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10 UNITED STATES DISTRICT COURT
11 WESTERN DISTRICT OF WASHINGTON
12 AT SEATTLE

12 3FORM, INC., a Utah corporation; and
13 HUNTER DOUGLAS INDUSTRIES
14 SWITZERLAND GmbH, a Swiss limited
liability company,

15 Plaintiffs,

16 v.

17 GANNON ARNOLD ASSOCIATES LLC, a
Washington limited liability company,

18 Defendant.
19

Case No. _____

COMPLAINT FOR:

(1) Patent Infringement (35 U.S.C. § 271);
and

**(2) Trademark Infringement and Unfair
Competition (Lanham Act).**

DEMAND FOR JURY TRIAL

20 Plaintiffs 3form, Inc. (“3form”) and Hunter Douglas Industries Switzerland GmbH (“Hunter
21 Douglas”) [hereinafter, 3form and Hunter Douglas are sometimes referred to collectively as
22 “Plaintiffs”] hereby complain against defendant Gannon Arnold Associates LLC (“Defendant”) and
23 for claims for relief against Defendant allege as follows:

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PARTIES

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

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

6 3. Upon information and belief, Defendant is a limited liability company organized and
7 existing under the laws of the State of Washington, with its principal executive offices located at
8 5223 56th Avenue South, Seattle, Washington 98118.

9 4. Upon information and belief, Defendant may be served through its registered agent,
10 Tysen Gannon, at 5223 56th Avenue South, Seattle, Washington 98118.

SUBJECT MATTER JURISDICTION

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

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

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

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

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

10. Upon information and belief, Defendant is a resident of the State of Washington, has transacted business, contracted to supply goods or services, and caused injury within the State of Washington, and has otherwise purposely availed itself of the privileges and benefits of the laws of the State of Washington, and is therefore subject to this Court's exercise of personal jurisdiction over it pursuant to Rule 4(k)(1)(A) of the Federal Rules of Civil Procedure.

VENUE

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

FIRST CLAIM FOR RELIEF
(By 3form For Infringement Of U.S. Patent No. D621,068)

12. 3form hereby incorporates the allegations of the preceding paragraphs 1 through 11 of this Complaint into this First Claim for Relief, as though fully set forth hereat.

13. U.S. Patent No. D621,068 (“the ’068 Patent”) issued from the United States Patent and Trademark Office (“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.)

14. 3form 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.

15. Neither 3form nor any authorized third party has licensed or otherwise authorized Defendant to practice the '068 Patent.

16. Defendant, directly or through its subsidiaries, divisions, affiliates, or groups, has infringed and continues to infringe the claim of the '068 Patent by 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

1 designated by the manufacturer, New GlasPro, Inc. (“GlasPro”), as “Polychrome Bamboo.”

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

7 18. 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 damaged by
9 such acts in the future unless Defendant is enjoined by this Court from committing further acts of
10 infringement of the ’068 Patent.

11 **SECOND CLAIM FOR RELIEF**
12 **(By 3form For Infringement Of U.S. Patent No. D608,022)**

13 19. 3form hereby incorporates the allegations of the preceding paragraphs 1 through 11 of
14 this Complaint into this Second Claim for Relief, as though fully set forth hereat.

15 20. U.S. Patent No. D,608,022 (“the ’022 Patent”) issued from the USPTO on January 12,
16 2010, bearing the title “Architectural Panel with Large Blade Grass and Flower.” (A true and correct
17 copy of the ’022 Patent is attached hereto as Exhibit B and incorporated herein by this reference.)

18 21. 3form is the owner of all right, title, and interest in and to the ’022 Patent, including
19 the right to sue for and recover all past, present, and future damages for infringement of the ’022
20 Patent, and to enjoin acts of infringement of the ’022 Patent.

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

23 23. Defendant, directly or through its subsidiaries, divisions, affiliates, or groups, has
24 infringed and continues to infringe the claim of the ’022 Patent by using, selling, and/or offering to
25 sell, or inducing others to make, use, sell, and/or offer for sale, in the United States and this judicial

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

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

8 25. 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 damaged by
10 such acts in the future unless Defendant is enjoined by this Court from committing further acts of
11 infringement of the '022 Patent.

