

RECEIPT NUMBER

560320

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**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

LIANA C. ROBERTS, an individual,

Plaintiff,

v.

ANDREA R. PAULIN, an individual d/b/a
TOEZIES and MY TOEZIES,

Defendant.

Exhibit A

Case: 2:07-cv-13207
Assigned To: Cleland, Robert H
Referral Judge: Majzoub, Mona K
Filed: 08-01-2007 At 03:36 PM
CMP ROBERTS V. PAULIN, ET AL (TAM)

John S. Artz (P 48578)
Dickinson Wright PLLC
38525 Woodward Ave, Suite 200
Bloomfield Hills, MI 48034
(248) 433-7200

Attorneys for Plaintiff

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, LIANA C. ROBERTS, hereby complains, through its counsel, DICKINSON WRIGHT, PLLC of Defendant ANDREA R. PAULIN as follows:

THE PARTIES

A. THE PLAINTIFF

1. Liana C. Roberts ("Roberts"), is an individual who resides in the State of Michigan and has a principal residence at 922 Timberlake Dr., Bloomfield Hills, Michigan 48302 and is doing business in this district.

2. Roberts is the owner of United States Patent No. 5,906,007 (the "'007 Patent"), which issued on May 25, 1999, for an invention entitled "Article of Footwear For Use In Relation To A Pedicure". (Copy attached as Exhibit A.)

B. THE DEFENDANT

3. Andrea R. Paulin ("Paulin") is an individual who resides at 95 Emerald Bay, Laguna Beach, California 92651 and is doing business in this district.

4. Paulin does business in this district under the names TOEZIES and MY TOEZIES, which each have a principal address of One Upper Newport Plaza, Newport, CA.

5. Paulin manufactures and sells a performance sock, including under the name Toezies (hereinafter the "Accused Socks").

JURISDICTION

6. This is a civil action arising under 35 U.S.C. § 102 et. seq. for patent infringement.

7. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 and 1338 because this is a civil action for patent infringement and arises under the patent laws of the United States.

8. Venuc is proper in this district because Paulin resides within this district as provided in 28 U.S.C. §§ 1391(b) and 1400(b).

COUNT I – PATENT INFRINGEMENT

9. Plaintiff hereby realleges the allegations contained in paragraphs 1 through 8 of the Complaint as though fully set forth herein.

10. This action arises under the United States Patent Laws, Title 35, United States Code.

11. In violation of 35 U.S.C. § 271(a)-(c), Paulin directly infringes the '007 Patent through the manufacture, use, offer to sell and sale of the "Accused Socks".

12. Paulin's infringement of the '007 Patent is willful.

13. Unless enjoined, Paulin will continue its unlawful and willful infringement of the '007 Patent.

RELIEF REQUESTED

WHEREFORE, Plaintiff, Liana C. Roberts., demands judgment as follows:

A. That this Court preliminarily and permanently enjoin the Defendant from further infringement of U.S. Patent No. 5,906,007;

B. That this Court find that Paulin and those in privity therewith have infringed U.S. Patent No. 5,906,007;

C. That this Court award Plaintiff its costs, expenses and such other relief as is deemed just and equitable;

D. That this Court award Plaintiff compensatory damages and prejudgment interest thereof for Paulin's infringing acts;

E. That this Court treble such award of damages pursuant to 35 U.S.C. § 284;

F. That this Court declare this case exception pursuant to 35 U.S.C. § 285 and award Plaintiff its reasonable attorneys fees;

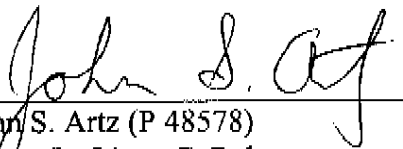
G. That this Court award Plaintiff its costs and expenses and such other relief as is deemed just and equitable.

DEMAND FOR JURY TRIAL

Plaintiff demands a jury trial on all issues so triable.

