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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
SANTA ANA

9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA

11 3FORM, INC., a Utah corporation,
12 Plaintiff,

13 v.

14 ARCHITECTURAL RESINS GROUP INTL., a
15 Wyoming corporation,
16 Defendant.
17

Case No.: SACV12-02087 AG (ANx)

COMPLAINT FOR:

- 18 (1) False Designation and Unfair
Competition (Lanham Act);
- 19 (2) Unfair Competition (Bus. & Prof. Code
§17200); and
- 20 (3) Patent Infringement (35 U.S.C. § 271).

Demand For Jury Trial

21 Plaintiff 3FORM, INC.. ("3form" or "Plaintiff") hereby complains against defendant
22 ARCHITECTURAL RESINS GROUP INTL. ("ARG" or "Defendant") and for claims of relief alleges
23 as follows:

THE PARTIES

24 1. 3form is a Utah corporation with its principal executive offices located at 2300 South
25 2300 West, Salt Lake City, Utah 84119.

26 2. Upon information and belief, ARG is a corporation organized and existing under the laws
27 of the State of Wyoming, with its principal executive offices located at 13001 Prospect Avenue, North
28 Tustin, Count of Orange, California 92705.

JURISDICTION AND VENUE

3. This is a civil action for trademark infringement under Section 43 of the Lanham Act, Title 15 U.S.C. § 1125.

4. This also is a civil action for unfair competition arising under California Business & Professions Code section 17200 *et seq.*

5. This also is a civil action for patent infringement arising under 35 U.S.C. § 271 *et seq.*

6. This Court has original jurisdiction over the subject matter of this action pursuant to 28 U.S.C. § 1331, 28 U.S.C. § 1338(a), and 15 U.S.C. § 1121. This Court has related claim jurisdiction over the state law claims pursuant to 28 U.S.C. § 1338(b) and 28 U.S.C. § 1367.

7. This also is an action between (a) 3form, a citizen of the State of Utah, and (b) ARG, upon information and belief, a citizen of the State of Wyoming, and in which the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs. Accordingly, this Court also has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. § 1332(a)(1).

8. 3form further alleges on information and belief that ARG has sold or contracted for the sale of goods within the State of California, to 3form's injury, which relate to the claims asserted by 3form, and out of which 3form's claims, in part, arise.

9. 3form alleges on information and belief that ARG advertises, markets, and sells its products in the State of California.

10. This Court's exercise of personal jurisdiction over ARG is consistent with the Constitutions of the United States and the State of California.

11. Venue is proper in this judicial district pursuant to, at least, 28 U.S.C. §§ 1391(b)(2), 1391(b)(3), and 1391(c).

FACTUAL BACKGROUND

12. 3form is a leading innovator in the field of decorative architectural panels, and it markets and sells a variety of consumer products.

13. 3form came to its position of technological and design leadership through hard work and substantial investment in research and development. As a result of its endeavors, many of the

1 technological innovations and designs created and owned by 3form are protected by a valuable and
2 diverse intellectual property portfolio that includes patents, trademarks, trade dress, and copyrights.

3 14. Several of 3form's successful innovations have been in the design and development of
4 decorative architectural panels that 3form markets in connection with the federally registered trademarks
5 "VARIA" and "CHROMA." The distinctive three-dimensional appearance of 3form's CHROMA®
6 products have also obtained recognition, goodwill, and secondary meaning in the relevant marketplace,
7 thereby affording 3form common law trademark protection in a three-dimensional trademark for its
8 CHROMA® products (3form's "3D Trademark"). 3form advertises, markets, and sells decorative
9 architectural panels that include 3form's 3D Trademark in interstate commerce throughout the United
10 States. As a result of, among other things, 3form's substantial investment in its 3D Trademark, and the
11 products marketed and sold under that trademark, the consuming public recognizes the 3D Trademark
12 and associates products and features with that mark with 3form.

13 15. 3form has also obtained numerous patents to protect its inventions and innovative
14 designs. 3form's patents that are relevant to this Action are discussed in additional detail below.

