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**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

FRESH CONCEPTS, LLC, an Arizona limited liability company, GANNON ARNOLD ASSOCIATES, LLC, a Washington limited liability company, HONZA GROUP, iSOLUTIONS GROUP, LLC, a Florida limited liability company, NOVATEUR DESIGN SOLUTIONS, LLC, a Georgia limited liability company, OHIO VALLEY SUPPLY COMPANY, an Ohio corporation, ROBIN REIGI, INC., a New York corporation, ROWE FENESTRATION, INC., a California corporation, and SURFACE PRODUCTS, INC., a Canadian corporation,

Plaintiffs,

vs.

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

Defendants.

**FIRST AMENDED COMPLAINT
DEMAND FOR JURY TRIAL**

Case No. 2:12-cv-01093

Judge Robert J. Shelby

For its Complaint against Defendants, Plaintiffs Fresh Concepts, LLC (“Fresh Concepts”), Gannon Arnold Associates, LLC (“Gannon”), Honza Group, (“Honza”), iSolutions Group, LLC (“iSolutions”), Novateur Design Solutions, LLC (“Novateur”), Ohio Valley Supply Company (“Ohio Valley”), Robin Riegi, Inc. (“Reigi”), Rowe Fenestration, Inc. (“Rowe”), and Surface Products, Inc. (“Surface Products”) allege as follows:

PARTIES

1. Plaintiff Fresh Concepts is an Arizona limited liability company with its principal place of business at 1009 W Vermont Avenue Phoenix, Arizona 85013. Fresh Concepts is an independent sales representative for New GlasPro, Inc. (“GlasPro”).

2. Plaintiff Gannon is a Washington limited liability company with its principal place of business at 5223 56th Avenue South, Seattle, Washington 98118. Gannon is an independent sales representative for GlasPro.

3. Plaintiff Honza has its principal place of business at 314 West Superior Street, Suite 100, Chicago, Illinois 60654. Honza is an independent sales representative for GlasPro.

4. Plaintiff iSolutions is a Florida limited liability company with its principal place of business at 9702 Universal Boulevard, Suite #443, Orlando, Florida 32819. iSolutions is an independent sales representative for GlasPro.

5. Plaintiff Novateur is a Georgia limited liability company with its principal place of business at 14215 Morning Mt. Way, Alpharetta, Georgia 30004. Novateur is an independent sales representative for GlasPro.

6. Plaintiff Ohio Valley is an Ohio corporation with its principal place of business at 3512 Spring Grove Avenue, Cincinnati, Ohio 45223. Ohio Valley is an independent sales representative for GlasPro.

7. Plaintiff Reigi is a New York corporation with its principal place of business at 48 West 21st Street, Suite 1002, New York City, New York 10010. Reigi is an independent sales representative for GlasPro.

8. Plaintiff Rowe is a California corporation with its principal place of business at 4630 Francis Court, Sacramento, California 95822. Rowe is an independent sales representative for GlasPro.

9. Plaintiff Surface Products is a Canadian corporation with its principal place of business at 29 West 6th Avenue, Vancouver, British Columbia V5Y 1K2. Surface Products sells GlasPro products.

10. On information and belief, Defendant 3form, Inc. (“3form”) is a Utah corporation with its principal place of business at 2300 South 2300 West, Salt Lake City, Utah 84119.

11. On information and belief, Defendant Hunter Douglas Industries Switzerland GmbH (“Hunter Douglas”) is a Swiss limited liability company with its principal place of business at Adligenswilerstrasse 37, 6006 Lucerne, Switzerland.

JURISDICTION AND VENUE

12. This Court has jurisdiction over this case pursuant to 28 U.S.C. §§ 1331 and 1338.

13. This is an action by Plaintiffs for declaratory judgment of non-infringement of patents owned and/or controlled by Defendants and of invalidity of those patents. This action is brought pursuant to 28 U.S.C. §§ 2201 and 2202 and Federal Rule of Civil Procedure 57. There

is a justiciable controversy within the meaning of 28 U.S.C. §§ 2201 and 2202 between Plaintiffs, on the one hand, and Defendants, on the other hand, regarding whether products manufactured and sold by GlasPro infringe upon certain patents and trademarks owned and/or controlled by Defendants, whether Plaintiffs unfairly compete with Defendants, and whether certain patents owned and/or controlled by Defendants are valid.

14. This Court has personal jurisdiction over Defendants pursuant to Utah Code Ann. § 78B-3-205.

15. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) and (c), as well as 28 U.S.C. § 1400(b).