Respectfully submitted,

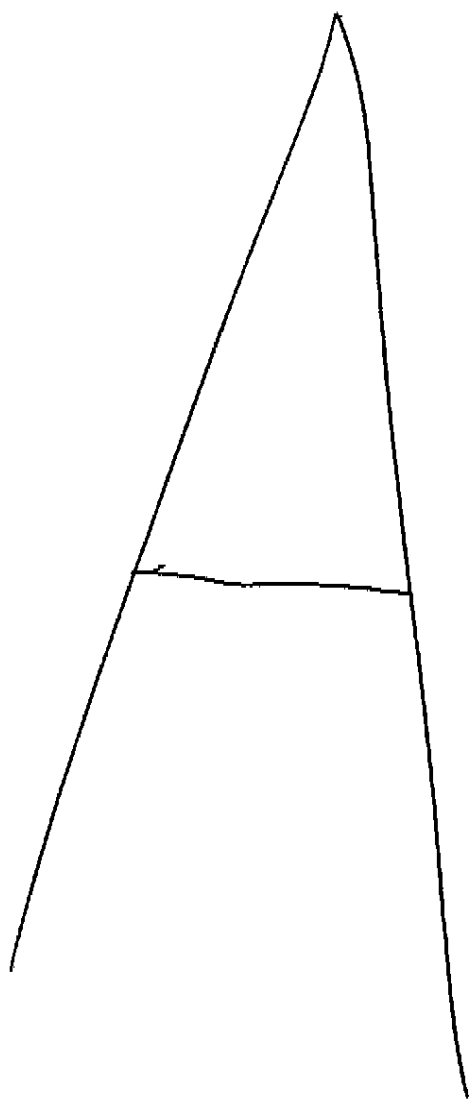
DICKINSON WRIGHT PLLC

By: 
John S. Artz (P 48578)

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Dated: August 1, 2007

BLOOMFIELD 30487-2 854876v1





US005906007A

United States Patent [19]
Roberts

[11] **Patent Number:** **5,906,007**
 [45] **Date of Patent:** **May 25, 1999**

- [54] **ARTICLE OF FOOTWEAR FOR USE IN RELATION TO A PEDICURE**
- [76] Inventor: **Liana Callas Roberts**, 5219 S. Kellen Ct., Bloomfield Hills, Mich. 48302
- [21] Appl. No.: **09/113,278**
- [22] Filed: **Jul. 10, 1998**
- [51] Int. Cl.⁵ **A41B 11/00**
- [52] U.S. Cl. **2/239; 2/269; 132/73**
- [58] **Field of Search** **2/239, 61, 269, 2/270, 22, 83, 241, 242, 409; 36/94, 95, 102, 9 R; 132/73, 285; 66/178 R, 184, 185, 186, 187**

1,798,201	3/1931	Hedges	2/239
2,751,693	6/1956	Baker	36/8.5
3,049,120	8/1962	Marcus .	
3,329,972	7/1967	Schwab et al.	2/239
4,149,274	4/1979	Gurrou et al.	2/239
4,181,982	1/1980	Segovia	2/83
4,207,880	6/1980	Zinkovich .	
4,475,253	10/1984	Laveckis	2/269
5,054,129	10/1991	Baehr	2/239
5,067,179	11/1991	Wormser	2/239
5,623,734	4/1997	Pugliatti	2/239

Primary Examiner--Amy B. Vanatta
Attorney, Agent, or Firm--Harness, Dickey & Pierce, P.L.C.

