

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

FLEXIBLE INNOVATIONS LTD., §
a Texas Limited Partnership, §
§
Plaintiff, §
§ Civil Case No. _____
v. §
§
PRISTINE SCREENS, LLC, a Colorado §
limited liability company, §
§
Defendant. § **JURY TRIAL DEMANDED**

COMPLAINT FOR PATENT INFRINGEMENT

For its Complaint, Plaintiff Flexible Innovations Ltd. (“Flexible”), by and through the undersigned counsel, alleges as follows:

PARTIES

1. Plaintiff Flexible Innovations Ltd. is a Texas Limited Partnership with its principal place of business in Tarrant County, Texas, and is sometimes hereinafter referred to as “Flexible.”
2. Upon information and belief, Defendant Pristine Screens, LLC (hereinafter referred to as “PS”) is a Colorado limited liability company having its principal offices at 10200 E. Girard Avenue, Suite C251, Denver, Colorado 80231. Service of process may be accomplished by serving its Registered Agent, Pristine Screens, LLC, at 10200 E. Girard Avenue, Suite C251, Denver, Colorado 80231.

JURISDICTION AND VENUE

3. This action arises under the Patent Act, 35 U.S.C. § 1 *et seq.*
4. Subject matter jurisdiction is proper in this Court under 28 U.S.C. §§ 1331 and

1338.

5. Upon information and belief, Defendant PS conducts substantial business in this forum, directly or through intermediates, including: (i) at least a portion of the infringement alleged herein; and (ii) regularly doing or soliciting business by and through its interactive website, www.pristinescreens.com, engaging in other persistent courses of conduct and/or deriving substantial revenue from goods and services provided to individuals in this District.

6. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b), (c) and 1400(b).

THE PATENT IN SUIT

7. On October 7, 2008, United States Patent No. 7,431,983 (the “’983 Patent”) entitled “Wiping Sheet” was duly and lawfully issued by the United States Patent and Trademark Office. A true and correct copy of the ‘983 Patent is attached hereto as Exhibit A. Originally the ‘983 Patent was owned by Rakupuri Co., Ltd. (“Rakupuri”).

8. Plaintiff Flexible is the assignee and current owner of all right, title and interest in and to the ‘983 Patent, including the right to assert all causes of action arising under said Patent and the right to any past or future remedies for infringement of it.

9. Prior to the assignment of the ‘983 Patent to Plaintiff Flexible, Plaintiff Flexible was Rakupuri’s exclusive distributor for Rakupuri’s microfiber screen cleaning wipes, marketed in the United States as “DigiClean” products. All “DigiClean” product sold by Plaintiff Flexible is manufactured by Rakupuri in accordance with the ‘983 Patent.

CAUSES OF ACTION

COUNT 1—INFRINGEMENT OF U.S. PATENT NO. 7,431,983

10. Plaintiff Flexible repeats and realleges the allegations of ¶¶ 1-9 as if fully set forth herein.

11. Upon information and belief, Rakupuri established a Chinese company, Dalian Three-Dimensional Design Corp. (“DTDD”), to make and sell screen cleaners in China. DTDD makes its screen cleaners in accordance with the ‘983 Patent. DTDD sells to various resellers in China.

12. Upon information and belief, one of such resellers in China provide unauthorized microfiber screen cleaner products for resale in the United States to Defendant PS.

13. Without license or authorization and in violation of 35 U.S.C. § 271(a) Defendant PS has infringed and continues to infringe the ‘983 Patent by making, using, offering for sale, and/or selling within this District and elsewhere in the United States and/or importing into this District and elsewhere in the United States, microfiber screen cleaning products made in accordance with the ‘983 Patent, including but not limited to Defendant PS’s “Pristine Screen” products, as shown in the attached Pleading Exhibit B.

14. Plaintiff Flexible is entitled to recover from Defendant PS the damages sustained by Plaintiff Flexible as a result of Defendant PS’s infringement of the ‘983 Patent in an amount subject to proof at trial, which by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

JURY DEMAND

Plaintiff Flexible hereby demands a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Flexible requests this Court enter a judgment against Defendant PS as follows:

- a. An adjudication that Defendant PS has infringed the ‘983 Patent;

b. An injunction restraining Defendant PS, and all those who are in active concert with Defendant PS, from any future acts of infringement of the '983 Patent;

c. An award of damages to be paid by Defendant PS adequate to compensate Plaintiff Flexible for Defendant PS's past infringement of the '983 Patent and any continuing future infringement through the date of such judgment, including interest, cost, expenses and an accounting of all infringing acts;

d. A declaration that this case is exceptional under 35 U.S.C. § 285 and an award of Plaintiff Flexible's reasonable attorney's fees; and

e. An award to Plaintiff Flexible of such further relief at law or in equity as this Court deems just and proper.

Dated: April 3, 2014.

Respectfully submitted,

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