ACTUAL CASE OR CONTROVERSY

16. 3Form claims to be the owner, assignee, and/or exclusive licensee of all rights, titles, and interests in and to U.S. Patent No. D608,022 (the “’022 Patent”), U.S. Patent No. D608,023 (the “’023 Patent”), U.S. Patent No. D608,026 (the “’026 Patent”), U.S. Patent No. D608,474 (the “’474 Patent”), U.S. Patent No. D609,826 (the “’826 Patent”), U.S. Patent No. D621,068 (the “’068 Patent”), U.S. Patent No. D632,811 (the “’811 Patent”), U.S. Patent No. D644,340 (the “’340 Patent”), U.S. Patent No. 5,958,539 (the “’539 Patent”), U.S. Patent No. 7,504,159 (the “’159 Patent”), U.S. Patent No. 7,691,486 (the “’486 Patent”), U.S. Patent No. 7,940,459 (the “’459 Patent”), U.S. Patent No. 8,241,714 (the “’714 Patent”), U.S. Patent No. 8,088,457 (the “’457 Patent”) (collectively “the patents-in-suit”).

17. The patents-in-suit relate to decorative architectural panels.

18. 3Form claims to be the owner, assignee, and/or exclusive licensee of all rights, titles, and interests in and to the trademark CHROMA® (U.S. Reg. No. 3,523,487) and to an alleged 3D trademark.

19. Defendants have accused the Plaintiffs of infringing all of the patents-in-suit and of infringing the CHROMA® and alleged 3D trademarks.

20. On November 20, 2012, Defendants filed suit in the United States District Court for the District of Arizona against Fresh Concepts alleging infringement of each of the patents-in-suit and alleging violation of trademark and unfair competition laws. Case No. 2:12-cv-02499 (D. Ariz.) [Dkt. 1].

21. On November 20, 2012, Defendants, through counsel, sent a cease and desist letter to Fresh Concepts alleging infringement of 3Form's intellectual property. (A true and correct copy of the letter is attached hereto as Exhibit A).

22. On information and belief, enclosed with the November 20, 2012 letter to Fresh Concepts was a copy of a complaint against Fresh Concepts alleging infringement of each of the patents-in-suit and alleging violation of trademark and unfair competition laws.

23. On information and belief, attached to the November 20, 2012 letter to Fresh Concepts was a chart alleging infringement each of the patents-in-suit, alleging violation of trademark and unfair competition laws, and comparing each of the patents-in-suit with products GlasPro allegedly sold by Fresh Concepts.

24. On November 20, 2012, Defendants filed suit in the United States District Court for the Western District of Washington against Gannon alleging infringement of each of the

patents-in-suit and alleging violation of trademark and unfair competition laws. Case No. 2:12-cv-02040 (W.D. Wash.) [Dkt. 1].

25. On November 20, 2012, Defendants, through counsel, sent a cease and desist letter to Honza alleging infringement of 3Form's intellectual property. (A true and correct copy of the letter is attached hereto as Exhibit B).

26. On information and belief, enclosed with the November 20, 2012 letter to Honza was a draft copy of a complaint against Honza alleging infringement of each of the patents-in-suit and alleging violation of trademark and unfair competition laws.

27. On information and belief, attached to the November 20, 2012 letter was a chart alleging infringement each of the patents-in-suit, alleging violation of trademark and unfair competition laws, and comparing each of the patents-in-suit with products GlasPro allegedly sold by Honza.

28. On November 20, 2012, Defendants, through counsel, sent a cease and desist letter to iSolutions alleging infringement of the patents-in-suit and infringement of 3Form's 3D and CHROMA® trademarks. (A true and correct copy of the letter, with attachments, is attached hereto as Exhibit C).

29. On information and belief, enclosed with the November 20, 2012 letter to iSolutions was a draft copy of a complaint against iSolutions alleging infringement of each of the patents-in-suit and alleging violation of trademark and unfair competition laws.

30. Attached to the November 20, 2012 letter was a chart alleging infringement each of the patents-in-suit, alleging violation of trademark and unfair competition laws, and comparing each of the patents-in-suit with products GlasPro allegedly sold by iSolutions.

31. On November 20, 2012, Defendants filed suit in the United States District Court for the District of Georgia against Novateur alleging infringement of each of the patents-in-suit and alleging violation of trademark and unfair competition laws. Case No. 1:12-cv-04060 (D. Ga.) [Dkt. 1].

32. On November 21, 2012, Defendants filed suit in the United States District Court for the Southern District of Ohio against Ohio Valley alleging infringement of each of the patents-in-suit and alleging violation of trademark and unfair competition laws. Case No. 1:12-cv-00903 (S.D. Ohio) [Dkt. 1].