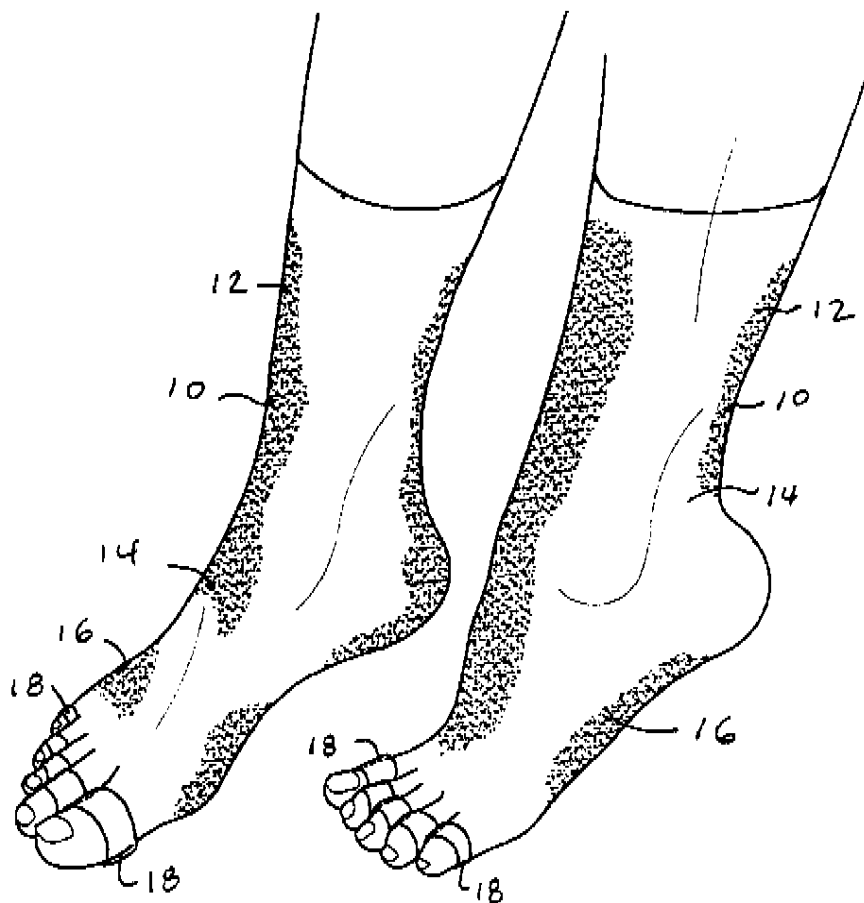
[57] **ABSTRACT**

An article of footwear for use during and following the application of a pedicure. The article includes a body consisting of a leg portion, an ankle portion, and a foot portion. At the toe end of the foot portion are defined a plurality of apertures. Fitted to the approximate peripheries of the apertures and extending therefrom are a like plurality of open-ended toe sheaths. The sheaths may be selectively extended or retracted through unrolling or rolling as desired.

[56] **References Cited**
U.S. PATENT DOCUMENTS

D. 143,938	2/1946	Schapiro .	
D. 172,916	8/1954	Ballinger et al. .	
D. 271,156	11/1983	Williamson	D2/270
D. 381,465	7/1997	Estell	D28/56
482,095	9/1892	McClurg	2/239
715,543	12/1902	Bosworth	2/239
1,098,397	6/1914	Pecorella .	

