

TO: Commissioner of Patents P.O. Box 1450 Alexandria, VA 22313-1450 or Commissioner of Trademarks P.O. Box 1451 Alexandria, VA 22313-1451	SOLICITOR SEP 10 2008 U.S. PATENT & TRADEMARK OFFICE	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Colorado on the following

DOCKET NO. 08-cv-01891-WYD-BNB	DATE FILED 9/4/2008	U.S. DISTRICT COURT FOR THE DISTRICT OF COLORADO
PLAINTIFF SUNDRU M. MOODLEY		DEFENDANT LINCOLN DENTAL SUPPLY, INC., et al.
PATENT OR	DATE OF PATENT	HOLDER OF PATENT OR TRADEMARK
1 5,380,203		Please see copy of Complaint attached hereto
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4		
5		

In the above—entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY	<input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading
PATENT OR	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK GREGORY C. LANGHAM	(BY) DEPUTY CLERK	DATE
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FILED
U.S. DISTRICT COURT
DISTRICT OF COLORADO

2008 SEP -4 PM 1:29

GREGORY C. LANGHAM
CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. **'08 - CV - 01891 WYD-6ND**

BY MB DEP. CL

SUNDRU M. MOODLEY, an individual,

Plaintiff,

v.

LINCOLN DENTAL SUPPLY, INC., a Pennsylvania corporation,
CERAGROUP INDUSTRIES, INC., a Florida Corporation, and
FRED R. ROSENFELD, an individual,

Defendants.

COMPLAINT

Plaintiff Sundru M. Moodley ("Moodley"), by and through his attorneys, Fisher, Sweetbaum, Levin & Sands, P.C., respectfully submits this Complaint against the Defendants, Lincoln Dental Supply, Inc. ("Lincoln Dental"), CeraGroup Industries, Inc. ("CeraGroup") and Fred Rosenfield ("Rosenfield"), stating as follows:

PARTIES, JURISDICTION AND VENUE

1. Moodley is a resident of the State of Colorado.
2. Lincoln Dental is a Pennsylvania corporation with its principal place of business located in Cherry Hill, New Jersey.
3. Upon information and belief, Defendant CeraGroup is a Florida corporation with a principal place of business located in Fort Lauderdale, Florida.
4. Upon information and belief, Defendant Rosenfield is a resident of the State of Florida.

5. This Court possesses subject matter jurisdiction to adjudicate the claims stated in this Complaint pursuant to 28 U.S.C. § 1332(a). The controversy described in this Complaint is between citizens and entities of different states and the amount in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs.

6. This Court also possesses subject matter jurisdiction to adjudicate the claims stated in this Complaint pursuant to 28 U.S.C. § 1338(a). This action arises under an Act of Congress relating to patents.

7. Venue is proper in this district under 28 U.S.C. §§ 1391(a) because a substantial part of the events or omissions giving rise to the claims occurred in Colorado, or a substantial part of property that is the subject of the action is situated in Colorado

GENERAL ALLEGATIONS AND CLAIM FOR RELIEF

8. This action arises under the Act of July 19, 1952, 66 Stat. 812 (35 U.S.C. § 281) and the Act of June 25, 1749, 62 Stat. 931 (28 U.S.C. § 1338(a)), as more fully appears herein.

9. Upon information and belief, Lincoln Dental is, and at all times herein mentioned was, a corporation organized and existing under the laws of the State of Pennsylvania and has committed acts of infringement in the judicial district in which this court sits. Therefore, under 28 U.S.C.A. § 1400(b), venue is properly laid in this court.

10. Upon information and belief, CeraGroup is, and at all times herein mentioned was, a corporation organized and existing under the laws of the State of Florida and has committed acts of infringement in the judicial district in which this court sits. Therefore, under 28 U.S.C.A. § 1400(b), venue is properly laid in this court.

11. Moodley is the original inventor of the device ("Moodley Denture Teeth")

described briefly as follows: Upper and lower dentures that contain a single metal blade along embedded in each posterior lower artificial tooth with a longitudinal edge of the metal blade lying flush with the longitudinal crest.

12. On January 10, 1995, United States Letters Patent No. 5,380,203 were duly and legally issued to Moodley for such invention, and since that time Moodley has been, and still is, their sole owner. Copies of Letters Patent No. 5,380,203 are attached, marked as Exhibit A, and incorporated by reference.

13. Since on or before June 2008, Defendants have commercially exploited Plaintiff's invention by manufacturing and selling the Moodley Denture Teeth without a license or other agreement with Moodley. In addition, on September 2, 2008, Moodley notified Defendants of the infringement referred to herein and demanded that such infringement cease.

14. Defendants have for a long time been, and still are, infringing Moodley's Letters Patent by making, displaying, advertising, selling, distributing, repairing, and/or using the Moodley Denture Teeth exactly like those specified in Moodley's patent. Such infringement is, and at all times herein has been, deliberate, willful, intentional, and with full knowledge of the existence and validity of Moodley's patent.

15. Such infringement is injurious to Plaintiff in that, among other things, it is diverting from Moodley to Defendants customers who would otherwise buy Moodley Denture Teeth at the prices charged by Moodley. Because the damages Moodley has sustained and will incur in the future on account of Defendants' infringement are uncertain and impossible to calculate accurately, Moodley has no adequate remedy at law.

WHEREFORE, Moodley requests that:

1. It be adjudged that Moodley's patent has been infringed by Defendants;
2. Defendants be permanently enjoined from further infringing Moodley's patent;
3. Defendants be required to account for its profits from infringement of Moodley's patent;
4. It be adjudged that Defendants are liable to Moodley to the extent of Defendants' total profit realized from such infringement, but not less than as provided by 35 U.S.C.A. § 289;
5. Moodley be awarded damages against Defendant in an amount to compensate Moodley for such infringement and not less than a reasonable royalty for the use made of Moodley's invention by Defendants, together with interest and costs as fixed by the Court, as provided by 35 U.S.C.A. § 284;
6. Moodley be awarded treble damages on account of the willful, intentional, and delicate character of Defendants' infringement acts, as provided by 35 U.S.C. § 284);
7. Plaintiff be awarded Plaintiff's attorney fees, as provided by 35 U.S.C. § 285; and
8. Plaintiff be awarded such other and further relief as the Court deems proper.
9. Moodley demands a jury trial on all claims triable by a jury

Respectively Submitted,

By:

s/ Christopher A. Young

Alan D. Sweetbaum, Esq.

Christopher A. Young, Esq.

Attorneys for Plaintiff Sundru M. Moodley

FISHER, SWEETBAUM, LEVIN & SANDS, P.C.

1125 Seventeenth Street, Suite 2100

Denver, Colorado 80202

Telephone: (303) 296-3377