15 **FIRST CLAIM FOR RELIEF**

16 (Lanham Act Violation by Use of False Designation in Interstate Commerce)

17 16. By this reference 3form realleges and incorporates the foregoing paragraphs, nos. 1-14,
18 as though fully set forth herein.

19 17. Upon information and belief, ARG has advertised and sold 3form's goods in interstate
20 commerce under ARG's own designations and marks. Specifically, ARG has advertised and sold
21 3form's architectural panels marketed by 3form under the mark VARIA® under ARG's mark
22 "NEXUS." ARG has also advertised 3form's architectural panels marketed by 3form under the mark
23 CHROMA® under ARG's mark "GELO." These acts by ARG constitute a false designation of origin,
24 which is likely to deceive the relevant consuming public as to the origin of 3form's products in violation
25 of 15 U.S.C. § 1125(a).

26 18. ARG has falsely designated itself as the creator of 3form's VARIA® and CHROMA®
27 products by commercially advertising those products under ARG's own marks NEXUS and GELO,
28 respectively.

1 19. ARG's false designation of 3form's products is likely to cause consumer confusion as to
2 the origin of those products.

3 20. ARG's false designation of 3form's products is a false and misleading representation of
4 fact that misrepresents the geographic origin of 3form's products.

5 21. Upon information and belief that ARG's action in advertising and selling 3form's product
6 under ARG's marks and without crediting the 3form as the originator of the products constitutes unfair
7 competition under Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

8 22. By reason of ARG's acts alleged herein, 3form has and will suffer damage to its business,
9 reputation, and good will and the loss of sales and profits 3form would have made, but for ARG's acts.

10 23. By reason of the foregoing, ARG has willfully and intentionally caused damage to 3form
11 by using in commerce such false descriptions or representations in violation of 3form's rights under
12 Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

13 **SECOND CLAIM FOR RELIEF**

14 (Common Law Trademark Infringement and Unfair Competition)

15 24. By this reference 3form realleges and incorporates the foregoing paragraphs, nos. 1-24,
16 as though fully set forth herein.

17 25. ARG, by its actions set forth hereinabove, has engaged in intentional business acts or
18 practices that are unlawful, unfair, and/or fraudulent, including the infringement of 3form's 3D
19 Trademark.

20 26. ARG's use of the 3D Trademark is likely to cause confusion, mistake, or deception as to
21 the source, origin, affiliation, connection, or association of ARG's products with 3form, or as to the
22 approval of ARG's products by 3form.

23 27. By reason of the foregoing, 3form has suffered damages and irreparable harm.

24 28. By reason of the foregoing, 3form is entitled to at least damages from ARG.

25 **THIRD CLAIM FOR RELIEF**

26 (California Unfair Competition Law, Bus. & Prof. Code § 17200 et seq., against ARG)

27 29. By this reference 3form realleges and incorporates the foregoing paragraphs, nos. 1-29,
28 as though fully set forth herein.

1 30. ARG's use of the 3D Trademark is likely to cause confusion, mistake, or deception as to
2 the source, origin, affiliation, connection, or association of ARG's products with 3form, or as to the
3 approval of ARG's products by 3form.

4 31. ARG's use of the 3D Trademark constitutes unfair, deceptive, or misleading practices in
5 violation of California Business and Professions Code section 17200 et seq.

6 32. 3form alleges on information and belief that ARG has engaged in deceptive trade
7 practices against 3form in willful and deliberate disregard of the rights of 3form and the consuming
8 public.

9 33. 3form has suffered injury in fact and has lost money or property as a result of ARG's
10 unfair and unlawful business practices in the form of damage to its good will, lost sales, and other actual
11 damages.

12 34. ARG's acts and conduct have caused and continue to cause 3form to suffer irreparable
13 harm.

14 **FOURTH CLAIM FOR RELIEF**

15 (Infringement of U.S. Patent No. D608,022)

16 35. By this reference 3form realleges and incorporates the foregoing paragraphs, nos. 1-35,
17 as though fully set forth herein.