20 Claims, 2 Drawing Sheets

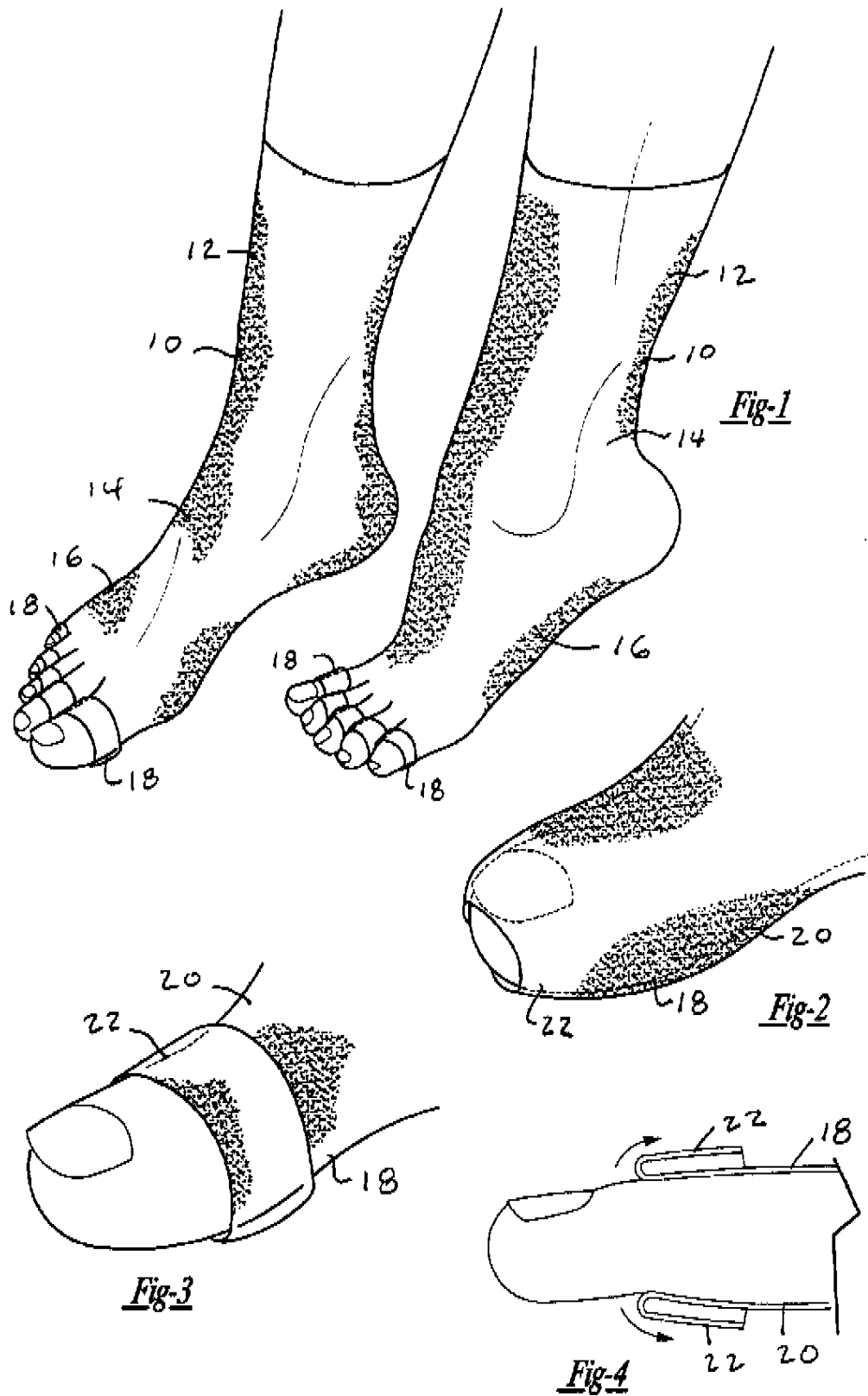


U.S. Patent

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Sheet 1 of 2

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U.S. Patent

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Sheet 2 of 2

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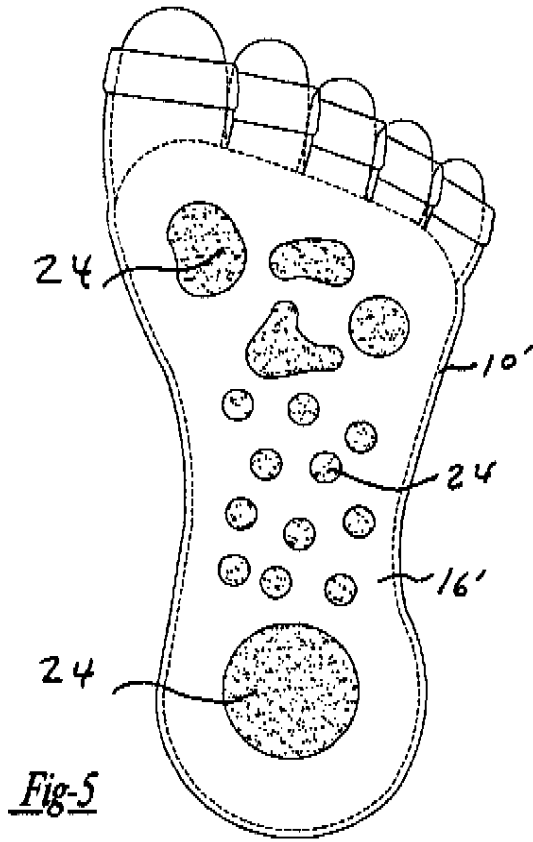