12 **THIRD CLAIM FOR RELIEF**
13 **(By 3form For Infringement Of U.S. Patent No. D608,026)**

14 26. 3form hereby incorporates the allegations of the preceding paragraphs 1 through 11 of
15 this Complaint into this Third Claim for Relief, as though fully set forth hereat.

16 27. U.S. Patent No. D608,026 ("the '026 Patent") issued from the USPTO on January 12,
17 2010, bearing the title "Architectural Panel with Plant Stem and Leaf." (A true and correct copy of
18 the '026 Patent is attached hereto as Exhibit C and incorporated herein by this reference.)

19 28. 3form is the owner of all right, title, and interest in and to the '026 Patent, including
20 the right to sue for and recover all past, present, and future damages for infringement of the '026
21 Patent, and to enjoin acts of infringement of the '026 Patent.

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

24 30. Defendant, directly or through its subsidiaries, divisions, affiliates, or groups, has
25 infringed and continues to infringe the claim of the '026 Patent by using, selling, and/or offering to

1 sell, or inducing others to make, use, sell, and/or offer for sale, in the United States and this judicial
2 district, products that are covered by the claim of the '026 Patent, including but not limited to, those
3 designated by the manufacturer, GlasPro, as "Ting Ting Flowers Red" and "Ting Ting Flowers."
4 Therefore, Defendant is liable for infringement of the '026 Patent pursuant to 35 U.S.C. § 271.

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

9 32. 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 damaged by
11 such acts in the future unless Defendant is enjoined by this Court from committing further acts of
12 infringement of the '026 Patent.

13 **FOURTH CLAIM FOR RELIEF**
14 **(By 3form For Infringement Of U.S. Patent No. D609,826)**

15 33. 3form hereby incorporates the allegations of the preceding paragraphs 1 through 11 of
16 this Complaint into this Fourth Claim for Relief, as though fully set forth hereat.

17 34. U.S. Patent No. D609,826 ("the '826 Patent") issued from the USPTO on February 9,
18 2010, bearing the title "Architectural Panel with Translucent Wood Design." (A true and correct
19 copy of the '826 Patent is attached hereto as Exhibit D and incorporated herein by this reference.)

20 35. 3form is the owner of all right, title, and interest in and to the '826 Patent, including
21 the right to sue for and recover all past, present, and future damages for infringement of the '826
22 Patent, and to enjoin acts of infringement of the '826 Patent.

23 36. Neither 3form nor any authorized third party has licensed or otherwise authorized
24 Defendant to practice the '826 Patent.
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1 37. Defendant, directly or through its subsidiaries, divisions, affiliates, or groups, has
2 infringed and continues to infringe the claim of the '826 Patent by using, selling, and/or offering to
3 sell, or inducing others to make, use, sell, and/or offer for sale, in the United States and this judicial
4 district, products that are covered by the claim of the '826 Patent, including but not limited to, those
5 designated by the manufacturer, GlasPro, as "Echo Woods in Glass." Therefore, Defendant is liable
6 for infringement of the '826 Patent pursuant to 35 U.S.C. § 271.

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

11 39. As a consequence of the infringement complained of herein, 3form has been
12 irreparably damaged to an extent not yet determined, and will continue to be irreparably damaged by
13 such acts in the future unless Defendant is enjoined by this Court from committing further acts of
14 infringement of the '826 Patent.

15 **FIFTH CLAIM FOR RELIEF**
16 **(By 3form For Infringement Of U.S. Patent No. D608,474)**

17 40. 3form hereby incorporates the allegations of the preceding paragraphs 1 through 11 of
18 this Complaint into this Fifth Claim for Relief, as though fully set forth hereat.

19 41. U.S. Patent No. D608,474 ("the '474 Patent") issued from the USPTO on January 19,
20 2010, bearing the title "Architectural Panel with Buri Palm and Reed." (A true and correct copy of
21 the '474 Patent is attached hereto as Exhibit E and incorporated herein by this reference.)

22 42. 3form is the owner of all right, title, and interest in and to the '474 Patent, including
23 the right to sue for and recover all past, present, and future damages for infringement of the '474
24 Patent, and to enjoin acts of infringement of the '474 Patent.
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1 43. Neither 3form nor any authorized third party has licensed or otherwise authorized
2 Defendant to practice the '474 Patent.