18 36. U.S. Patent No. D608,022 ("the '022 Patent") issued from the United States Patent and
19 Trademark Office ("USPTO") on January 12, 2010, bearing the title "Architectural Panel with Large
20 Blade Grass and Flower." (A true and correct copy of the '022 Patent is attached hereto as Exhibit A
21 and incorporated herein by this reference.)

22 37. 3form is the owner of all right, title, and interest in and to the '022 Patent, including the
23 right to sue for and recover all past, present, and future damages for infringement of the '023 Patent, and
24 to enjoin acts of infringement of the '022 Patent.

25 38. Neither 3form nor anyone acting on its behalf has licensed or otherwise authorized ARG
26 to practice the '022 Patent.

27 39. ARG, directly or through its subsidiaries, divisions, affiliates, or groups, has infringed
28 and continues to infringe the claim of the '022 Patent by making, using, selling, and/or offering to sell,

1 or inducing others to make, use, sell, and/or offer for sale, in the United States and this judicial district,
2 products that are covered by the claim of the '022 Patent, including but not limited to, that designated by
3 ARG as "NXOR0159D." Therefore, ARG is liable for infringement of the '022 Patent pursuant to 35
4 U.S.C. § 271.

5 40. ARG's acts of infringement have caused damage to 3form, and 3form is entitled to
6 recover from ARG the damages sustained by 3form as a result of ARG's wrongful acts in an amount
7 subject to proof at trial.

8 41. As a consequence of the infringement complained of herein, 3form has been irreparably
9 damaged to an extent not yet determined, and will continue to be irreparably damaged by such acts in
10 the future unless ARG is enjoined by this Court from committing further acts of infringement of the
11 '022 Patent.

12 42. One or more of ARG's acts of infringement were or are made with knowledge of the '022
13 Patent. Such knowing acts constitute willful infringement and make this case exceptional pursuant to 35
14 U.S.C. §§ 284 and 285 and entitle 3form to enhanced damages and reasonable attorneys' fees.

15 **FIFTH CLAIM FOR RELIEF**

16 (Infringement of U.S. Patent No. D608,024)

17 43. By this reference 3form realleges and incorporates the foregoing paragraphs, nos. 1-35,
18 as though fully set forth herein.

19 44. U.S. Patent No. D608,024 ("the '024 Patent") issued from the USPTO on January 12,
20 2010, bearing the title "Architectural Panel with Square and Strip." (A true and correct copy of the '024
21 Patent is attached hereto as Exhibit B and incorporated herein by this reference.)

22 45. 3form is the owner of all right, title, and interest in and to the '024 Patent, including the
23 right to sue for and recover all past, present, and future damages for infringement of the '024 Patent, and
24 to enjoin acts of infringement of the '024 Patent.

25 46. Neither 3form nor anyone acting on its behalf has licensed or otherwise authorized ARG
26 to practice the '024 Patent.

27 47. ARG, directly or through its subsidiaries, divisions, affiliates, or groups, has infringed
28 and continues to infringe the claim of the '024 Patent by making, using, selling, and/or offering to sell,

1 or inducing others to make, use, sell, and/or offer for sale, in the United States and this judicial district,
2 products that are covered by the claim of the '024 Patent, including but not limited to, those designated
3 by ARG as "NXMT0032D" and "NXMT0031D." Therefore, ARG is liable for infringement of the '024
4 Patent pursuant to 35 U.S.C. § 271.

5 48. ARG's acts of infringement have caused damage to 3form, and 3form is entitled to
6 recover from ARG the damages sustained by 3form as a result of ARG's wrongful acts in an amount
7 subject to proof at trial.

8 49. As a consequence of the infringement complained of herein, 3form has been irreparably
9 damaged to an extent not yet determined, and will continue to be irreparably damaged by such acts in
10 the future unless ARG is enjoined by this Court from committing further acts of infringement of the
11 '024 Patent.

12 50. One or more of ARG's acts of infringement were or are made with knowledge of the '024
13 Patent. Such knowing acts constitute willful infringement and make this case exceptional pursuant to 35
14 U.S.C. §§ 284 and 285 and entitle 3form to enhanced damages and reasonable attorneys' fees.