Fig-5

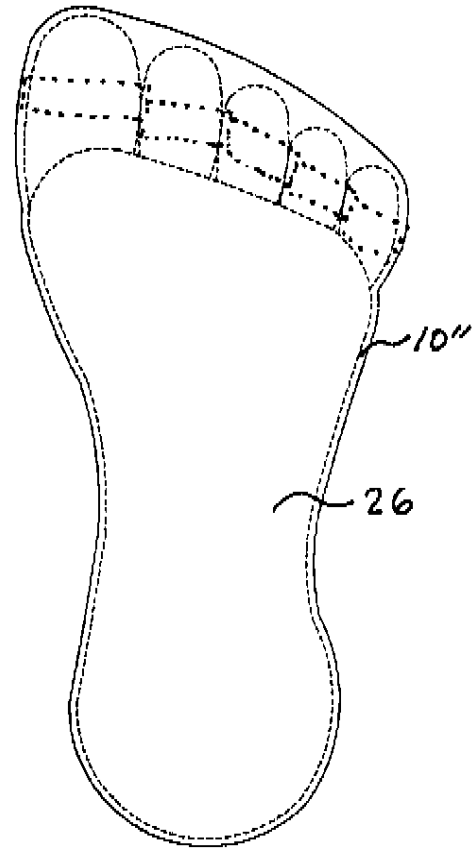


Fig-6

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ARTICLE OF FOOTWEAR FOR USE IN RELATION TO A PEDICURE

BACKGROUND OF THE INVENTION

1. Field of the Invention

The present invention relates to an article for use following a pedicure. More particularly, the present invention provides footwear having a plurality of individual, open-ended sheaths capable of being moved from a toe-covering position to a toe-exposing position before, during, and after a pedicure.

2. Description of the Prior Art

The pedicure is regarded by some women as a luxury and by others as a necessity. During this treatment, the whole foot is generally treated through (1) the application of creams, hot wax, lotions, or other skin-conditioning softeners, (2) foot manipulation including rubbing, and/or (3) the manicuring and painting of toenails with a nail polish. Regardless of the opinion held for the level of necessity for the pedicure, it is held by all women who receive toenail polish during their pedicures that it is important to keep any material from contacting the freshly coated nail until the polish sets substantially to a hard finish. This may take a number of hours. It is also desirable to keep the toes separated during the drying process. However, it is not always practical to not wear something on the feet and toes, and to keep the toes separated women frequently place rolled up tissue between their toes or use toe-separating sandals having rigid or semi-rigid toe separators. However, the difficulty arises in that professional pedicures are administered in salons and not in the home where going barefoot might be an option. While it is possible for the woman receiving the pedicure to wear sandals, for example, this option is not always desirable in cold or wet weather, as the remainder of the foot remains uncovered. Today, the choice for a woman receiving a pedicure at a salon is to leave the shop barefooted (an unacceptable option), wear sandals with the toes exposed (impractical or impossible in cold weather), or to wear normal shoes (thus running the risk of damaging unset paint).

Efforts have been expended in the past to respond to the need for modified footwear for use in relation to pedicures. For example, in U.S. Design Pat. No. 271,156, issued on Nov. 1, 1983, to Williamson for "Pedicure Sandal." An additional example may be found in U.S. Design Pat. No. 381,465, issued on Jul. 22, 1997, to Estell for "Pedicure Aid for Wearing on a Foot and Separating Toes."

In U.S. Pat. No. 2,751,693, issued on Jun. 26, 1956, to Baker for "Toe Spacing Sandal," a sandal is disclosed for separating the toes of a human foot for a variety of purposes, including the application of nail polish.

In U.S. Pat. No. 4,207,880, issued on Jun. 17, 1980, to Zinkovich for "Combination Corrective Toe Separator Apparatus and Pedicure Aid," an article of footwear is provided to keep toes separated during pedicures.

