

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

**MAYA P. JEDLICKA and
DBK HOLDINGS, LLC
Plaintiffs,**

v.

**TEE-ZED PRODUCTS, L.L.C.,
A NORTH CAROLINA CORPORATION**

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**CIVIL ACTION NO. _____
JURY DEMAND**

PLAINTIFFS' ORIGINAL COMPLAINT

TO THE HONORABLE COURT:

COME NOW Maya P. Jedlicka and DBK Holdings, LLC, hereinafter referred to as Plaintiffs, and make and file this Complaint of patent infringement against Tee-Zed Products, L.L.C., hereinafter referred to as Defendant, and in support thereof would state and allege the following:

I.

PARTIES AND JURISDICTION

1. This is a civil action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §271 *et seq.* This Court has subject matter jurisdiction over this Complaint pursuant to 28 U.S.C. §1331, in that this action involves questions of federal law, and §1338(a), in that this action involves claims for patent infringement under Title 35 of the United States Code.

2. Plaintiff Maya P. Jedlicka is an individual residing in Collin County, Texas.

3. Plaintiff DBK Holdings, LLC is a Texas Limited Liability Company, with its registered office address as at 718 Highway 82 East, Suite 208, Sherman, Texas 75093.

4. Defendant is a corporation duly organized under the laws of North Carolina, having a regular and established place of business at 5500 Adams Farm Lane, Suite 200, Greensboro, North Carolina 27407, and upon information and belief, this address also serves as the home office for Defendant's American operation. Service of summons may be made by serving its registered agent for service, Joy Oudinot, 5500 Adams Farm Ln., Ste. 200, Greensboro, NC 27407-7059.

II.

GENERAL JURISDICTION

5. Defendant, by its sale of the patented products made the subject of this lawsuit, has done business in the state of Texas as provided in §17.042 of the Texas Civil Practice & Remedies Code, in that the act of selling such products indicates that Defendant has purposefully established minimum contacts with the state of Texas so that the exercise of jurisdiction by the Courts of Texas, including this Court, is fair and substantially just. The act of selling the products in question by Defendant creates a substantial connection with Texas sufficient to establish minimum contacts, and to vest the Courts of the state of Texas, and this Court in particular, with jurisdiction in all matters. The Defendant's contacts with Texas and the residents of the state of Texas have been substantial, or continuous and systematic.

6. Defendant has offered for sale, and consummated sales of the products made the subject of this lawsuit through e-commerce website Amazon.com, which is an online seller of merchandise. Amazon directs its online sales universally through the Internet, such that persons wishing to sell products on the Amazon website are able to market such products to individuals in any state in the United States, including Texas.

7. Pursuant to §17.044, Texas Civil Practice & Remedies Code, the Texas Secretary of State is an agent for service of process on a non-resident who engages in business in the State of

Texas, but has not designated or maintained a resident agent for service of process. The Texas Secretary of State should immediately forward citation and process in this matter to any corporate officer of Defendant at its home office: Tee-Zed Products, LLC, 5500 Adams Farm Lane, Suite 200, Greensboro, NC 27407.

III.

VENUE

8. Venue is proper in this District pursuant to 28 U.S.C. § 1391(c) and U.S.C. § 1400(b) in that Defendant is subject to personal jurisdiction in this District.

IV.

BACKGROUND

9. Plaintiff is the owner of several patents, including USD 617,836 (“the ‘836 patent”), 617,840 (“the ‘840 patent”), 639,341 (“the ‘341 patent”), and 639,345 (“the ‘345 patent”). These patents pertain to a portable warning sign with partial mesh side panels. The ‘836 patent was filed by Plaintiff on June 1, 2009 and granted by United States Patent and Trademark Office on June 15, 2010. The ‘840 patent was filed by Plaintiff on June 1, 2009 and granted by United States Patent and Trademark Office on June 15, 2010. The ‘341 patent was filed by Plaintiff on May 18, 2010 and granted by United States Patent and Trademark Office on June 7, 2011. The ‘345 patent was filed by Plaintiff on May 18, 2010 and granted by United States Patent and Trademark Office on June 7, 2011. A copy of all these patents are attached hereto as Exhibits “1,” “2,” “3,” and “4,” reference to which is made for all purposes.