33. On November 20, 2012, Defendants, through counsel, sent a cease and desist letter to Ohio Valley alleging infringement of the patents-in-suit and infringement of 3Form's 3D and CHROMA® trademarks. (A true and correct copy of the letter, with attachments, is attached hereto as Exhibit D).

34. On information and belief, enclosed with the November 20, 2012 letter to Ohio Valley was a draft copy of a complaint against Ohio Valley alleging infringement of each of the patents-in-suit and alleging violation of trademark and unfair competition laws.

35. Attached to the November 20, 2012 letter was a chart alleging infringement each of the patents-in-suit, alleging violation of trademark and unfair competition laws, and comparing each of the patents-in-suit with products GlasPro allegedly sold by Ohio Valley.

36. On November 29, 2012, Defendants filed suit in the United States District Court for the Southern District of New York against Reigi alleging infringement of each of the patents-in-suit and alleging violation of trademark and unfair competition laws. Case No. 1:12-cv-08683 (S.D.N.Y.) [Dkt. 1].

37. On November 20, 2012, Defendants filed suit in the United States District Court for the Eastern District of California against Rowe alleging infringement of each of the patents-in-suit and alleging violation of trademark and unfair competition laws. Case No. 2:12-at-01516 (E.D. Cal.) [Dkt. 1].

38. On November 20, 2012, Defendants, through counsel, sent a cease and desist letter to Rowe alleging infringement of the patents-in-suit and infringement of 3Form's 3D and CHROMA® trademarks. (A true and correct copy of the letter, with attachments, is attached hereto as Exhibit E).

39. On information and belief, enclosed with the November 20, 2012 letter to Rowe was a draft copy of a complaint against Rowe alleging infringement of each of the patents-in-suit and alleging violation of trademark and unfair competition laws.

40. Attached to the November 20, 2012 letter was a chart alleging infringement each of the patents-in-suit, alleging violation of trademark and unfair competition laws, and comparing each of the patents-in-suit with products GlasPro allegedly sold by Rowe.

41. On November 20, 2012, Defendants, through counsel, sent a cease and desist letter to Surface Products alleging infringement of 3Form's intellectual property. (A true and correct copy of the letter is attached hereto as Exhibit F).

42. On information and belief, enclosed with the November 20, 2012 letter to Surface Products was a draft copy of a complaint against Surface Products alleging infringement of each of the patents-in-suit and alleging violation of trademark and unfair competition laws.

43. On information and belief, attached to the November 20, 2012 letter was a chart alleging infringement each of the patents-in-suit, alleging violation of trademark and unfair

competition laws, and comparing the patents-in-suit with products GlasPro allegedly sold by Surface Products.

44. On June 4, 2012, 3Form filed suit in the United States District Court for the District of Utah against GlasPro alleging infringement of '022 patent, the '023 patent, the '026 patent, the '474 patent, the '826 patent, the '068 patent, the '811 patent, the '340 patent, and the '159 patent. Case No. 2:12-cv-00521 (D. Utah.) [Dkt. 2]. This case has been assigned to the Honorable District Court Judge Clark Waddoups

45. On November 26, 2012, Defendants filed their Stipulated Motion for Leave to File First Amended Complaint in the United States District Court for the District of Utah. Case No. 2:12-cv-00521 (D. Utah) [Dkt. 20].

46. Attached as Exhibit A to Defendants' Stipulated Motion for Leave to File First Amended Complaint was Defendants' proposed First Amended Complaint against GlasPro alleging infringement of each of the patents-in-suit and alleging violation of trademark and unfair competition laws. Case No. 2:12-cv-00521 (D. Utah) [Dkt. 20].

47. Accordingly, an actual and justiciable controversy exists between Plaintiffs and Defendants regarding whether products manufactured and sold by GlasPro infringe upon certain patents and trademarks owned and/or controlled by Defendants, whether Plaintiffs unfairly compete with Defendants, and whether certain patents owned and/or controlled by Defendants are valid.

FIRST CLAIM FOR RELIEF

(Declaratory Action Against 3Form for Determination of Non-Infringement of the '022 Patent)

48. Plaintiffs incorporate by reference, as if fully set forth herein, all preceding paragraphs of this Complaint.

49. Plaintiffs have not directly or indirectly infringed and are not directly or indirectly infringing any valid and enforceable claim of the '022 Patent.

50. An actual and justiciable controversy exists between Plaintiffs and Defendants regarding whether products manufactured and sold by GlasPro infringe the '022 Patent.