While perhaps providing incremental responses to the need for footwear in relation to pedicures, the prior art has failed to provide a satisfactory resolution of the problem. Accordingly, an answer to the problem of providing appropriate footwear for use in relation to the application of a pedicure remains wanting.

BRIEF SUMMARY OF THE INVENTION

It is the general object of the present invention to provide footwear which overcomes the problems of known articles.

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It is a specific object of the present invention to provide an article of footwear which includes individual sheaths for each toe of the wearer's foot.

A further object of the present invention is to provide such an article in which the individual toe sheaths can be retracted through folding to expose the wearer's toenails, thereby making them accessible to pedicuring and for air exposure thereafter until dried or substantially dried.

An additional object of the present invention is to provide such an article which is lightweight.

Yet an additional object of the present invention is to provide such an article which is easy to clean.

Still a further advantage of the present invention is to provide such an article which may optionally include a plurality of grips fitted to the underside of the article.

An additional object of the present invention is to provide such an article which may be worn by a woman out of the salon after receiving a pedicure with a shoe or a sandal.

To accomplish these and other objects an article of footwear is provided that includes a body which is defined by a leg portion, an ankle portion, and a foot portion. A series of apertures are formed in the toe end of the foot portion. Attached to the peripheries of the apertures are a like number of toe sheaths or tubes. Preferably, the body and sheaths are made of a knitted or woven natural or synthetic material, such as polyester. Most preferably the body and sheaths are made of cotton with a lycra component. The body and sheaths may be of the same or different colors. The leg portion may be long, such as knee-high, or may be short, such as just above the ankle. Optionally, one or more grips could be applied to the underside of the foot portion of the body.

The article of footwear of the present invention allows the user to selectively extend or retract the toe sheaths through unrolling or rolling as was necessary. The article could then be worn before, during, and after a pedicure.

BRIEF DESCRIPTION OF THE DRAWINGS

The present invention will be more fully understood by reference to the following detailed description of the preferred embodiments of the present invention when read in conjunction with the accompanying drawings, in which like reference characters refer to like parts throughout the views, and in which:

FIG. 1 is a perspective view of a pair of feet with each foot being fitted with the footwear article of the present invention;

FIG. 2 is a perspective view of a single toe of one of the feet of FIG. 1 showing the toe-covering sheath in its extended position;

FIG. 3 is a view similar to that of FIG. 2 except showing the toe sheath in its folded-back position;

FIG. 4 is a side view of a single toe showing the folded-back toe sheath of FIG. 3 in partial cross-section;

FIG. 5 is an underside view of the article of footwear according to the present invention illustrating a first preferred embodiment of the optimal gripping surfaces; and

FIG. 6 is an underside view of the article of footwear according to the present invention similar to that of FIG. 5 but showing an alternate embodiment of the gripping surface.

DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENTS OF THE PRESENT INVENTION

The drawings disclose the preferred embodiments of the present invention. While the configurations according to the

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illustrated embodiments are preferred, it is envisioned that alternate configurations of the present invention may be adopted without deviating from the invention as portrayed. The preferred embodiments are described hereafter.

Referring to FIG. 1, a perspective view of a pair of feet each fitted with an article of footwear according to the present invention is shown. The article for each foot is substantially identical except for the reverse order of toes from small to large selecting between right and left feet. The article of footwear is generally illustrated as 10.

The article 10 includes a leg portion 12, an ankle portion 14, and a foot portion 16. The leg portion 12 may be of the height illustrated as shown in FIG. 1, or may be higher or lower as preferred. For example, the height of the leg portion 12 may be such that the wearer's calf is covered. The leg portion 12 may be higher than the calf.

