

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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

Plaintiffs,

v.

ROBIN REIGI, INC., a New York corporation,

Defendant.

Case No.: 12 civ 8683 (PKC)

**COMPLAINT FOR
PATENT INFRINGEMENT AND
TRADEMARK INFRINGEMENT**

ECF CASE

DEMAND FOR JURY TRIAL

COMPLAINT

Plaintiffs 3form, Inc. (“3form”) and Hunter Douglas Industries Switzerland GmbH (“Hunter Douglas”) [hereinafter, 3form and Hunter Douglas are sometimes referred to collectively as “Plaintiffs”] hereby complain against defendant Robin Reigi, Inc. (“Defendant”) and for claims for relief against Defendant allege as follows:

PARTIES

1. 3form is a Utah corporation with its principal executive offices located at 2300 South 2300 West, Salt Lake City, Utah 84119.
2. Hunter Douglas is a Swiss limited liability company with its principal place of business at Adligenswilerstrasse 37, 6006 Lucerne, Switzerland.
3. Upon information and belief, Defendant is a corporation organized and existing under the laws of the State of New York, with its principal executive offices located at 48 West 21st Street, Suite 1002, New York, New York 10010.

4. Upon information and belief, Defendant may be served through its Chairman or Chief Executive Officer, Robin Reigi, at 48 West 21st Street, Suite 1002, New York, New York 10010.

SUBJECT MATTER JURISDICTION

5. This is a civil action for patent infringement brought by Plaintiffs 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.

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

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

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

9. In addition to the foregoing, this also is a civil action with complete diversity of citizenship between 3form (deemed to be a citizen of the State of Utah), Hunter Douglas (deemed to be a citizen of Switzerland), on the one hand, and Defendant (deemed to be a citizen of the State of New York), on the other hand, with the amount in controversy exceeding \$75,000. Thus, subject 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 New York, has transacted business, contracted to supply goods or services, and caused injury within the State of New York, and has otherwise purposely availed itself of the privileges and benefits of the laws of the State of New York, 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 designated by the manufacturer, New GlasPro, Inc. (“GlasPro”), as “Polychrome Bamboo.” Therefore, Defendant is liable for infringement of the ’068 Patent pursuant to 35 U.S.C. § 271.

17. 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.

18. 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 such acts in the future unless Defendant is enjoined by this Court from committing further acts of infringement of the '068 Patent.

SECOND CLAIM FOR RELIEF

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

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

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

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

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

23. Defendant, directly or through its subsidiaries, divisions, affiliates, or groups, has infringed and continues to infringe the claim of the '022 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 '022 Patent, including but not limited to, those designated by the manufacturer, GlasPro, as "Asian Harvest" and "Asian Harvest Spring." Therefore, Defendant is liable for infringement of the '022 Patent pursuant to 35 U.S.C. § 271.

24. 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.

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

THIRD CLAIM FOR RELIEF

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

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

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

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

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

30. Defendant, directly or through its subsidiaries, divisions, affiliates, or groups, has infringed and continues to infringe the claim of the '026 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 '026 Patent, including but not limited to, those designated by the manufacturer, GlasPro, as "Ting Ting Flowers Red" and "Ting Ting Flowers." Therefore, Defendant is liable for infringement of the '026 Patent pursuant to 35 U.S.C. § 271.

31. 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.

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

FOURTH CLAIM FOR RELIEF
(By 3form for Infringement of U.S. Patent No. D609,826)

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

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

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

36. Neither 3form nor any authorized third party has licensed or otherwise authorized Defendant to practice the ’826 Patent.

37. Defendant, directly or through its subsidiaries, divisions, affiliates, or groups, has infringed and continues to infringe the claim of the ’826 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 ’826 Patent, including but not limited to, those designated by the manufacturer, GlasPro, as “Echo Woods in Glass.” Therefore, Defendant is liable for infringement of the ’826 Patent pursuant to 35 U.S.C. § 271.

38. 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.

39. 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 such acts in the future unless Defendant is enjoined by this Court from committing further acts of infringement of the '826 Patent.