51. Plaintiffs are entitled to a declaratory judgment that they have not infringed and are not infringing the '022 Patent.

SECOND CLAIM FOR RELIEF

(Declaratory Action Against 3Form for Determination of Non-Infringement of the '023 Patent)

52. Plaintiffs incorporate by reference, as if fully set forth herein, all preceding paragraphs of this Complaint.

53. Plaintiffs have not directly or indirectly infringed and are not directly or indirectly infringing any valid and enforceable claim of the '023 Patent.

54. An actual and justiciable controversy exists between Plaintiffs and Defendants regarding whether products manufactured and sold by GlasPro infringe the '023 Patent.

55. Plaintiffs are entitled to a declaratory judgment that they have not infringed and are not infringing the '023 Patent.

THIRD CLAIM FOR RELIEF

(Declaratory Action Against 3Form for Determination of Non-Infringement of the '026 Patent)

56. Plaintiffs incorporate by reference, as if fully set forth herein, all preceding paragraphs of this Complaint.

57. Plaintiffs have not directly or indirectly infringed and are not directly or indirectly infringing any valid and enforceable claim of the '026 Patent.

58. An actual and justiciable controversy exists between Plaintiffs and Defendants regarding whether products manufactured and sold by GlasPro infringe the '026 Patent.

59. Plaintiffs are entitled to a declaratory judgment that they have not infringed and are not infringing the '026 Patent.

FOURTH CLAIM FOR RELIEF
(Declaratory Action Against 3Form for Determination of Non-Infringement of the '474 Patent)

60. Plaintiffs incorporate by reference, as if fully set forth herein, all preceding paragraphs of this Complaint.

61. Plaintiffs have not directly or indirectly infringed and are not directly or indirectly infringing any valid and enforceable claim of the '474 Patent.

62. An actual and justiciable controversy exists between Plaintiffs and Defendants regarding whether products manufactured and sold by GlasPro infringe the '474 Patent.

63. Plaintiffs are entitled to a declaratory judgment that they have not infringed and are not infringing the '474 Patent.

FIFTH CLAIM FOR RELIEF
(Declaratory Action Against 3Form for Determination of Non-Infringement of the '826 Patent)

64. Plaintiffs incorporate by reference, as if fully set forth herein, all preceding paragraphs of this Complaint.

65. Plaintiffs have not directly or indirectly infringed and are not directly or indirectly infringing any valid and enforceable claim of the '826 Patent.

66. An actual and justiciable controversy exists between Plaintiffs and Defendants regarding whether products manufactured and sold by GlasPro infringe the '826 Patent.

67. Plaintiffs are entitled to a declaratory judgment that they have not infringed and are not infringing the '826 Patent.

SIXTH CLAIM FOR RELIEF
(Declaratory Action Against 3Form for Determination of Non-Infringement of the '068 Patent)

68. Plaintiffs incorporate by reference, as if fully set forth herein, all preceding paragraphs of this Complaint.

69. Plaintiffs have not directly or indirectly infringed and are not directly or indirectly infringing any valid and enforceable claim of the '068 Patent.

70. An actual and justiciable controversy exists between Plaintiffs and Defendants regarding whether products manufactured and sold by GlasPro infringe the '068 Patent.

71. Plaintiffs are entitled to a declaratory judgment that they have not infringed and are not infringing the '068 Patent.

SEVENTH CLAIM FOR RELIEF
(Declaratory Action Against 3Form for Determination of Non-Infringement of the '811 Patent)

72. Plaintiffs incorporate by reference, as if fully set forth herein, all preceding paragraphs of this Complaint.

73. Plaintiffs have not directly or indirectly infringed and are not directly or indirectly infringing any valid and enforceable claim of the '811 Patent.

74. An actual and justiciable controversy exists between Plaintiffs and Defendants regarding whether products manufactured and sold by GlasPro infringe the '811 Patent.

75. Plaintiffs are entitled to a declaratory judgment that they have not infringed and are not infringing the '811 Patent.

EIGHTH CLAIM FOR RELIEF
(Declaratory Action Against 3Form for Determination of Non-Infringement of the '340 Patent)

76. Plaintiffs incorporate by reference, as if fully set forth herein, all preceding paragraphs of this Complaint.

77. Plaintiffs have not directly or indirectly infringed and are not directly or indirectly infringing any valid and enforceable claim of the '340 Patent.

78. An actual and justiciable controversy exists between Plaintiffs and Defendants regarding whether products manufactured and sold by GlasPro infringe the '340 Patent.

79. Plaintiffs are entitled to a declaratory judgment that they have not infringed and are not infringing the '340 Patent.