3 44. Defendant, directly or through its subsidiaries, divisions, affiliates, or groups, has
4 infringed and continues to infringe the claim of the '474 Patent by using, selling, and/or offering to
5 sell, or inducing others to make, use, sell, and/or offer for sale, in the United States and this judicial
6 district, products that are covered by the claim of the '474 Patent, including but not limited to, those
7 designated by the manufacturer, GlasPro, as "Baileys Buri Palm." Therefore, Defendant is liable for
8 infringement of the '474 Patent pursuant to 35 U.S.C. § 271.

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

13 46. As a consequence of the infringement complained of herein, 3form has been
14 irreparably damaged to an extent not yet determined, and will continue to be irreparably damaged by
15 such acts in the future unless Defendant is enjoined by this Court from committing further acts of
16 infringement of the '474 Patent.

17 **SIXTH CLAIM FOR RELIEF**
18 **(By 3form For Infringement Of U.S. Patent No. D608,023)**

19 47. 3form hereby incorporates the allegations of the preceding paragraphs 1 through 11 of
20 this Complaint into this Sixth Claim for Relief, as though fully set forth hereat.

21 48. U.S. Patent No. D608,023 ("the '023 Patent") issued from the USPTO on January 12,
22 2010, bearing the title "Architectural Panel with Large Blade Grass and Thatch Reed." (A true and
23 correct copy of the '023 Patent is attached hereto as Exhibit F and incorporated herein by this
24 reference.)
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1 49. 3form is the owner of all right, title, and interest in and to the '023 Patent, including
2 the right to sue for and recover all past, present, and future damages for infringement of the '023
3 Patent, and to enjoin acts of infringement of the '023 Patent.

4 50. Neither 3form nor any authorized third party has licensed or otherwise authorized
5 Defendant to practice the '023 Patent.

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

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

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

20 **SEVENTH CLAIM FOR RELIEF**
21 **(By 3form For Infringement Of U.S. Patent No. D644,340)**

22 54. 3form hereby incorporates the allegations of the preceding paragraphs 1 through 11 of
23 this Complaint into this Seventh Claim for Relief, as though fully set forth hereat.

24 55. U.S. Patent No. D644,340 ("the '340 Patent") issued from the USPTO on August 30,
25 2011 bearing the title "Architectural Panel with Line and Bunch Interlayer Design." (A true and

1 correct copy of the '340 Patent is attached hereto as Exhibit G and incorporated herein by this
2 reference.)

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

6 57. Neither 3form nor any authorized third party has licensed or otherwise authorized
7 Defendant to practice the '340 Patent.

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

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

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

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EIGHTH CLAIM FOR RELIEF
(By 3form For Infringement Of U.S. Patent No. D632,811)

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

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

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

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

65. Defendant, directly or through its subsidiaries, divisions, affiliates, or groups, has infringed and continues to infringe the claim of the ’811 Patent by 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 ’811 Patent, including but not limited to, those designated by the manufacturer, GlasPro, as “Linear Array Tea,” “Linear Array Bloom,” “Linear Array Gold,” and “Linear Array Charcoal.” Therefore, Defendant is liable for infringement of the ’811 Patent pursuant to 35 U.S.C. § 271.

66. Defendant’s acts of infringement have caused damage to 3form, and 3form is entitled to recover from Defendant the actual damages sustained by 3form 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.

67. As a consequence of the infringement complained of herein, 3form has been irreparably damaged to an extent not yet determined, and will continue to be irreparably damaged by

1 such acts in the future unless Defendant is enjoined by this Court from committing further acts of
2 infringement of the '811 Patent.

3 **NINTH CLAIM FOR RELIEF**
4 **(By 3form For Infringement Of U.S. Patent No. 7,504,159)**

5 68. 3form hereby incorporates the allegations of the preceding paragraphs 1 through 11 of
6 this Complaint into this Ninth Claim for Relief, as though fully set forth hereat.

7 69. U.S. Patent No. 7,504,159 ("the '159 Patent") issued from the USPTO on March 17,
8 2009, bearing the title "Resin-based Panels having Thin or Brittle Veneer Layers and Methods of
9 Making Same." (A true and correct copy of the '159 Patent is attached hereto as Exhibit I and
10 incorporated herein by this reference.)

