but not limited to, those designated by the manufacturer, GlasPro,
20 as “Linear Array Tea,” “Linear Array Bloom,” “Linear Array Gold,” and “Linear Array
21 Charcoal.” Therefore, Defendant is liable for infringement of the ’811 Patent pursuant to
22 35 U.S.C. § 271.

23 66. Defendant’s acts of infringement have caused damage to 3form, and 3form
24 is entitled to recover from Defendant the actual damages sustained by 3form as a result of
25 Defendant’s wrongful acts in an amount subject to proof at trial pursuant to 35 U.S.C.
26 § 284, or an award of Defendant’s profits from its infringements pursuant to 35 U.S.C.
27 § 289, whichever is greater.
28

1 Defendant's wrongful acts in an amount subject to proof at trial pursuant to 35 U.S.C.
2 § 284.

3 74. As a consequence of the infringement complained of herein, 3form has been
4 irreparably damaged to an extent not yet determined, and will continue to be irreparably
5 damaged by such acts in the future unless Defendant is enjoined by this Court from
6 committing further acts of infringement of the '159 Patent.

7 **TENTH CLAIM FOR RELIEF**

8 **(By 3form for Infringement of U.S. Patent No. 7,691,486)**

9 75. 3form hereby incorporates the allegations of the preceding paragraphs 1
10 through 11 of this Complaint into this Tenth Claim for Relief, as though fully set forth
11 hereat.

12 76. U.S. Patent No. 7,691,486 ("the '486 Patent") issued from the USPTO on
13 April 6, 2010, bearing the title "Resin-based Panels having Translucent Veneer Layers."
14 (A true and correct copy of the '486 Patent is attached hereto as Exhibit J and
15 incorporated herein by this reference.)

16 77. 3form is the owner of all right, title, and interest in and to the '486 Patent,
17 including the right to sue for and recover all past, present, and future damages for
18 infringement of the '486 Patent, and to enjoin acts of infringement of the '486 Patent.

19 78. Neither 3form nor any authorized third party has licensed or otherwise
20 authorized Defendant to practice the '486 Patent.

21 79. Defendant, directly or through its subsidiaries, divisions, affiliates, or
22 groups, has infringed and continues to infringe the claim of the '486 Patent by using,
23 selling, and/or offering to sell, or inducing others to make, use, sell, and/or offer for sale,
24 in the United States and this judicial district, products that are covered by at least claim 1
25 of the '486 Patent, including but not limited to, those designated by the manufacturer,
26 GlasPro, as "Echo Woods" in resin. Therefore, Defendant is liable for infringement of the
27 '486 Patent pursuant to 35 U.S.C. § 271.
28

1 GlasPro, as “DS Dichroic” in resin. Therefore, Defendant is liable for infringement of the
2 ’459 Patent pursuant to 35 U.S.C. § 271.

3 87. Defendant’s acts of infringement have caused damage to 3form, and 3form
4 is entitled to recover from Defendant the actual damages sustained by 3form as a result of
5 Defendant’s wrongful acts in an amount subject to proof at trial pursuant to 35 U.S.C.
6 § 284.

7 88. As a consequence of the infringement complained of herein, 3form has been
8 irreparably damaged to an extent not yet determined, and will continue to be irreparably
9 damaged by such acts in the future unless Defendant is enjoined by this Court from
10 committing further acts of infringement of the ’459 Patent.

11 **TWELFTH CLAIM FOR RELIEF**

12 **(By 3form for Infringement of U.S. Patent No. 8,241,714)**

13 89. 3form hereby incorporates the allegations of the preceding paragraphs 1
14 through 11 of this Complaint into this Twelfth Claim for Relief, as though fully set forth
15 hereat.

16 90. U.S. Patent No. 8,241,714 (“the ’714 Patent”) issued from the USPTO on
17 August 14, 2012, bearing the title “Architectural Panels with Objects Embedded in Resin
18 Interlayer.” (A true and correct copy of the ’714 Patent is attached hereto as Exhibit L
19 and incorporated herein by this reference.)

20 91. 3form is the owner of all right, title, and interest in and to the ’714 Patent,
21 including the right to sue for and recover all past, present, and future damages for
22 infringement of the ’714 Patent, and to enjoin acts of infringement of the ’714 Patent.

23 92. Neither 3form nor any authorized third party has licensed or otherwise
24 authorized Defendant to practice the ’714 Patent.

25 93. Defendant, directly or through its subsidiaries, divisions, affiliates, or
26 groups, has infringed and continues to infringe the claim of the ’714 Patent by using,
27 selling, and/or offering to sell, or inducing others to make, use, sell, and/or offer for sale,
28 in the United States and this judicial district, products that are covered by at least claim 1

1 of the '714 Patent, including but not limited to, those designated by the manufacturer,
2 GlasPro, as "Naturals in Glass." Therefore, Defendant is liable for infringement of the
3 '714 Patent pursuant to 35 U.S.C. § 271.