NINTH CLAIM FOR RELIEF
(Declaratory Action Against Defendants for Determination of Non-Infringement of the '539 Patent)

80. Plaintiffs incorporate by reference, as if fully set forth herein, all preceding paragraphs of this Complaint.

81. Plaintiffs have not directly or indirectly infringed and are not directly or indirectly infringing any valid and enforceable claim of the '539 Patent.

82. An actual and justiciable controversy exists between Plaintiffs and Defendants regarding whether products manufactured and sold by GlasPro infringe the '539 Patent.

83. Plaintiffs are entitled to a declaratory judgment that they have not infringed and are not infringing the '539 Patent.

TENTH CLAIM FOR RELIEF
(Declaratory Action Against 3Form for Determination of Non-Infringement of the '159 Patent)

84. Plaintiffs incorporate by reference, as if fully set forth herein, all preceding paragraphs of this Complaint.

85. Plaintiffs have not directly or indirectly infringed and are not directly or indirectly infringing any valid and enforceable claim of the '159 Patent.

86. An actual and justiciable controversy exists between Plaintiffs and Defendants regarding whether products manufactured and sold by GlasPro infringe the '159 Patent.

87. Plaintiffs are entitled to a declaratory judgment that they have not infringed and are not infringing the '159 Patent.

ELEVENTH CLAIM FOR RELIEF
(Declaratory Action Against 3Form for Determination of Non-Infringement of the '486 Patent)

88. Plaintiffs incorporate by reference, as if fully set forth herein, all preceding paragraphs of this Complaint.

89. Plaintiffs have not directly or indirectly infringed and are not directly or indirectly infringing any valid and enforceable claim of the '486 Patent.

90. An actual and justiciable controversy exists between Plaintiffs and Defendants regarding whether products manufactured and sold by GlasPro infringe the '486 Patent.

91. Plaintiffs are entitled to a declaratory judgment that they have not infringed and are not infringing the '486 Patent.

TWELVTH CLAIM FOR RELIEF

(Declaratory Action Against 3Form for Determination of Non-Infringement of the '459 Patent)

92. Plaintiffs incorporate by reference, as if fully set forth herein, all preceding paragraphs of this Complaint.

93. Plaintiffs have not directly or indirectly infringed and are not directly or indirectly infringing any valid and enforceable claim of the '459 Patent.

94. An actual and justiciable controversy exists between Plaintiffs and Defendants regarding whether products manufactured and sold by GlasPro infringe the '459 Patent.

95. Plaintiffs are entitled to a declaratory judgment that they have not infringed and are not infringing the '459 Patent.

THIRTEENTH CLAIM FOR RELIEF

(Declaratory Action Against 3Form for Determination of Non-Infringement of the '714 Patent)

96. Plaintiffs incorporate by reference, as if fully set forth herein, all preceding paragraphs of this Complaint.

97. Plaintiffs have not directly or indirectly infringed and are not directly or indirectly infringing any valid and enforceable claim of the '714 Patent.

98. An actual and justiciable controversy exists between Plaintiffs and Defendants regarding whether products manufactured and sold by GlasPro infringe the '714 Patent.

99. Plaintiffs are entitled to a declaratory judgment that they have not infringed and are not infringing the '714 Patent.

FOURTEENTH CLAIM FOR RELIEF

(Declaratory Action Against 3Form for Determination of Non-Infringement of the '457 Patent)

100. Plaintiffs incorporate by reference, as if fully set forth herein, all preceding paragraphs of this Complaint.

101. Plaintiffs have not directly or indirectly infringed and are not directly or indirectly infringing any valid and enforceable claim of the '457 Patent.

102. An actual and justiciable controversy exists between Plaintiffs and Defendants regarding whether products manufactured and sold by GlasPro infringe the '457 Patent.

103. Plaintiffs are entitled to a declaratory judgment that they have not infringed and are not infringing the '457 Patent.

FIFTEENTH CLAIM FOR RELIEF
(Declaratory Action Against 3Form for Determination of Patent Invalidity and/or Unenforceability of the '022 Patent)

104. Plaintiffs incorporate by reference, as if fully set forth herein, all preceding paragraphs of this Complaint.

105. The '022 Patent and the claims of the '022 Patent, individually and/or collectively, are invalid or unenforceable for failure to comply with the requirements of the United States patent laws, including, without limitation, 35 U.S.C. §§ 101, 102, 103, and/or 112.

106. An actual and justiciable controversy exists between Plaintiffs and Defendants regarding whether the '022 Patent and the claims of the '022 Patent, individually and/or collectively, are invalid and/or unenforceable.