15 **SIXTH CLAIM FOR RELIEF**

16 (Infringement of U.S. Patent No. D608,474)

17 51. By this reference 3form realleges and incorporates the foregoing paragraphs, nos. 1-35,
18 as though fully set forth herein.

19 52. U.S. Patent No. D608,474 ("the '474 Patent") issued from the USPTO on January 19,
20 2010, bearing the title "Architectural Panel with Buri Palm and Reed." (A true and correct copy of the
21 '474 Patent is attached hereto as Exhibit C and incorporated herein by this reference.)

22 53. 3form is the owner of all right, title, and interest in and to the '474 Patent, including the
23 right to sue for and recover all past, present, and future damages for infringement of the '474 Patent, and
24 to enjoin acts of infringement of the '474 Patent.

25 54. Neither 3form nor anyone acting on its behalf has licensed or otherwise authorized ARG
26 to practice the '474 Patent.

27 55. ARG, directly or through its subsidiaries, divisions, affiliates, or groups, has infringed
28 and continues to infringe the claim of the '474 Patent by making, using, selling, and/or offering to sell,

1 or inducing others to make, use, sell, and/or offer for sale, in the United States and this judicial district,
2 products that are covered by the claim of the '474 Patent, including but not limited to, that designated by
3 ARG as "NXOR0163D." Therefore, ARG is liable for infringement of the '474 Patent pursuant to
4 35 U.S.C. § 271.

5 56. ARG's acts of infringement have caused damage to 3form, and 3form is entitled to
6 recover from ARG the damages sustained by 3form as a result of ARG's wrongful acts in an amount
7 subject to proof at trial.

8 57. As a consequence of the infringement complained of herein, 3form has been irreparably
9 damaged to an extent not yet determined and/or will continue to be irreparably damaged by such acts in
10 the future unless ARG is enjoined by this Court from committing further acts of infringement of the
11 '474 Patent.

12 58. One or more of ARG's acts of infringement were or are made with knowledge of the '474
13 Patent. Such knowing acts constitute willful infringement and make this case exceptional pursuant to 35
14 U.S.C. §§ 284 and 285 and entitle 3form to enhanced damages and reasonable attorneys' fees.

15 **SEVENTH CLAIM FOR RELIEF**

16 (Infringement of U.S. Patent No. D608,026)

17 59. By this reference 3form realleges and incorporates the foregoing paragraphs, nos. 1-35,
18 as though fully set forth herein.

19 60. U.S. Patent No. D608,026 ("the '026 Patent") issued from the USPTO on January 12,
20 2010, bearing the title "Architectural Panel with Plant Stem and Leaf." (A true and correct copy of the
21 '026 Patent is attached hereto as Exhibit D and incorporated herein by this reference.)

22 61. 3form is the owner of all right, title, and interest in and to the '026 Patent, including the
23 right to sue for and recover all past, present, and future damages for infringement of the '026 Patent, and
24 to enjoin acts of infringement of the '026 Patent.

25 62. Neither 3form nor anyone acting on its behalf has licensed or otherwise authorized ARG
26 to practice the '026 Patent.

27 63. ARG, directly or through its subsidiaries, divisions, affiliates, or groups, has infringed
28 and continues to infringe the claim of the '026 Patent by making, using, selling, and/or offering to sell,

1 or inducing others to make, use, sell, and/or offer for sale, in the United States and this judicial district,
2 products that are covered by the claim of the '026 Patent, including but not limited to, those designated
3 by ARG as "NXOR0158D." Therefore, ARG is liable for infringement of the '026 Patent pursuant to
4 35 U.S.C. § 271.

5 64. ARG's acts of infringement have caused damage to 3form, and 3form is entitled to
6 recover from ARG the damages sustained by 3form as a result of ARG's wrongful acts in an amount
7 subject to proof at trial.

8 65. As a consequence of the infringement complained of herein, 3form has been irreparably
9 damaged to an extent not yet determined, and will continue to be irreparably damaged by such acts in
10 the future unless ARG is enjoined by this Court from committing further acts of infringement of the
11 '026 Patent.