10. DBK Holdings, LLC is the owner by assignment of the ‘341 patent and the ‘345 patent. Its ownership rights include the right to collect any royalties and to recover damages for past infringement on these patents. The ownership history of these patents is a matter of public

record and can be viewed for free by the public online at the website of the United States Patent and Trademark Office.

10. On or about July 1, 2011, Plaintiff Jedlicka executed an assignment of her rights to the '341 patent and the '345 patent to DBK Holdings, LLC. This assignment was recorded by the United States Patent and Trademark Office ("USPTO") at or near that same date.

V. CAUSES OF ACTION

Count One

11. The allegations set forth in paragraphs 1 through 10 are incorporated by reference as if set forth at length herein.

12. Defendant has actual notice of the '836, '840, '341 and '345 patents by the fact that it has been previously placed on notice of Plaintiffs' infringement claims.

13. Upon information and belief, Defendant has made, used, sold and offered for sale or lease products that incorporate features described and claimed in the '836, '840, '341 and '345 patents, including but not limited to the following products listed on Defendant's website: *Dreambaby Children At Play Warning Sign*. See Exhibit "5." The Infringing Product has or performs all of the elements contained in the '836, '840, '341 and '345 patents, or in the alternative, infringe under the doctrine of equivalents.

14. More specifically, the Infringing Products contain and exhibit features making it virtually identical to the features for which a patent was granted or the '836, '840, '341 and '345 patented product. Compare Exhibits 1-4, pp. 3-4 to Exhibit 5.

15. Defendant, with full knowledge of the existence of the '836, '840, '341 and '345 patents, is infringing and/or has infringed these patents by making, selling, offering for sale, leasing, distributing and/or using products, including but not limited to the Infringing Products listed

above, embodying the patented inventions and qualities of the inventions of Plaintiff Jedlicka, and inducing others to infringe, or contribute to the infringement of such patents. Defendant will continue to commit such unlawful acts unless enjoined by this Court.

16. Defendant has unlawfully profited from the sales of products which infringe upon the patents owned by Plaintiff Jedlicka. Plaintiffs seek disgorgement of, and judgment for, the value of all sales of the Infringing Products, together with all other damages provided by law, including recovery of attorney's fees, and trebling of all amounts found by the trier of fact to be sales proceeds wrongfully received by Defendant for the unlawful sales of the Infringing Products.

VI.
CONDITIONS PRECEDENT

17. All conditions precedent to the relief requested herein have been performed or have occurred.

VII.
JURY DEMAND

18. Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiffs hereby demand a trial by jury of all issues set forth in this lawsuit.

VIII.
PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for the following relief and judgment against Defendant:

a) That Defendant and its agents, officers, directors, employees and all persons acting in concert with them directly or indirectly, contributorily and/or by inducement, have infringed U.S. patent number nos. USD 617,836, USD 617,840, USD 639,341 and USD 639,345;

b) That Defendant and its agents, officers, directors, employees and all persons acting in concert with them directly or indirectly, be preliminarily and permanently enjoined from infringing, inducing others to infringe, or contributing to the infringement of U.S. patent nos. USD 617,836, USD 617,840, USD 639,341 and USD 639,345;

c) That Defendant be found to have willfully infringed U.S. patent number nos. USD 617,836, USD 617,840, USD 639,341 and USD 639,345;

d) That an Order and Judgment issue, preliminarily and permanently, enjoining Tee-Zed Products, LLC and its officers, directors, agents, servants, employees, affiliates, and all others acting in privity or in concert with them, and their parents, subsidiaries, divisions, successors and assigns, from further acts of infringement of Plaintiffs' patents;

e) That Defendant be ordered to provide an accounting for all profits and damages arising out of Defendant's infringement of U.S. patent nos. USD 617,836, USD 617,840, USD 639,341 and USD 639,345;

f) That Plaintiffs receive judgment for the profits and damages from Defendants infringement of the above-referenced patents, and that the profits and damages be trebled and awarded to Plaintiffs;

g) That Plaintiffs be awarded pre and post judgment interest, all costs incurred in connection with this lawsuit, and all disbursements and attorney's fees to which they are entitled in accordance with 35 U.S.C. § 285; and

h) Such other and further relief, whether general or special, at law or in equity, to which they may show themselves to be justly entitled.

Respectfully submitted,

/s/Stephen C. Maxwell

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