FIFTH CLAIM FOR RELIEF

(By 3form for Infringement of U.S. Patent No. D608,474)

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

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

42. 3form is the owner of all right, title, and interest in and to the '474 Patent, including the right to sue for and recover all past, present, and future damages for infringement of the '474 Patent, and to enjoin acts of infringement of the '474 Patent.

43. Neither 3form nor any authorized third party has licensed or otherwise authorized Defendant to practice the '474 Patent.

44. Defendant, directly or through its subsidiaries, divisions, affiliates, or groups, has infringed and continues to infringe the claim of the '474 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 '474 Patent, including but not limited to, those designated by the manufacturer, GlasPro, as “Baileys Buri Palm.” Therefore, Defendant is liable for infringement of the '474 Patent pursuant to 35 U.S.C. § 271.

45. 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.

46. 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 such acts in the future unless Defendant is enjoined by this Court from committing further acts of infringement of the '474 Patent.

SIXTH CLAIM FOR RELIEF

(By 3form for Infringement of U.S. Patent No. D608,023)

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

48. U.S. Patent No. D608,023 ("the '023 Patent") issued from the USPTO on January 12, 2010, bearing the title "Architectural Panel with Large Blade Grass and Thatch Reed." (A true and correct copy of the '023 Patent is attached hereto as Exhibit F and incorporated herein by this reference.)

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

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

51. Defendant, directly or through its subsidiaries, divisions, affiliates, or groups, has infringed and continues to infringe the claim of the '023 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 '023 Patent, including but not limited to, those designated by the manufacturer, GlasPro, as "Sea Grass." Therefore, Defendant is liable for infringement of the '023 Patent pursuant to 35 U.S.C. § 271.

52. 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.

53. 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 such acts in the future unless Defendant is enjoined by this Court from committing further acts of infringement of the '023 Patent.

SEVENTH CLAIM FOR RELIEF

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

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

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

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

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

58. Defendant, directly or through its subsidiaries, divisions, affiliates, or groups, has infringed and continues to infringe the claim of the '340 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 '340 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 '340 Patent pursuant to 35 U.S.C. § 271.

59. 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.

60. 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 such acts in the future unless Defendant is enjoined by this Court from committing further acts of infringement of the '340 Patent.

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

NINTH CLAIM FOR RELIEF

(By 3form for Infringement of U.S. Patent No. 7,504,159)

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

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

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

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

72. Defendant, directly or through its subsidiaries, divisions, affiliates, or groups, has infringed and continues to infringe the claim of the ’159 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 at least claim 9 of the ’159 Patent, including but not limited to, those designated by the manufacturer, GlasPro, as “Echo Woods” in resin. Therefore, Defendant is liable for infringement of the ’159 Patent pursuant to 35 U.S.C. § 271.

73. 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.

74. 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 such acts in the future unless Defendant is enjoined by this Court from committing further acts of infringement of the '159 Patent.

TENTH CLAIM FOR RELIEF

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

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

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

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

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

79. Defendant, directly or through its subsidiaries, divisions, affiliates, or groups, has infringed and continues to infringe the claim of the '486 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 at least claim 1 of the '486 Patent, including but not limited to, those designated by the manufacturer, GlasPro, as “Echo Woods” in resin. Therefore, Defendant is liable for infringement of the '486 Patent pursuant to 35 U.S.C. § 271.

80. 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.

81. 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 such acts in the future unless Defendant is enjoined by this Court from committing further acts of infringement of the '486 Patent.

ELEVENTH CLAIM FOR RELIEF

(By 3form for Infringement of U.S. Patent No. 7,940,459)

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

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

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

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

86. Defendant, directly or through its subsidiaries, divisions, affiliates, or groups, has infringed and continues to infringe the claim of the '459 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 at least claim 1 of the '459 Patent, including but not limited to, those designated by the manufacturer, GlasPro, as “DS Dichroic” in resin. Therefore, Defendant is liable for infringement of the '459 Patent pursuant to 35 U.S.C. § 271.

87. 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.

88. 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 such acts in the future unless Defendant is enjoined by this Court from committing further acts of infringement of the '459 Patent.