12 66. One or more of ARG's acts of infringement were or are made with knowledge of the '026
13 Patent. Such knowing acts constitute willful infringement and make this case exceptional pursuant to 35
14 U.S.C. §§ 284 and 285 and entitle 3form to enhanced damages and reasonable attorneys' fees.

15 **EIGHTH CLAIM FOR RELIEF**

16 (Infringement of U.S. Patent No. D621,068)

17 67. By this reference 3form realleges and incorporates the foregoing paragraphs, nos. 1-35,
18 as though fully set forth herein.

19 68. U.S. Patent No. D621,068 ("the '068 Patent") issued from the USPTO on August 3,
20 2010, bearing the title "Architectural Panel with Thatch Reed Design." (A true and correct copy of the
21 '068 Patent is attached hereto as Exhibit E and incorporated herein by this reference.)

22 69. 3form is the owner of all right, title, and interest in and to the '068 Patent, including the
23 right to sue for and recover all past, present, and future damages for infringement of the '068 Patent, and
24 to enjoin acts of infringement of the '068 Patent.

25 70. Neither 3form nor anyone acting on its behalf has licensed or otherwise authorized ARG
26 to practice the '068 Patent.

27 71. ARG, directly or through its subsidiaries, divisions, affiliates, or groups, has infringed
28 and continues to infringe the claim of the '068 Patent by making, using, selling, and/or offering to sell,

1 or inducing others to make, use, sell, and/or offer for sale, in the United States and this judicial district,
2 products that are covered by the claim of the '068 Patent, including but not limited to, those designated
3 by ARG as "NXOR0133C," "NXOR0001A," and "NXOR0003A." Therefore, ARG is liable for
4 infringement of the '068 Patent pursuant to 35 U.S.C. § 271.

5 72. ARG's acts of infringement have caused damage to 3form, and 3form is entitled to
6 recover from ARG the damages sustained by 3form as a result of ARG's wrongful acts in an amount
7 subject to proof at trial.

8 73. As a consequence of the infringement complained of herein, 3form has been irreparably
9 damaged to an extent not yet determined, and will continue to be irreparably damaged by such acts in
10 the future unless ARG is enjoined by this Court from committing further acts of infringement of the
11 '068 Patent.

12 74. One or more of ARG's acts of infringement were or are made with knowledge of the '068
13 Patent. Such knowing acts constitute willful infringement and make this case exceptional pursuant to 35
14 U.S.C. §§ 284 and 285 and entitle 3form to enhanced damages and reasonable attorneys' fees.

15 **NINTH CLAIM FOR RELIEF**

16 (Infringement of U.S. Patent No. D608,029)

17 75. By this reference 3form realleges and incorporates the foregoing paragraphs, nos. 1-35,
18 as though fully set forth herein.

19 76. U.S. Patent No. D608,029 ("the '029 Patent") issued from the USPTO on August 30,
20 2011 bearing the title "Architectural Panel with Uneven Surface." (A true and correct copy of the '029
21 Patent is attached hereto as Exhibit F and incorporated herein by this reference.)

22 77. 3form is the owner of all right, title, and interest in and to the '029 Patent, including the
23 right to sue for and recover all past, present, and future damages for infringement of the '029 Patent, and
24 to enjoin acts of infringement of the '029 Patent.

25 78. Neither 3form nor anyone acting on its behalf has licensed or otherwise authorized ARG
26 to practice the '029 Patent.

27 79. ARG, directly or through its subsidiaries, divisions, affiliates, or groups, has infringed
28 and continues to infringe the claim of the '029 Patent by making, using, selling, and/or offering to sell,

1 or inducing others to make, use, sell, and/or offer for sale, in the United States and this judicial district,
2 products that are covered by the claim of the '029 Patent, including but not limited to, those designated
3 by ARG as "NXEX0019D." Therefore, ARG is liable for infringement of the '029 Patent pursuant to 35
4 U.S.C. § 271.

5 80. ARG's acts of infringement have caused damage to 3form, and 3form is entitled to
6 recover from ARG the damages sustained by 3form as a result of ARG's wrongful acts in an amount
7 subject to proof at trial.

