

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF LOUISIANA**

**Angelo J. Monistere,**  
Individually;

Plaintiff,

v.

**Scissor Mechanic LLC,**  
**d/b/a Bonika Shears**  
A Georgia Limited Liability Company;

Defendant(s).

Civil Action Number: **13-23**

JURY TRIAL DEMANDED

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**COMPLAINT FOR PATENT  
INFRINGEMENT**

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Plaintiff, Angelo J. Monistere (“Monistere”), by and through his attorneys, for his complaint against defendant Scissor Mechanic, LLC, and its d/b/a, Bonika Shears (“Defendants”), hereby demands a jury trial and alleges as follows:

**THE PARTIES**

1. Plaintiff Monistere is a natural person of the full age of majority domiciled in the State of Louisiana, Parish of Jefferson, and having a principal address at 4317 Winfield Street, Metairie, LA 70001.

2. Defendant Scissor Mechanic, LLC is, on information a belief, a limited liability company organized under the laws of the State of Georgia with its principal offices at 2385 Clower Street, Suite C, Snellville, GA 30078.

### **JURISDICTION AND VENUE**

3. This is an action for patent infringement of a United States patent. Accordingly, this action arises under the patent laws of the United States of America, 35 U.S.C. §§1, *et seq.*
4. This Court has jurisdiction over this patent infringement action pursuant to 35 U.S.C. §271, 28 U.S.C. §§ 1331, 1332 and 1338(a).
5. Venue is proper in this district by the fact that the Plaintiff has his principal place of business located in Metairie, Louisiana, and injury to Plaintiff therefore occurs to Plaintiff in this district. Defendants have transacted business in this district and have committed and/or contributed to patent infringement in this district.

### **FACTS AND STATEMENT OF CLAIM**

#### **Patent Infringement of United States Patent 5,357,680 to Monistere**

6. On October 25, 1994, the U.S. Patent Office issued letters patent No. 5,357,680 to Monistere (the “Finger Razor Patent,” copies of which are attached hereto and made a part hereof as “Exhibit A”).
7. Monistere has maintained ownership of the Finger Razor Patent, including the right to sue for past infringement.
8. Defendants have infringed and/or continue to infringe the Finger Razor Patent, in that without authority they individually and/or jointly make, import, use, offer to sell, and/or sells, or induce others to make, import, use, offer to sell, and/or sell the patented inventions or products embodying at least one claim of the Finger Razor Patent within the United States, in Louisiana, and in the Eastern District of Louisiana.

9. Defendants' products and methods that infringe on Monistere's Finger Razor Patent include, but are not limited to, "The Finger Whack," and the use of that product by themselves and others. Examples of such products offered for sale and sold by Defendants are attached hereto and made a part hereof as "Exhibit B."
10. By Defendants' infringement of the Finger Razor Patent, Defendants made unlawful gains and profits, and Monistere, due to the same infringing conduct by Defendants, has been deprived of rights and remunerations that would have otherwise come to Monistere, but for the infringement.
11. Monistere has placed the required statutory notice on all products manufactured and sold by him under The Finger Razor Patent, and has given written notice to Defendants of their said infringement.
12. Monistere demands an accounting for damages and an assessment of interest and costs against defendant.

#### **JURY DEMAND**

13. Monistere respectfully demands a trial by jury as to all issues so triable raised by this complaint.

#### **PRAYER FOR RELIEF**

**WHEREFORE**, Monistere respectfully requests the following relief:

- i. that this Honorable Court find the claims of the Finger Razor Patent valid and enforceable;
- ii. a judgment that the Defendants have infringed the claims of the Finger Razor Patent;
- iii. an accounting for damages;
- iv. an award of pre- and post-judgment interest;
- v. an award of actual damages for said infringement;
- vi. an award of treble damages pursuant to 35 U.S.C. § 284;

- vii. an order declaring this as an exceptional case pursuant to 35 U.S.C. § 285, awarding Monistere his attorneys' fees;
- viii. an award of costs and expenses; and
- ix. a grant to Monistere of any and all further relief as may be just and appropriate.

Respectfully submitted this 5 day of January, 2013.

RESPECTFULLY SUBMITTED:

*s/Neil J. Coig*

Neil J. Coig (*Lead Counsel*)

Bar Roll No. 28,001, PTO Reg. No. 48,929

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