11 70. 3form is the owner of all right, title, and interest in and to the '159 Patent, including
12 the right to sue for and recover all past, present, and future damages for infringement of the '159
13 Patent, and to enjoin acts of infringement of the '159 Patent.

14 71. Neither 3form nor any authorized third party has licensed or otherwise authorized
15 Defendant to practice the '159 Patent.

16 72. Defendant, directly or through its subsidiaries, divisions, affiliates, or groups, has
17 infringed and continues to infringe the claim of the '159 Patent by using, selling, and/or offering to
18 sell, or inducing others to make, use, sell, and/or offer for sale, in the United States and this judicial
19 district, products that are covered by at least claim 9 of the '159 Patent, including but not limited to,
20 those designated by the manufacturer, GlasPro, as "Echo Woods" in resin. Therefore, Defendant is
21 liable for infringement of the '159 Patent pursuant to 35 U.S.C. § 271.

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

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

5 **TENTH CLAIM FOR RELIEF**
6 **(By 3form For Infringement Of U.S. Patent No. 7,691,486)**

7 75. 3form hereby incorporates the allegations of the preceding paragraphs 1 through 11 of
8 this Complaint into this Tenth Claim for Relief, as though fully set forth hereat.

9 76. U.S. Patent No. 7,691,486 ("the '486 Patent") issued from the USPTO on April 6,
10 2010, bearing the title "Resin-based Panels having Translucent Veneer Layers." (A true and correct
11 copy of the '486 Patent is attached hereto as Exhibit J and incorporated herein by this reference.)

12 77. 3form is the owner of all right, title, and interest in and to the '486 Patent, including
13 the right to sue for and recover all past, present, and future damages for infringement of the '486
14 Patent, and to enjoin acts of infringement of the '486 Patent.

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

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

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

1 81. As a consequence of the infringement complained of herein, 3form has been
2 irreparably damaged to an extent not yet determined, and will continue to be irreparably damaged by
3 such acts in the future unless Defendant is enjoined by this Court from committing further acts of
4 infringement of the '486 Patent.

5 **ELEVENTH CLAIM FOR RELIEF**
6 **(By 3form For Infringement Of U.S. Patent No. 7,940,459)**

7 82. 3form hereby incorporates the allegations of the preceding paragraphs 1 through 11 of
8 this Complaint into this Eleventh Claim for Relief, as though fully set forth hereat.

9 83. U.S. Patent No. 7,940,459 ("the '459 Patent") issued from the USPTO on May 10,
10 2011, bearing the title "Formable Fused Polymer Panels Containing Light Refracting Films." (A true
11 and correct copy of the '459 Patent is attached hereto as Exhibit K and incorporated herein by this
12 reference.)

13 84. 3form is the owner of all right, title, and interest in and to the '459 Patent, including
14 the right to sue for and recover all past, present, and future damages for infringement of the '459
15 Patent, and to enjoin acts of infringement of the '459 Patent.

16 85. Neither 3form nor any authorized third party has licensed or otherwise authorized
17 Defendant to practice the '459 Patent.

18 86. Defendant, directly or through its subsidiaries, divisions, affiliates, or groups, has
19 infringed and continues to infringe the claim of the '459 Patent by using, selling, and/or offering to
20 sell, or inducing others to make, use, sell, and/or offer for sale, in the United States and this judicial
21 district, products that are covered by at least claim 1 of the '459 Patent, including but not limited to,
22 those designated by the manufacturer, GlasPro, as "DS Dichroic" in resin. Therefore, Defendant is
23 liable for infringement of the '459 Patent pursuant to 35 U.S.C. § 271.
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1 87. Defendant's acts of infringement have caused damage to 3form, and 3form is entitled
2 to recover from Defendant the actual damages sustained by 3form as a result of Defendant's wrongful
3 acts in an amount subject to proof at trial pursuant to 35 U.S.C. § 284.

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

8 **TWELFTH CLAIM FOR RELIEF**
9 **(By 3form For Infringement Of U.S. Patent No. 8,241,714)**

10 89. 3form hereby incorporates the allegations of the preceding paragraphs 1 through 11 of
11 this Complaint into this Twelfth Claim for Relief, as though fully set forth hereat.