8 81. As a consequence of the infringement complained of herein, 3form has been irreparably
9 damaged to an extent not yet determined, and will continue to be irreparably damaged by such acts in
10 the future unless ARG is enjoined by this Court from committing further acts of infringement of the
11 '029 Patent.

12 82. One or more of ARG's acts of infringement were or are made with knowledge of the '029
13 Patent. Such knowing acts constitute willful infringement and make this case exceptional pursuant to 35
14 U.S.C. §§ 284 and 285 and entitle 3form to enhanced damages and reasonable attorneys' fees.

15 **TENTH CLAIM FOR RELIEF**

16 (Infringement of U.S. Patent No. D632,811)

17 83. By this reference 3form realleges and incorporates the foregoing paragraphs, nos. 1-35,
18 as though fully set forth herein.

19 84. U.S. Patent No. D632,811 ("the '811 Patent") issued from the USPTO on February 15,
20 2011, bearing the title "Architectural Panel with Woven Textile Interlayer." (A true and correct copy of
21 the '811 Patent is attached hereto as Exhibit G and incorporated herein by this reference.)

22 85. 3form is the owner of all right, title, and interest in and to the '811 Patent, including the
23 right to sue for and recover all past, present, and future damages for infringement of the '811 Patent, and
24 to enjoin acts of infringement of the '811 Patent.

25 86. Neither 3form nor anyone acting on its behalf has licensed or otherwise authorized ARG
26 to practice the '811 Patent.

27 87. ARG, directly or through its subsidiaries, divisions, affiliates, or groups, has infringed
28 and continues to infringe the claim of the '811 Patent by making, using, selling, and/or offering to sell,

1 or inducing others to make, use, sell, and/or offer for sale, in the United States and this judicial district,
 2 products that are covered by the claim of the '811 Patent, including but not limited to, those designated
 3 by ARG as "NXTL0168B" and "NXTL0188B." Therefore, ARG is liable for infringement of the '811
 4 Patent pursuant to 35 U.S.C. § 271.

5 88. ARG's acts of infringement have caused damage to 3form, and 3form is entitled to
 6 recover from ARG the damages sustained by 3form as a result of ARG's wrongful acts in an amount
 7 subject to proof at trial.

8 89. As a consequence of the infringement complained of herein, 3form has been irreparably
 9 damaged to an extent not yet determined, and will continue to be irreparably damaged by such acts in
 10 the future unless ARG is enjoined by this Court from committing further acts of infringement of the
 11 '811 Patent.

12 90. One or more of ARG's acts of infringement were or are made with knowledge of the '811
 13 Patent. Such knowing acts constitute willful infringement and make this case exceptional pursuant to 35
 14 U.S.C. §§ 284 and 285 and entitle 3form to enhanced damages and reasonable attorneys' fees.

15 **ELEVENTH CLAIM FOR RELIEF**

16 (Infringement of U.S. Patent No. D608,476)

17 91. By this reference 3form realleges and incorporates the foregoing paragraphs, nos. 1-35,
 18 as though fully set forth herein.

19 92. U.S. Patent No. D608,476 ("the '476 Patent") issued from the USPTO on January 19,
 20 2010, bearing the title "Architectural Panel with Unraveled String." (A true and correct copy of the '476
 21 Patent is attached hereto as Exhibit H and incorporated herein by this reference.)

22 93. 3form is the owner of all right, title, and interest in and to the '476 Patent, including the
 23 right to sue for and recover all past, present, and future damages for infringement of the '476 Patent, and
 24 to enjoin acts of infringement of the '476 Patent.

25 94. Neither 3form nor anyone acting on its behalf has licensed or otherwise authorized ARG
 26 to practice the '476 Patent.

27 95. ARG, directly or through its subsidiaries, divisions, affiliates, or groups, has infringed
 28 and continues to infringe the claim of the '476 Patent by making, using, selling, and/or offering to sell,

1 or inducing others to make, use, sell, and/or offer for sale, in the United States and this judicial district,
2 products that are covered by the claim of the '476 Patent, including but not limited to, those designated
3 by ARG as "NXTL0140B." Therefore, ARG is liable for infringement of the '476 Patent pursuant to 35
4 U.S.C. § 271.