107. Plaintiffs are entitled to a declaratory judgment that the '022 Patent is invalid, and that the '022 Patent is not enforceable.

SIXTEENTH CLAIM FOR RELIEF

(Declaratory Action Against 3Form for Determination of Patent Invalidity and/or Unenforceability of the '023 Patent)

108. Plaintiffs incorporate by reference, as if fully set forth herein, all preceding paragraphs of this Complaint.

109. The '023 Patent and the claims of the '023 Patent, individually and/or collectively, are invalid or unenforceable for failure to comply with the requirements of the United States patent laws, including, without limitation, 35 U.S.C. §§ 101, 102, 103, and/or 112.\

110. An actual and justiciable controversy exists between Plaintiffs and Defendants regarding whether the '023 Patent and the claims of the '023 Patent, individually and/or collectively, are invalid and/or unenforceable.

111. Plaintiffs are entitled to a declaratory judgment that the '023 Patent is invalid, and that the '023 Patent is not enforceable.

SEVENTEENTH CLAIM FOR RELIEF

(Declaratory Action Against 3Form for Determination of Patent Invalidity and/or Unenforceability of the '026 Patent)

112. Plaintiffs incorporate by reference, as if fully set forth herein, all preceding paragraphs of this Complaint.

113. The '026 Patent and the claims of the '026 Patent, individually and/or collectively, are invalid or unenforceable for failure to comply with the requirements of the United States patent laws, including, without limitation, 35 U.S.C. §§ 101, 102, 103, and/or 112.

114. An actual and justiciable controversy exists between Plaintiffs and Defendants regarding whether the '026 Patent and the claims of the '026 Patent, individually and/or collectively, are invalid and/or unenforceable.

115. Plaintiffs are entitled to a declaratory judgment that the '026 Patent is invalid, and that the '026 Patent is not enforceable.

EIGHTEENTH CLAIM FOR RELIEF
(Declaratory Action Against 3Form for Determination of Patent Invalidity and/or Unenforceability of the '474 Patent)

116. Plaintiffs incorporate by reference, as if fully set forth herein, all preceding paragraphs of this Complaint.

117. The '474 Patent and the claims of the '474 Patent, individually and/or collectively, are invalid or unenforceable for failure to comply with the requirements of the United States patent laws, including, without limitation, 35 U.S.C. §§ 101, 102, 103, and/or 112.

118. An actual and justiciable controversy exists between Plaintiffs and Defendants regarding whether the '474 Patent and the claims of the '474 Patent, individually and/or collectively, are invalid and/or unenforceable.

119. Plaintiffs are entitled to a declaratory judgment that the '474 Patent is invalid, and that the '474 Patent is not enforceable.

NINETEENTH CLAIM FOR RELIEF
(Declaratory Action Against 3Form for Determination of Patent Invalidity and/or Unenforceability of the '826 Patent)

120. Plaintiffs incorporate by reference, as if fully set forth herein, all preceding paragraphs of this Complaint.

121. The '826 Patent and the claims of the '826 Patent, individually and/or collectively, are invalid or unenforceable for failure to comply with the requirements of the United States patent laws, including, without limitation, 35 U.S.C. §§ 101, 102, 103, and/or 112.

122. An actual and justiciable controversy exists between Plaintiffs and Defendants regarding whether the '826 Patent and the claims of the '826 Patent, individually and/or collectively, are invalid and/or unenforceable.

123. Plaintiffs are entitled to a declaratory judgment that the '826 Patent is invalid, and that the '826 Patent is not enforceable.

TWENTIETH CLAIM FOR RELIEF
(Declaratory Action Against 3Form for Determination of Patent Invalidity and/or Unenforceability of the '068 Patent)

124. Plaintiffs incorporate by reference, as if fully set forth herein, all preceding paragraphs of this Complaint.

125. The '068 Patent and the claims of the '068 Patent, individually and/or collectively, are invalid or unenforceable for failure to comply with the requirements of the United States patent laws, including, without limitation, 35 U.S.C. §§ 101, 102, 103, and/or 112.

126. An actual and justiciable controversy exists between Plaintiffs and Defendants regarding whether the '068 Patent and the claims of the '068 Patent, individually and/or collectively, are invalid and/or unenforceable.

127. Plaintiffs are entitled to a declaratory judgment that the '068 Patent is invalid, and that the '068 Patent is not enforceable.