12 90. U.S. Patent No. 8,241,714 ("the '714 Patent") issued from the USPTO on August 14,
13 2012, bearing the title "Architectural Panels with Objects Embedded in Resin Interlayer." (A true
14 and correct copy of the '714 Patent is attached hereto as Exhibit L and incorporated herein by this
15 reference.)

16 91. 3form is the owner of all right, title, and interest in and to the '714 Patent, including
17 the right to sue for and recover all past, present, and future damages for infringement of the '714
18 Patent, and to enjoin acts of infringement of the '714 Patent.

19 92. Neither 3form nor any authorized third party has licensed or otherwise authorized
20 Defendant to practice the '714 Patent.

21 93. Defendant, directly or through its subsidiaries, divisions, affiliates, or groups, has
22 infringed and continues to infringe the claim of the '714 Patent by using, selling, and/or offering to
23 sell, or inducing others to make, use, sell, and/or offer for sale, in the United States and this judicial
24 district, products that are covered by at least claim 1 of the '714 Patent, including but not limited to,
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1 those designated by the manufacturer, GlasPro, as “Naturals in Glass.” Therefore, Defendant is liable
2 for infringement of the ’714 Patent pursuant to 35 U.S.C. § 271.

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

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

10 **THIRTEENTH CLAIM FOR RELIEF**
11 **(By 3form For Infringement Of U.S. Patent No. 8,088,457)**

12 96. 3form hereby incorporates the allegations of the preceding paragraphs 1 through 11 of
13 this Complaint into this Thirteenth Claim for Relief, as though fully set forth hereat.

14 97. U.S. Patent No. 8,088,457 (“the ’457 Patent”) issued from the USPTO on August 14,
15 2012, bearing the title “Architectural Panels with Objects Embedded in Resin Interlayer.” (A true
16 and correct copy of the ’457 Patent is attached hereto as Exhibit M and incorporated herein by this
17 reference.)

18 98. 3form is the owner of all right, title, and interest in and to the ’457 Patent, including
19 the right to sue for and recover all past, present, and future damages for infringement of the ’457
20 Patent, and to enjoin acts of infringement of the ’457 Patent.

21 99. Neither 3form nor any authorized third party has licensed or otherwise authorized
22 Defendant to practice the ’457 Patent.

23 100. Defendant, directly or through its subsidiaries, divisions, affiliates, or groups, has
24 infringed and continues to infringe the claim of the ’457 Patent by using, selling, and/or offering to
25 sell, or inducing others to make, use, sell, and/or offer for sale, in the United States and this judicial

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

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

7 102. 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 damaged by
9 such acts in the future unless Defendant is enjoined by this Court from committing further acts of
10 infringement of the '457 Patent.

11 **FOURTEENTH CLAIM FOR RELIEF**
12 **(By Plaintiffs For Infringement Of U.S. Patent No. 5,958,539)**

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

15 104. U.S. Patent No. 5,958,539 ("the '539 Patent") issued from the USPTO on September
16 28, 1999, bearing the title "Thermoplastic Article Having Textile Fabric Embedded Therein." (A true
17 and correct copy of the '539 Patent is attached hereto as Exhibit N and incorporated herein by this
18 reference.)

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

20 106. 3form is an exclusive licensee of the '539 Patent, with the right to sue Defendant for
21 and recover all past, present, and future damages for infringement of the '539 Patent, and to enjoin
22 acts of infringement of the '539 Patent.

23 107. Neither Plaintiffs nor any authorized third party has licensed or otherwise authorized
24 Defendant to practice the '539 Patent.
25

1 108. Defendant, directly or through its subsidiaries, divisions, affiliates, or groups, has
2 infringed and continues to infringe the claim of the '539 Patent by using, selling, and/or offering to
3 sell, or inducing others to make, use, sell, and/or offer for sale, in the United States and this judicial
4 district, products that are covered by at least claim 1 of the '539 Patent, including but not limited to,
5 those designated by the manufacturer, GlasPro, as "GlasPro-Rp Textiles in Resin." Therefore,
6 Defendant is liable for infringement of the '539 Patent pursuant to 35 U.S.C. § 271.

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

10 110. 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 damaged by
12 such acts in the future unless Defendant is enjoined by this Court from committing further acts of
13 infringement of the '539 Patent.

