IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

FILED
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SKYLINE USA, INC.,	§	
	§	CIVIL ACTION NO.
Plaintiff,	§	6:14-CV-212-ORL-36GJK
v.	§	
	§	
CUTTING EDGE PRODUCTS, INC.	§	
	§	A JURY IS DEMANDED
Defendant.	§	

PLAINTIFF'S ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT INJUNCTIVE RELIEF SOUGHT AND DEMAND FOR JURY TRIAL

Skyline USA, Inc. for its Complaint for Patent Infringement against Defendant Cutting Edge Products, Inc., states and alleges as follows:

I. PARTIES

1. Plaintiff Skyline USA, Inc. (hereinafter "Skyline USA") is a corporation organized and existing under the laws of the State of Florida and doing business in this Judicial District.

2. Defendant Cutting Edge Products, Inc. (hereinafter "Cutting Edge Products") is a corporation organized and existing under the laws of the State of North Carolina. On information and belief, Cutting Edge Products has offered for sale and sold infringing products in this Judicial District and delivered infringing products into the stream of commerce that it knew would be offered for sale and sold in this Judicial District. Cutting Edge Products therefore is subject to personal jurisdiction in the State of Florida in this Judicial District. Cutting Edge Products may be served with process by serving its registered agent for service of process, Raymond Gilbarte, Cutting Edge Products, at 235 Forelines Road Winterville, North Carolina 28590.

II. JURISDICTION AND VENUE

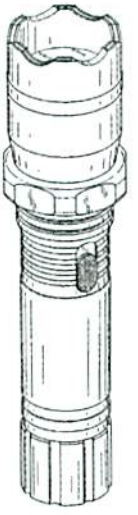
3. This action is for patent infringement arising under the Patent Laws of the United States, Title 35, United States Code, § 271 et seq.

4. This Court has jurisdiction of this action under 28 U.S.C. § 1338(a).

5. Defendant Cutting Edge Products is a corporation that has committed acts of patent infringement in this Judicial District. A substantial part of the events or omissions giving rise to the claims occurred in this Judicial District. Accordingly, venue is proper in this Court under 28 U.S.C. §§ 1391(b)(2).

III. DESIGN PATENT INFRINGEMENT

6. Skyline USA is the exclusive licensee of all right, title, and interest in and to United States Design Patent No. D671,249 entitled "Combined Flashlight and Stun Gun," ("the '249 Patent") duly issued on November 20, 2012 by the United States Patent and Trademark Office, a copy of which is attached hereto as Pleading Exhibit 1. Such right, title, and interest include, without limitation, the right to sue and receive damages for past, present, and future patent infringement.



Skyline USA Design Patent D459,548

7. Defendant Cutting Edge Products, Inc. has offered to sell and sold in this Judicial District, and offered to sell and sold in the United States, combined flashlights and stun guns that fall within the scope of the claim of the '249 Patent, all in violation of 35 U.S.C. § 271, et seq. The Cutting Edge Products combined flashlight and stun gun shares with patented design D671,249 a distinctive overall appearance, which includes without limitation a scalloped bezel and distinctive handle.



Cutting Edge Products Combined Flashlight and Stun Gun

8. The infringing offers for sale by Defendant Cutting Edge Products include the following picture of the Cutting Edge Products Combined Flashlight and Stun Gun:



9. On information and belief, the acts of infringement by Cutting Edge Products described above have been and continue to be intentional and willful.

10. Plaintiff Skyline USA is entitled to damages as a result of Defendant's infringement, as provided by law.

11. On information and belief, Cutting Edge Products has caused irreparable damage to Skyline USA by its acts of infringement as described above and will continue said acts of infringement unless permanently enjoined by this Court.

12. Plaintiff Skyline USA has placed the required statutory marking and notice on all products made and sold by it under Patent No. D671,249.

IV. PRAYER FOR JUDGMENT AND RELIEF

WHEREFORE, Plaintiff Skyline USA prays for a judgment against Defendant as follows:

a. That U.S. Design Patent No. D671,249 is valid and enforceable;

b. That Defendant has infringed U.S. Design Patent No. D671,249 and that such infringement was willful;

c. An award of damages to Plaintiff Skyline USA against Defendant for infringement of U.S. Design Patent No. D671,249 under 35 U.S.C. § 284 or § 289;

d. In the event Skyline USA elects to recover damages under 35 U.S.C. § 284, an increase of the sums awarded to Plaintiff Skyline USA to three times the actual damages, pursuant to 35 U.S.C. § 284;

e. That Cutting Edge Products be permanently enjoined from infringing U.S. Design Patent No. D671,249;

f. That this case be deemed as exceptional under 35 U.S.C. § 285 due to the intentional and willful nature of Defendant's infringement, and an award to Plaintiff Skyline USA of attorney fees under 35 U.S.C. § 285.

g. An award of prejudgment and post judgment interest and costs of suit to Plaintiff Skyline USA; and

h. Such other and further relief as the Court deems proper and just.

V. DEMAND FOR JURY TRIAL

Plaintiff Skyline USA, pursuant to Rule 38(b) of the Federal Rues of Civil Procedure, demands a trial by jury on all issues triable by right by a jury.

Respectfully submitted,

/s/ Mark F. Warzecha

Mark F. Warzecha, Esq.
Florida Bar No. 0095779
ZIES WIDERMAN & MALEK
1990 W. New Haven Avenue, Suite 201
Melbourne, Florida 32904
Telephone: 321-255-2332
Facsimile: 321-255-2351
MFW@LegalTeamUSA.com
Attorney for Plaintiff