

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

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The Turtle Company, Inc.

THE TURTLE COMPANY INC.,

Plaintiff,

v.

WORLD WRESTLING ENTERTAINMENT,
INC.; and
ABC CORPS 1-10

Defendants.

Case No.:

**COMPLAINT FOR
PATENT INFRINGEMENT
DEMAND FOR JURY TRIAL**

The Turtle Company, Inc. demands a jury trial and complains against the Defendants as follows:

I. PARTIES

1. The Turtle Company, Inc. (hereinafter referred to as "TURTLE CO or Plaintiff"), is corporation organized and existing under the laws of the State of New Jersey having a principal place of business located at 64 East Midland Avenue, Paramus, New Jersey 07652.

1 2. World Wrestling Entertainment, Inc. (hereinafter referred to as “WWE”), is
2 Delaware Corporation having its principal place of business at 1241 East Main Street, Stamford,
3 Connecticut 06902. WWE is an integrated media and entertainment company principally
4 engaged in the development, promotion, and marketing of television programming, pay-per-view
5 programming, and live arena events, and the licensing, sale, and/or importation into the United
6 States of consumer products in this judicial district.
7

8 3. ABC Corps 1-10 are upon information and belief are manufacturers and/or are
9 physical or online retail stores that sell and/or import into the United States consumer products in
10 this judicial district.
11

12 II. JURISDICTION AND VENUE

13 4. This action arises under the patent laws of the United States of America, Title 35
14 of the United States Code. This Court has jurisdiction of this action under including 35 U.S.C.
15 §271 *et seq.*, and 28 U.S.C. §§1331 and 1338(a).

16 5. Personal jurisdiction exists generally over each Defendant because each
17 Defendant is located within or has sufficient minimum contacts with the forum as a result of
18 business regularly conducted within the State of New Jersey. Personal Jurisdiction also
19 specifically exists over Defendants as a result of, at least, Defendants’ distribution network
20 wherein Defendants, individually and/or collectively, placed instrumentalities that practice the
21 claimed inventions of United States Patent No. 5,470,109, owned by the Plaintiff, within the
22 stream of commerce, which stream is directed at this district, and by committing the tort of
23 patent infringement within the District of New Jersey

24 6. Venue is proper in this Court under 28 U.S.C. §§ 1391 as well as 28 U.S.C.
25 § 1400(b).

26 III. PATENT INFRINGEMENT

27 7. On November 28, 1995, U.S. Patent No. 5,470,109 (hereinafter referred to as the
28 “109 patent”) duly and legally issued to Dennis Grande for an invention entitled “Adjustable

1 book Jacket and Method for Making the Same” (the “Patent”). The Patent is in full force and
2 effect and a copy of the ‘109 patent is attached hereto as Exhibit 1.

3 8. TURTLE CO is the assignee of the ‘109 Patent and the owner of all right title,
4 and interest in and to the ‘109 patent.

5 9. In contravention to 35 U.S.C. §§271(a)(b) and (c), Defendants WWE and ABC
6 Corps have and/or are infringing and/or have and/or are willfully and deliberately infringing the
7 ‘109 Patent by making, using, selling, and/or offering to sell, importing into the United States, or
8 inducing others to make, use sell, and/or offer to sell products including but not limited to the
9 “Hardys Mirror Stretch Book Cover”, the “Shawn Michaels Faith Stretch Book Cover”, the
10 “John Cena 8-Bit Stretch Book Cover”, the Tripe H Hammer Stretch Book Cover, the D
11 Generation X Shock Stretch Book Cover”, the “Rey Mysterio Shield Stretch Book Cover”, the
12 “CM Punk Ribs Stretch Book Cover”, and the “ Edge Stretch Book Cover.” Such acts of
13 infringement have occurred and continue to occur without the authority or license of Plaintiff.

14 10. TURTLE CO has and is being damaged and will continue to be damaged by the
15 infringing activities of Defendants complained of herein.

16 **IV. PRAYER FOR RELIEF**

17 WHEREFORE, TURTLE CO prays for judgment against Defendants as follows:

- 18 A. That one or more of the claims of ‘109 patent have been infringed, either
19 literally and/or under the doctrine of equivalents, by Defendants and or by
20 others to whose infringement as been contributed to by Defendants and/or by
21 others whose infringement has been induced by Defendants;
- 22 B. That, pursuant to 35 U.S.C. §283, preliminary and final injunctions be issued
23 enjoining Defendants, its officers, agents, servants, employees and all those
24 persons in active concert or participation with them from further infringement
25 of the Patent;
- 26 C. That, pursuant to 35 U.S.C. §284, Defendants account for damages for all past
27 infringement, including treble damages because of the willful nature of such
28 infringement;

1 D. That Plaintiff's be granted pre-judgment and post-Judgment interest at the
2 maximum rate allowable by law on the damages caused by reason of
3 defendants infringing activities complained herein;

4 E. That, pursuant to 35 U.S.C. §285, TURTLE CO be awarded costs and
5 attorney's fees incurred in connection with this action; and

6 F. That TURTLE CO be granted such other and further relief as this Court deems
7 just and proper, and equitable.

8
9 **V. DEMAND FOR JURY TRIAL**

10 The Plaintiff, TURTLE CO, demands a trial by jury of all issues property triable by jury
11 in this action.

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13 By: s/ Scott H Kaliko /
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28 Dated: January 20, 2010
Ramsey, NJ