TWENTY-FIRST CLAIM FOR RELIEF
(Declaratory Action Against 3Form for Determination of Patent Invalidity and/or Unenforceability of the '811 Patent)

128. Plaintiffs incorporate by reference, as if fully set forth herein, all preceding paragraphs of this Complaint.

129. The '811 Patent and the claims of the '811 Patent, individually and/or collectively, are invalid or unenforceable for failure to comply with the requirements of the United States patent laws, including, without limitation, 35 U.S.C. §§ 101, 102, 103, and/or 112.

130. An actual and justiciable controversy exists between Plaintiffs and Defendants regarding whether the '811 Patent and the claims of the '811 Patent, individually and/or collectively, are invalid and/or unenforceable.

131. Plaintiffs are entitled to a declaratory judgment that the '811 Patent is invalid, and that the '811 Patent is not enforceable.

TWENTY-SECOND CLAIM FOR RELIEF
(Declaratory Action Against 3Form for Determination of Patent Invalidity and/or Unenforceability of the '340 Patent)

132. Plaintiffs incorporate by reference, as if fully set forth herein, all preceding paragraphs of this Complaint.

133. The '340 Patent and the claims of the '340 Patent, individually and/or collectively, are invalid or unenforceable for failure to comply with the requirements of the United States patent laws, including, without limitation, 35 U.S.C. §§ 101, 102, 103, and/or 112.

134. An actual and justiciable controversy exists between Plaintiffs and Defendants regarding whether the '340 Patent and the claims of the '340 Patent, individually and/or collectively, are invalid and/or unenforceable.

135. Plaintiffs are entitled to a declaratory judgment that the '340 Patent is invalid, and that the '340 Patent is not enforceable.

TWENTY-THIRD CLAIM FOR RELIEF

(Declaratory Action Against Defendants for Determination of Patent Invalidity and/or Unenforceability of the '539 Patent)

136. Plaintiffs incorporate by reference, as if fully set forth herein, all preceding paragraphs of this Complaint.

137. The '539 Patent and the claims of the '539 Patent, individually and/or collectively, are invalid or unenforceable for failure to comply with the requirements of the United States patent laws, including, without limitation, 35 U.S.C. §§ 101, 102, 103, and/or 112.

138. An actual and justiciable controversy exists between Plaintiffs and Defendants regarding whether the '539 Patent and the claims of the '539 Patent, individually and/or collectively, are invalid and/or unenforceable.

139. Plaintiffs are entitled to a declaratory judgment that the '539 Patent is invalid, and that the '539 Patent is not enforceable.

TWENTY-FOURTH CLAIM FOR RELIEF

(Declaratory Action Against 3Form for Determination of Patent Invalidity and/or Unenforceability of the '159 Patent)

140. Plaintiffs incorporate by reference, as if fully set forth herein, all preceding paragraphs of this Complaint.

141. The '159 Patent and the claims of the '159 Patent, individually and/or collectively, are invalid or unenforceable for failure to comply with the requirements of the United States patent laws, including, without limitation, 35 U.S.C. §§ 101, 102, 103, and/or 112.

142. An actual and justiciable controversy exists between Plaintiffs and Defendants regarding whether the '159 Patent and the claims of the '159 Patent, individually and/or collectively, are invalid and/or unenforceable.

143. Plaintiffs are entitled to a declaratory judgment that the '159 Patent is invalid, and that the '159 Patent is not enforceable.

TWENTY-FIFTH CLAIM FOR RELIEF
(Declaratory Action Against 3Form for Determination of Patent Invalidity and/or Unenforceability of the '486 Patent)

144. Plaintiffs incorporate by reference, as if fully set forth herein, all preceding paragraphs of this Complaint.

145. The '486 Patent and the claims of the '486 Patent, individually and/or collectively, are invalid or unenforceable for failure to comply with the requirements of the United States patent laws, including, without limitation, 35 U.S.C. §§ 101, 102, 103, and/or 112.

146. An actual and justiciable controversy exists between Plaintiffs and Defendants regarding whether the '486 Patent and the claims of the '486 Patent, individually and/or collectively, are invalid and/or unenforceable.

147. Plaintiffs are entitled to a declaratory judgment that the '486 Patent is invalid, and that the '486 Patent is not enforceable.

TWENTY-SIXTH CLAIM FOR RELIEF
(Declaratory Action Against 3Form for Determination of Patent Invalidity and/or Unenforceability of the '459 Patent)

148. Plaintiffs incorporate by reference, as if fully set forth herein, all preceding paragraphs of this Complaint.

149. The '459 Patent and the claims of the '459 Patent, individually and/or collectively, are invalid or unenforceable for failure to comply with the requirements of the United States patent laws, including, without limitation, 35 U.S.C. §§ 101, 102, 103, and/or 112.