4 94. Defendant's acts of infringement have caused damage to 3form, and 3form
5 is entitled to recover from Defendant the actual damages sustained by 3form as a result of
6 Defendant's wrongful acts in an amount subject to proof at trial pursuant to 35 U.S.C.
7 § 284.

8 95. As a consequence of the infringement complained of herein, 3form has been
9 irreparably damaged to an extent not yet determined, and will continue to be irreparably
10 damaged by such acts in the future unless Defendant is enjoined by this Court from
11 committing further acts of infringement of the '714 Patent.

12 **THIRTEENTH CLAIM FOR RELIEF**

13 **(By 3form for Infringement of U.S. Patent No. 8,088,457)**

14 96. 3form hereby incorporates the allegations of the preceding paragraphs 1
15 through 11 of this Complaint into this Thirteenth Claim for Relief, as though fully set
16 forth hereat.

17 97. U.S. Patent No. 8,088,457 ("the '457 Patent") issued from the USPTO on
18 August 14, 2012, bearing the title "Architectural Panels with Objects Embedded in Resin
19 Interlayer." (A true and correct copy of the '457 Patent is attached hereto as Exhibit M
20 and incorporated herein by this reference.)

21 98. 3form is the owner of all right, title, and interest in and to the '457 Patent,
22 including the right to sue for and recover all past, present, and future damages for
23 infringement of the '457 Patent, and to enjoin acts of infringement of the '457 Patent.

24 99. Neither 3form nor any authorized third party has licensed or otherwise
25 authorized Defendant to practice the '457 Patent.

26 100. Defendant, directly or through its subsidiaries, divisions, affiliates, or
27 groups, has infringed and continues to infringe the claim of the '457 Patent by using,
28 selling, and/or offering to sell, or inducing others to make, use, sell, and/or offer for sale,

1 in the United States and this judicial district, products that are covered by at least claim 1
2 of the '457 Patent, including but not limited to, those designated by the manufacturer,
3 GlasPro, as "Naturals in Glass." Therefore, Defendant is liable for infringement of the
4 '457 Patent pursuant to 35 U.S.C. § 271.

5 101. Defendant's acts of infringement have caused damage to 3form, and 3form
6 is entitled to recover from Defendant the actual damages sustained by 3form as a result of
7 Defendant's wrongful acts in an amount subject to proof at trial pursuant to 35 U.S.C.
8 § 284.

9 102. As a consequence of the infringement complained of herein, 3form has been
10 irreparably damaged to an extent not yet determined, and will continue to be irreparably
11 damaged by such acts in the future unless Defendant is enjoined by this Court from
12 committing further acts of infringement of the '457 Patent.

13 **FOURTEENTH CLAIM FOR RELIEF**

14 **(By Plaintiffs for Infringement of U.S. Patent No. 5,958,539)**

15 103. Plaintiffs hereby incorporate the allegations of the preceding paragraphs 1
16 through 11 of this Complaint into this Fourteenth Claim for Relief, as though fully set
17 forth hereat.

18 104. U.S. Patent No. 5,958,539 ("the '539 Patent") issued from the USPTO on
19 September 28, 1999, bearing the title "Thermoplastic Article Having Textile Fabric
20 Embedded Therein." (A true and correct copy of the '539 Patent is attached hereto as
21 Exhibit N and incorporated herein by this reference.)

22 105. Hunter Douglas is the owner by assignment of the '539 Patent.

23 106. 3form is an exclusive licensee of the '539 Patent, with the right to sue
24 Defendant for and recover all past, present, and future damages for infringement of the
25 '539 Patent, and to enjoin acts of infringement of the '539 Patent.

26 107. Neither Plaintiffs nor any authorized third party has licensed or otherwise
27 authorized Defendant to practice the '539 Patent.
28

1 other things, 3form’s substantial investment in its 3D Trademark, and the products
2 marketed and sold under that trademark, the consuming public recognizes the 3D
3 Trademark and associates products and features with that mark with a single source,
4 namely 3form.

5 113. Defendant advertises, markets, and sells decorative architectural panels that
6 include 3form’s 3D Trademark in interstate commerce including but not limited to, those
7 designated by the manufacturer, GlasPro, as “GlasPro-CS.” These acts by Defendant
8 constitute a trademark infringement, which is likely to cause confusion, mistake and/or to
9 deceive the relevant consuming public as to affiliation, connection, or association of
10 Defendant’s products with 3form in violation of Section 43(a) of the Lanham Act, 15
11 U.S.C. § 1125(a). Because both Defendant and 3form advertise, market, and sell their
12 respective decorative architectural panels in interstate commerce, Defendant’s
13 infringement of 3form’s 3D Trademark will affect interstate commerce.