5 96. ARG's acts of infringement have caused damage to 3form, and 3form is entitled to
6 recover from ARG the damages sustained by 3form as a result of ARG's wrongful acts in an amount
7 subject to proof at trial.

8 97. As a consequence of the infringement complained of herein, 3form has been irreparably
9 damaged to an extent not yet determined, and will continue to be irreparably damaged by such acts in
10 the future unless ARG is enjoined by this Court from committing further acts of infringement of the
11 '476 Patent.

12 98. One or more of ARG's acts of infringement were or are made with knowledge of the '476
13 Patent. Such knowing acts constitute willful infringement and make this case exceptional pursuant to 35
14 U.S.C. §§ 284 and 285 and entitle 3form to enhanced damages and reasonable attorneys' fees.

15 **TWELFTH CLAIM FOR RELIEF**

16 (Infringement of U.S. Patent No. D632,405)

17 99. By this reference 3form realleges and incorporates the foregoing paragraphs, nos. 1-35,
18 as though fully set forth herein.

19 100. U.S. Patent No. D632,405 ("the '405 Patent") issued from the USPTO on February 8,
20 2011, bearing the title "Architectural Panel with Embossed Pebble Design." (A true and correct copy of
21 the '405 Patent is attached hereto as Exhibit I and incorporated herein by this reference.)

22 101. 3form is the owner of all right, title, and interest in and to the '405 Patent, including the
23 right to sue for and recover all past, present, and future damages for infringement of the '405 Patent, and
24 to enjoin acts of infringement of the '405 Patent.

25 102. Neither 3form nor anyone acting on its behalf has licensed or otherwise authorized ARG
26 to practice the '405 Patent.

27 103. ARG, directly or through its subsidiaries, divisions, affiliates, or groups, has infringed
28 and continues to infringe the claim of the '405 Patent by making, using, selling, and/or offering to sell,

1 or inducing others to make, use, sell, and/or offer for sale, in the United States and this judicial district,
 2 products that are covered by the claim of the '405 Patent, including but not limited to, those designated
 3 by ARG as "NXEX0025D." Therefore, ARG is liable for infringement of the '405 Patent pursuant to 35
 4 U.S.C. § 271.

5 104. ARG's acts of infringement have caused damage to 3form, and 3form is entitled to
 6 recover from ARG the damages sustained by 3form as a result of ARG's wrongful acts in an amount
 7 subject to proof at trial.

8 105. As a consequence of the infringement complained of herein, 3form has been irreparably
 9 damaged to an extent not yet determined, and will continue to be irreparably damaged by such acts in
 10 the future unless ARG is enjoined by this Court from committing further acts of infringement of the
 11 '405 Patent.

12 106. One or more of ARG's acts of infringement were or are made with knowledge of the '405
 13 Patent. Such knowing acts constitute willful infringement and make this case exceptional pursuant to 35
 14 U.S.C. §§ 284 and 285 and entitle 3form to enhanced damages and reasonable attorneys' fees.

15 **PRAYER FOR RELIEF**

16 WHEREFORE, 3form prays for a final order and judgment as against ARG as follows:

17 A. A judgment finding ARG liable for infringement of the 3D Trademark, reverse passing
 18 off, unfair competition, and unfair, deceptive, or misleading practices in violation of California Business
 19 and Professions Code § 17200 *et seq.*

20 B. A judgment finding ARG liable for infringement of the 3D Trademark, unfair
 21 competition, and unfair, deceptive, or misleading practices in violation of the Lanham Act, 15 U.S.C.
 22 § 1125;

23 C. An order of this Court enjoining ARG, its agents and servants, and any and all persons
 24 acting in concert with any of them from producing, manufacturing, marketing, advertising, promoting,
 25 offering for sale, selling, or distributing products, including ARG's products marketed in connection
 26 with the 3D Trademark, NEXUS trademark, and GELO trademark, pursuant to at least the Lanham Act,
 27 15 U.S.C. § 1116(a) and California Business and Professions Code section 17200 *et seq.*;
 28