150. An actual and justiciable controversy exists between Plaintiffs and Defendants regarding whether the '459 Patent and the claims of the '459 Patent, individually and/or collectively, are invalid and/or unenforceable.

151. Plaintiffs are entitled to a declaratory judgment that the '459 Patent is invalid, and that the '459 Patent is not enforceable.

TWENTY-SEVENTH CLAIM FOR RELIEF
(Declaratory Action Against 3Form for Determination of Patent Invalidity and/or Unenforceability of the '714 Patent)

152. Plaintiffs incorporate by reference, as if fully set forth herein, all preceding paragraphs of this Complaint.

153. The '714 Patent and the claims of the '714 Patent, individually and/or collectively, are invalid or unenforceable for failure to comply with the requirements of the United States patent laws, including, without limitation, 35 U.S.C. §§ 101, 102, 103, and/or 112.

154. An actual and justiciable controversy exists between Plaintiffs and Defendants regarding whether the '714 Patent and the claims of the '714 Patent, individually and/or collectively, are invalid and/or unenforceable.

155. Plaintiffs are entitled to a declaratory judgment that the '714 Patent is invalid, and that the '714 Patent is not enforceable.

TWENTY-EIGHTH CLAIM FOR RELIEF
(Declaratory Action Against 3Form for Determination of Patent Invalidity and/or Unenforceability of the '457 Patent)

156. Plaintiffs incorporate by reference, as if fully set forth herein, all preceding paragraphs of this Complaint.

157. The '457 Patent and the claims of the '457 Patent, individually and/or collectively, are invalid or unenforceable for failure to comply with the requirements of the United States patent laws, including, without limitation, 35 U.S.C. §§ 101, 102, 103, and/or 112.

158. An actual and justiciable controversy exists between Plaintiffs and Defendants regarding whether the '457 Patent and the claims of the '457 Patent, individually and/or collectively, are invalid and/or unenforceable.

159. Plaintiffs are entitled to a declaratory judgment that the '457 Patent is invalid, and that the '457 Patent is not enforceable.

TWENTY-NINTH CLAIM FOR RELIEF
(Declaratory Action Against 3Form for Determination of Non-Infringement of the CHROMA® Trademark)

160. Plaintiffs incorporate by reference, as if fully set forth herein, all preceding paragraphs of this Complaint.

161. Plaintiffs have not infringed and are not infringing the alleged CHROMA® trademark.

162. An actual and justiciable controversy exists between Plaintiffs and Defendants regarding whether products manufactured and sold by GlasPro infringe 3Form's alleged marks.

163. Plaintiffs are entitled to a declaratory judgment that they have not infringed and are not infringing the CHROMA® trademark.

THIRTIETH CLAIM FOR RELIEF
(Declaratory Action Against 3Form for Determination that Plaintiffs Have Not Committed Common Law Trademark and Unfair Competition Violations)

164. Plaintiffs incorporate by reference, as if fully set forth herein, all preceding paragraphs of this Complaint.

165. Plaintiffs have not engaged in intentional business acts or practices that are unlawful, unfair, and/or fraudulent, including the infringement of 3Form's alleged CHROMA® and alleged 3D trademarks.

166. An actual and justiciable controversy exists between Plaintiffs and Defendants regarding whether products manufactured and sold by GlasPro infringe 3Form's alleged marks, and whether Plaintiffs have unfairly competed with 3Form.

167. Plaintiffs are entitled to a declaratory judgment that they have not committed common law trademark and/or unfair competition violations.

JURY DEMAND

168. Plaintiffs demand a trial by jury on all of the claims in this Complaint that may be tried to a jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for Judgment as follows:

1. On the First through Fourteenth Claims for Relief, for declaratory judgment that Plaintiffs have not infringed any of the patents-in-suit;
2. On the Fifteenth through Twenty-Eighth Claims for Relief, for a declaratory judgment that one or more claims of one or more of the patents-in-suit are invalid and/or not enforceable;
3. On Twenty-Ninth Claim for Relief, for a declaratory judgment that Plaintiffs have not infringed and are not infringing the CHROMA® trademark;
4. On Thirtieth Claim for Relief, for a declaratory judgment that Plaintiffs have not committed common law trademark and/or unfair competition violations;

5. That the Court find this case exceptional and award Plaintiffs their attorneys' fees, costs, and expenses against Defendants pursuant to 35 U.S.C. § 285;
6. That the Court award Plaintiffs taxable costs and interest; and
7. That the Court award Plaintiffs such other and further relief as the Court deems just and proper.

DATED this 25th day of January, 2013.

/s/ Jeffrey M. Sanchez
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