14 **FIFTEENTH CLAIM FOR RELIEF**
15 **(By 3form For Lanham Act Violation By Trademark Infringement)**

16 111. 3form hereby incorporates the allegations of the preceding paragraphs 1 through 11 of
17 this Complaint into this Fifteenth Claim for Relief as though fully set forth hereat.

18 112. 3form has successfully designed and developed decorative architectural panels that
19 3form markets in connection with the federally registered trademark "CHROMA." The distinctive
20 three-dimensional appearance of 3form's CHROMA® products have also obtained recognition,
21 goodwill, and secondary meaning in the relevant marketplace, thereby affording 3form common law
22 trademark protection in a three-dimensional trademark for its CHROMA® products (3form's "3D
23 Trademark"). 3form advertises, markets, and sells decorative architectural panels that include
24 3form's 3D Trademark in interstate commerce throughout the United States. As a result of, among
25 other things, 3form's substantial investment in its 3D Trademark, and the products marketed and sold

1 under that trademark, the consuming public recognizes the 3D Trademark and associates products
2 and features with that mark with a single source, namely 3form.

3 113. Defendant advertises, markets, and sells decorative architectural panels that include
4 3form's 3D Trademark in interstate commerce including but not limited to, those designated by the
5 manufacturer, GlasPro, as "GlasPro-CS." These acts by Defendant constitute a trademark
6 infringement, which is likely to cause confusion, mistake and/or to deceive the relevant consuming
7 public as to affiliation, connection, or association of Defendant's products with 3form in violation of
8 Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a). Because both Defendant and 3form advertise,
9 market, and sell their respective decorative architectural panels in interstate commerce, Defendant's
10 infringement of 3form's 3D Trademark will affect interstate commerce.

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

14 **SIXTEENTH CLAIM FOR RELIEF**
15 **(By 3form For Common Law Trademark And Unfair Competition)**

16 115. 3form hereby incorporates the allegations of the preceding paragraphs 1 through 11
17 and 112 through 114 of this Complaint into this Sixteenth Claim for Relief as though fully set forth
18 hereat.

19 116. Defendant, by its actions set forth hereinabove, has engaged in intentional business
20 acts or practices that are unlawful, unfair, and/or fraudulent, including the infringement of 3form's
21 3D trademark.

22 117. Defendant's unauthorized use of the 3D trademark, including but not limited to, those
23 designated by the manufacturer, GlasPro, as "GlasPro-CS," is likely to cause confusion, mistake, or
24 deception as to the source, origin, affiliation, connection, or association of Defendant's products with
25 3form, or as to the approval of Defendant's products by 3form.

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

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

PRAYER FOR RELIEF

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

1. Defendant has infringed the '068 Patent;

2. Defendant has infringed the '022 Patent;

3. Defendant has infringed the '026 Patent;

4. Defendant has infringed the '826 Patent;

5. Defendant has infringed the '474 Patent;

6. Defendant has infringed the '023 Patent;

7. Defendant has infringed the '340 Patent;

8. Defendant has infringed the '811 Patent;

9. Defendant has infringed the '159 Patent;

10. Defendant has infringed the '486 Patent;

11. Defendant has infringed the '459 Patent;

12. Defendant has infringed the '714 Patent;

13. Defendant has infringed the '457 Patent;

14. Defendant has infringed the '539 Patent;

15. Defendant account for and pay to 3form all damages caused by its infringement of the '068 Patent, the '022 Patent, the '026 Patent, the '826 Patent, the '474 Patent, the '023 Patent, the '340 Patent, the '811 Patent, the '159 Patent, the '486 Patent, the '459 Patent, the '714 Patent, the '457 Patent, and the '539 Patent (collectively the "Patents-In-Suit"), or an award of Defendant's profits from its infringement pursuant to 35 U.S.C. § 289, whichever is greater;

1 16. 3form be granted permanent injunctive relief pursuant to 35 U.S.C. § 283 enjoining
2 Defendant, its officers, agents, servants, employees, and all those persons in active concert or
3 participation with them from further acts of patent infringement;

4 17. 3form be granted pre-judgment and post-judgment interest on the damages caused to it
5 by reason of Defendant's infringement of the Patents-In-Suit;

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

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

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

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

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

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

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