14 114. By reason of Defendant’s acts alleged herein, 3form has and will suffer
15 damage to its business, reputation, and goodwill and the loss of sales and profits 3form
16 would have made, but for Defendant’s acts.

17 **SIXTEENTH CLAIM FOR RELIEF**

18 **(By 3form for Common Law Trademark and Unfair Competition)**

19 115. 3form hereby incorporates the allegations of the preceding paragraphs 1
20 through 11 and 112 through 114 of this Complaint into this Sixteenth Claim for Relief as
21 though fully set forth hereat.

22 116. Defendant, by its actions set forth hereinabove, has engaged in intentional
23 business acts or practices that are unlawful, unfair, and/or fraudulent, including the
24 infringement of 3form’s 3D trademark.

25 117. Defendant’s unauthorized use of the 3D trademark, including but not limited
26 to, those designated by the manufacturer, GlasPro, as “GlasPro-CS,” is likely to cause
27 confusion, mistake, or deception as to the source, origin, affiliation, connection, or
28

1 association of Defendant's products with 3form, or as to the approval of Defendant's
2 products by 3form.

3 118. By reason of the foregoing, 3form has suffered damages and irreparable
4 harm.

5 119. By reason of the foregoing, 3form is entitled to at least damages from
6 Defendant.

7 **PRAYER FOR RELIEF**

8 WHEREFORE, Plaintiffs pray for entry of a final order and judgment against
9 Defendant that:

- 10 1. Defendant has infringed the '068 Patent;
- 11 2. Defendant has infringed the '022 Patent;
- 12 3. Defendant has infringed the '026 Patent;
- 13 4. Defendant has infringed the '826 Patent;
- 14 5. Defendant has infringed the '474 Patent;
- 15 6. Defendant has infringed the '023 Patent;
- 16 7. Defendant has infringed the '340 Patent;
- 17 8. Defendant has infringed the '811 Patent;
- 18 9. Defendant has infringed the '159 Patent;
- 19 10. Defendant has infringed the '486 Patent;
- 20 11. Defendant has infringed the '459 Patent;
- 21 12. Defendant has infringed the '714 Patent;
- 22 13. Defendant has infringed the '457 Patent;
- 23 14. Defendant has infringed the '539 Patent;
- 24 15. Defendant account for and pay to 3form all damages caused by its
25 infringement of the '068 Patent, the '022 Patent, the '026 Patent, the '826 Patent, the '474
26 Patent, the '023 Patent, the '340 Patent, the '811 Patent, the '159 Patent, the '486 Patent,
27 the '459 Patent, the '714 Patent, the '457 Patent, and the '539 Patent (collectively the
28

1 “Patents-In-Suit”), or an award of Defendant’s profits from its infringement pursuant to
2 35 U.S.C. § 289, whichever is greater;

3 16. 3form be granted permanent injunctive relief pursuant to 35 U.S.C. § 283
4 enjoining Defendant, its officers, agents, servants, employees, and all those persons in
5 active concert or participation with them from further acts of patent infringement;

6 17. 3form be granted pre-judgment and post-judgment interest on the damages
7 caused to it by reason of Defendant’s infringement of the Patents-In-Suit;

8 18. This be declared an exceptional case and that 3form be granted its
9 reasonable attorneys’ fees in accordance with 35 U.S.C. § 285;

10 19. Costs of suit be awarded to 3form to the fullest extent permitted by law;

11 20. A judgment be made and entered finding Defendant liable for infringement
12 of the 3D Trademark, unfair competition, and unfair, deceptive, or misleading practices in
13 violation of the Lanham Act, 15 U.S.C. § 1125;

14 21. An order of this Court be entered enjoining Defendant, its agents and
15 servants, and any and all persons acting in concert with any of them from producing,
16 manufacturing, marketing, advertising, promoting, offering for sale, selling, or
17 distributing products, including Defendant’s products marketed in connection with the 3D
18 Trademark, pursuant to at least the Lanham Act, 15 U.S.C. § 1116(a);

19 22. An order of this Court be entered directing Defendant to destroy its entire
20 stock of infringing products, together with all labels, signs, prints, packages, wrappers,
21 receptacles, and advertisements, as well as all plates, molds, matrices, or other means of
22 making the same pursuant to at least the Lanham Act, 15 U.S.C. § 1118;

23 23. Damages be awarded in an amount to be proven at trial for trademark
24 infringement under the Lanham Act, 15 U.S.C. § 1125(a);

25 24. Damages be awarded in an amount to be proven at trial for trademark
26 infringement under the common law;

27 25. 3form’s be awarded its attorneys’ fees, pursuant to all applicable law,
28 including at least the Lanham Act, 15 U.S.C. § 1117(a);