The foot portion 16 has defined at its toe end a plurality of toe-passing apertures, each aperture terminating at a toe sheath 18, of which there are five per article 10. The toe sheath 18 is continuous with the foot portion 16. The toe sheath 16 may be manufactured in a continuous process as part of the foot portion 16 or may be manufactured separately from the foot portion 16 and connected to the foot portion 16 afterward. Accordingly, the toe sheaths 18 may be the same or different colors from the leg portion 12, the ankle portion 14, and the foot portion 16. It is also possible to make the toe sheaths 18 from a material that is different from that of the rest of the article, as may be desired for warmth, support, or to improve the wear-resistance of the toe sheaths 18.

FIG. 2 illustrates a perspective of a single toe being substantially covered by an unfolded toe sheath 18. The sheath 18 includes a body portion 20 and a tip portion 22. As is illustrated, the tip portion 22 substantially but not necessarily entirely covers the toe. (The tip portion 22 may also extend beyond the end of the toe such that none of the toe is revealed.) It is in this unfolded position that the wearer would use the article 10 prior to receiving the pedicure or subsequent to the substantially complete drying of the nail polish. When the tip portion 22 is in its unfolded state as illustrated, the article of footwear 10 may be used in any manner in which, for example, a stocking might be worn, such as with a shoe or with a sandal (not illustrated).

To make the toe accessible for manicuring and polishing, the wearer simply folds or rolls the tip portion 22 of the sheath 18 back toward the portion 16 of the article 10 as illustrated in FIGS. 3 and 4. In this position, the tip portion 22 is folded back onto the body portion 20 of the toe sheath 18. As is illustrated, the toenail is fully exposed for manicuring and polishing. This position also allows the rolled-up sheath 18 to separate the toes as may be desired. After the polish has sufficiently dried, the tip portion 22 is unfolded back to its extended position as shown in FIG. 2 and the article 10 may thus be worn until such time as the user elects to remove it in favor of more conventional footwear.

It is possible that variations of the present invention may be prepared. For example, and as shown in FIG. 5, the underside of a foot portion 16' of an article of footwear 10' may be fitted with a plurality of grips 24. The grips 24 may be composed of a polymerized material of a composition and a consistency so as to provide the user with some gripping function upon use with a smooth surface.

FIG. 6 illustrates an additional embodiment of the present invention and shows the underside of an article of footwear 10". According to this embodiment, the article 10" is fitted with a sole portion 26 which substantially covers both the

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underside of the body of the cloth portion of the article 10" as well as the underside of the wearer's toes. The sole portion 26 may be formed from a variety of materials including leather or moleskin. The toe sheaths would not be connected to the sole portion 26. According to this embodiment, the article 10" provides many of the advantages available in such footwear as a sandal or beach thong. According to the embodiment of FIG. 6, the sole portion 26 is fitted to the body only of the cloth portion and not to the toe sheaths, thus allowing the user to selectively fold and unfold the sheaths as described above with respect to FIGS. 1 through 4 while still experiencing the advantages of having total protection to the underside of the foot.

The article 10 may be composed from a variety of both natural and synthetic materials. Of particular interest in such application is the cotton material known as Supplex® (trademark; DuPont [UK] Ltd.). However, this material is being suggested for purposes of example only, and is not intended as being limiting.

From the preceding description of the preferred embodiments, it is evident that the objects of the invention are attained. Although the invention has been described and illustrated in detail, it is to be clearly understood that the same is intended by way of illustration and example only and is not to be taken by way of limitation. The spirit and scope of the invention are to be limited only by the terms of the appended claims.

What is claimed is:

1. An article of footwear for use in relation to the polishing of a human toe as part of a pedicure, the article comprising:

a body, said body including a leg portion, an ankle portion, and a foot portion;

a plurality of flexible toe sheaths fitted to said foot portion of said body, each of said sheaths including a body portion and a tip portion, said tip portion being movable between an extended unfolded position and a folded position,

whereby the toe is substantially covered by said sheath when said sheath is in said extended unfolded position.

2. The article of footwear of claim 1, wherein said body and said sheaths are composed of a stretchable material.

3. The article of footwear of claim 1, wherein said body is composed of a first material and said sheaths are composed of a second material, said first and second materials being different.

4. The article of footwear of claim 1, wherein said sheath is formed from sufficient material so as to substantially cover the toe when said sheath is in said extended position.

