

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

Z-DIMENSIONAL, LLC,

Plaintiff,

v.

**1) THE BRADFORD GROUP; and
2) HAMMACHER SCHLEMMER & CO.,
INC.,**

Defendants.

CIVIL ACTION NO.: 2:14-cv-308

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

1. This is an action for patent infringement in which Z-Dimensional, LLC, makes the following allegations against Hammacher Schlemmer & Co., Inc. (“HSC”) and/or its owner The Bradford Group (“Bradford”)(collectively, “Defendants”).

PARTIES

2. Plaintiff Z-Dimensional, LLC (“Plaintiff” or “ZD”) is a Texas limited liability company with a principal place of business at 1333 W. McDermott Drive, Suite 241, Allen, Texas 75013. Plaintiff’s president is Daniel F. Perez.

3. On information and belief, HSC is a New York corporation with its principal place of business at 9307 N. Milwaukee Ave., Niles, IL 60714. HSC appears to have no registered agent in Texas.

4. On information and belief, Bradford is an Illinois entity with its principal place of business at 9333 North Milwaukee Ave., Niles, IL 60714. Bradford appears to have no registered agent in Texas.

JURISDICTION AND VENUE

5. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6. Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b). On information and belief, Defendants have transacted business in this district, and have committed acts of patent infringement in this district.

7. On information and belief, Defendants are subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to their substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

COUNT I

WILLFUL INFRINGEMENT OF U.S. PATENT NO. 7,729,530

8. Plaintiff is the owner by assignment of United States Patent No. 7,729,530 ("the '530 Patent") entitled "Method and Apparatus for 3-D Data Input to a Personal Computer with a Multimedia Oriented Operating System" – including all rights to recover for past and future acts of infringement. The '530 Patent issued on June 1, 2010. A true and correct copy of the '530 Patent is attached as Exhibit A.

9. Upon information and belief, the Defendants directly or through intermediaries, including their distributors, employees, divisions, branches, subsidiaries, parents, suppliers and/or customers, made, had made, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems (including, but not limited to: HSC's "3D Camcorder Binoculars" – Item 84458; and HSC's "3D Scanner" – Item 84800) that infringe one or more claims of the '530 Patent.

DEMAND FOR JURY TRIAL

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter:

- a. A judgment in favor of Plaintiff that Defendant has directly infringed the ‘530 Patent;
- b. A permanent injunction enjoining Defendant and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringement of the ‘530 Patent;
- c. A judgment and order requiring Defendant to pay Plaintiff its damages, costs, expenses, and pre-judgment and post-judgment interest for Defendant’s infringement of the ‘530 Patent as provided under 35 U.S.C. § 284;
- d. An award to Plaintiff for enhanced damages resulting from the knowing, deliberate, and willful nature of Defendant’s prohibited conduct with notice being made at least as early as the filing of this Complaint, as provided under 35 U.S.C. § 284;
- e. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Plaintiff its reasonable attorneys’ fees; and
- f. Any and all other relief to which Plaintiff may show itself to be entitled.

Dated: April 10, 2014

Respectfully Submitted,
Z-DIMENSIONAL, LLC

By: /s/ Ronald W. Burns
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