TWELFTH CLAIM FOR RELIEF

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

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

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

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

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

93. Defendant, directly or through its subsidiaries, divisions, affiliates, or groups, has infringed and continues to infringe the claim of the '714 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 at least claim 1 of the '714 Patent, including but not

limited to, those designated by the manufacturer, GlasPro, as “Naturals in Glass.” Therefore, Defendant is liable for infringement of the ’714 Patent pursuant to 35 U.S.C. § 271.

94. 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.

95. 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 such acts in the future unless Defendant is enjoined by this Court from committing further acts of infringement of the ’714 Patent.

THIRTEENTH CLAIM FOR RELIEF

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

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

97. U.S. Patent No. 8,088,457 (“the ’457 Patent”) issued from the USPTO on January 3, 2012, bearing the title “Architectural Panels with Embedded Objects.” (A true and correct copy of the ’457 Patent is attached hereto as Exhibit M and incorporated herein by this reference.)

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

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

100. Defendant, directly or through its subsidiaries, divisions, affiliates, or groups, has infringed and continues to infringe the claim of the ’457 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 at least claim 1 of the '457 Patent, including but not limited to, those designated by the manufacturer, GlasPro, as "Naturals in Glass." Therefore, Defendant is liable for infringement of the '457 Patent pursuant to 35 U.S.C. § 271.

101. 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.

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

FOURTEENTH CLAIM FOR RELIEF

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

103. Plaintiffs hereby incorporate the allegations of the preceding paragraphs 1 through 102 of this Complaint into this Fourteenth Claim for Relief, as though fully set forth hereat.

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

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

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

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

108. Defendant, directly or through its subsidiaries, divisions, affiliates, or groups, has infringed and continues to infringe the claim of the '539 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 at least claim 1 of the '539 Patent, including but not limited to, those designated by the manufacturer, GlasPro, as "GlasPro-Rp Textiles in Resin." Therefore, Defendant is liable for infringement of the '539 Patent pursuant to 35 U.S.C. § 271.

109. 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.

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

FIFTEENTH CLAIM FOR RELIEF

(By 3form for Lanham Act Violation by Trademark Infringement)

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

112. 3form has successfully designed and developed decorative architectural panels that 3form markets in connection with the federally registered trademark "CHROMA." The distinctive three-dimensional appearance of 3form's CHROMA® products have also obtained recognition, goodwill, and secondary meaning in the relevant marketplace, thereby affording 3form common law trademark protection in a three-dimensional trademark for its CHROMA®

products (3form's "3D Trademark"). 3form advertises, markets, and sells decorative architectural panels that include 3form's 3D Trademark in interstate commerce throughout the United States. As a result of, among other things, 3form's substantial investment in its 3D Trademark, and the products marketed and sold under that trademark, the consuming public recognizes the 3D Trademark and associates products and features with that mark with a single source, namely 3form.

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

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

SIXTEENTH CLAIM FOR RELIEF

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

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

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

117. Defendant's unauthorized use of the 3D trademark, including but not limited to, those designated by the manufacturer, GlasPro, as "GlasPro-CS," is likely to cause confusion, mistake, or deception as to the source, origin, affiliation, connection, or association of Defendant's products with 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 '340 Patent, the '023 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;
16. 3form 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;
17. 3form be granted pre-judgment and post-judgment interest on the damages caused to it by reason of Defendant's infringement of the Patents-In-Suit;
18. This be declared an exceptional case and that 3form be granted its reasonable attorneys' fees in accordance with 35 U.S.C. § 285;
19. Costs of suit be awarded to 3form to the fullest extent permitted by law;
20. A judgment be made and entered finding Defendant liable for infringement of the 3D Trademark, unfair competition, and unfair, deceptive, or misleading practices in violation of the Lanham Act, 15 U.S.C. § 1125;
21. An order of this Court be entered enjoining Defendant, its agents and servants, and any and all persons acting in concert with any of them from producing, manufacturing, marketing, advertising, promoting, offering for sale, selling, or distributing products, including

Defendant's products marketed in connection with the 3D Trademark, pursuant to at least the Lanham Act, 15 U.S.C. § 1116(a);

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

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

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

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

26. 3form be awarded its costs of suit; and


27. Plaintiffs 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, Plaintiffs demand trial by jury on all claims and issues so triable.

Dated: New York, New York
November 27, 2012

Respectfully Submitted,



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