5. The article of footwear of claim 1, wherein said tip portion is positioned adjacent said body portion when said tip portion is folded thereover.

6. The article of footwear of claim 1, wherein said foot portion includes an underside and wherein said underside is fitted with means for gripping.

7. The article of footwear of claim 6, wherein said means for gripping is defined by a plurality of grips fitted to said underside of said foot portion.

8. The article of footwear of claim 6, wherein said means for gripping is a sole portion which substantially covers said underside of said foot portion.

9. The article of footwear of claim 8, wherein said sole portion further substantially covers said sheaths.

10. An article of footwear for selectively at least partially covering the wearer's toe, the article comprising:

an elastic body having a toe end and a plurality of apertures defined in said toe end, each of said apertures defined by a peripheral surface;

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a plurality of elastic toe sheaths equivalent in number to said plurality of apertures, said plurality of toe sheaths attached to said peripheral surfaces defining said plurality of apertures such that one sheath is attached to one peripheral surface, each of said sheaths including a portion capable of being folded substantially back onto itself such that each of said sheaths is selectively movable between a folded position and an unfolded position,

whereby each of said sheaths is folded substantially back onto itself to expose the wearer's toe nail.

11. The article of footwear according to claim 10, wherein said elastic body includes a leg portion, an ankle portion, and a foot portion.

12. The article of footwear according to claim 10, wherein said elastic body is composed of a first material and said sheaths are composed of a second material, said first and second materials being different.

13. The article of footwear according to claim 10, wherein said sheaths are formed of sufficient material so as to substantially cover the toe when said sheath is in said unfolded position.

14. The article of footwear according to claim 10, wherein each of said sheaths includes a tip portion.

15. The article of footwear according to claim 11, wherein said foot portion includes an underside and wherein said underside is fitted with means for gripping.

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16. The article of footwear according to claim 15, wherein said means for gripping is defined by a plurality of grips fitted to said underside of said foot portion.

17. The article of footwear according to claim 15, wherein said means for gripping is a sole portion which substantially covers said underside of said foot portion.

18. The article of footwear of claim 17, wherein said sole portion further substantially covers said sheaths.

19. An article of footwear for selectively exposing the toe nails of a wearer, the article comprising:

a body;

a plurality of toe-covering sheaths attached to said body, said sheaths being composed of an elastic material, each of said sheaths including a body portion and a covering portion, said body portion of each of said sheaths being continuous with said body of the article of footwear, at least a portion of said covering portion being movable between an extended unfolded position and a folded position,

whereby the toe is substantially covered by said sheath when said sheath is in said extended unfolded position.

20. The article of footwear according to claim 19, wherein said body includes an underside, said underside of said body being fitted with a gripping material.

* * * * *

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

LIANA C. ROBERTS, an individual

(b) County of Residence of First Listed Plaintiff Oakland
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)
Dickinson Wright, PLLC
38525 Woodward Avenue, Suite 2000, Bloomfield Hills, MI 48304
(248) 433-7200

DEFENDANTS

ANDREA R. PAULIN, and individual d/b/a TOEZIES and MY TOEZIES

County of Residence of First Listed Defendant Orange
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Select One Box Only)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Select One Box for Plaintiff and One Box for Defendant)

Citizen
Citizen
Citizen
Foreign

Case: 2:07-cv-13207
Assigned To: Cleland, Robert H
Referral Judge: Majzoub, Mona K
Filed: 08-01-2007 At 03:36 PM
CMP ROBERTS V. PAULIN, ET AL (TAM)

DEF
 4
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IV. NATURE OF SUIT (Select One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Emp. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSND Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS			
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition			

V. ORIGIN (Select One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
35 U.S.C. Sections 102, 271(a-c)

Brief description of cause:
Infringement of U.S. Patent No. 5,906,007

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE

DOCKET NUMBER

DATE
August 1, 2007

SIGNATURE OF ATTORNEY OF RECORD

John S. Act

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

PURSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

- Yes
- No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

- Yes
- No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

Notes :