1 D. For damages in an amount to be proven at trial for unfair competition and trademark
2 infringement under California common law;

3 E. An order of this Court directing ARG to destroy its entire stock of infringing products,
4 together with all labels, signs, prints, packages, wrappers, receptacles, and advertisements, as well as all
5 plates, molds, matrices, or other means of making the same pursuant to at least the Lanham Act, 15
6 U.S.C. § 1118;

7 F. For damages in an amount to be proven at trial for trademark infringement under the
8 Lanham Act, 15 U.S.C. § 1125(a);

9 G. For damages in an amount to be proven at trial for false designation of origin under the
10 Lanham Act, 15 U.S.C. § 1125(a);

11 H. An award of ARG's profits in an amount to be proven at trial, pursuant to the Lanham
12 Act, 15 U.S.C. § 1117(a);

13 I. An award of three times ARG's profits or 3form's damages, whichever is greater,
14 pursuant to the Lanham Act, 15 U.S.C. § 1117(b);

15 J. An award of punitive damages, pursuant to all applicable state statutory and common
16 law;

17 K. An award of 3form's attorneys' fees, pursuant to all applicable law, including at least the
18 Lanham Act, 15 U.S.C. § 1117(a);

19 L. An imposition of a constructive trust on, and an order requiring a full accounting of, the
20 sales made by ARG as a result of its wrongful or infringing acts alleged herein;

21 M. Prejudgment interest, pursuant to the Lanham Act, 15 U.S.C. § 1117(b);

22 N. A judgment finding ARG has infringed the '022 Patent;

23 O. A judgment finding ARG has infringed the '024 Patent;

24 P. A judgment finding ARG has infringed the '474 Patent;

25 Q. A judgment finding ARG has infringed the '026 Patent;

26 R. A judgment finding ARG has infringed the '068 Patent;

27 S. A judgment finding ARG has infringed the '029 Patent;

28 T. A judgment finding ARG has infringed the '811 Patent;

U. A judgment finding ARG has infringed the '476 Patent;

V. A judgment finding ARG has infringed the '405 Patent;

W. For damages in an amount to be proven at trial caused by ARG's infringement of the '022 Patent, the '024 Patent, the '474 Patent, the '026 Patent, the '068 Patent, the '029 Patent, the '811 Patent, the '476 Patent, and the '405 Patent (collectively, the "Asserted Patents"), and to enhance such damages by three times in light of ARG's willful infringement thereof, all in accordance with 35 U.S.C. § 284;

X. An order of this Court pursuant to 35 U.S.C. § 283 enjoining ARG, its agents and servants, and any and all persons acting in concert with any of them from further infringing the Asserted Patents;

Y. Prejudgment interest on the damages caused to 3form by reason of ARG's infringement of the Asserted Patents;

Z. For damages in the amount of ARG's total profits, or the greatest amount allowable under the statute, related to the sale of products found to infringe the Asserted Patents pursuant to 35 U.S.C. § 289;

AA. A finding that this is an exceptional case and that 3form be granted its reasonable attorneys' fees pursuant to 35 U.S.C. § 285.

BB. An award of 3form's costs in bringing this action, pursuant to all applicable law, including at least 15 U.S.C. § 1117(a);

CC. Post-judgment interest, pursuant to at least 28 U.S.C. § 1961(a); and

DD. For such other and further relief as the Court deems just and equitable.

DEMAND FOR JURY

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, 3form hereby demands TRIAL BY JURY of all causes so triable.

DATED: November 30, 2012

Sterling A. Brennan
WORKMAN | NYDEGGER, APC

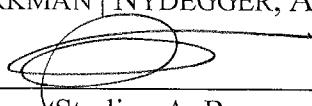
By: 
Sterling A. Brennan
Attorney for Plaintiff 3FORM, INC.

EXHIBIT A



US00D608022S

(12) **United States Design Patent**
Metcalf et al.

(10) **Patent No.:** **US D608,022 S**
 (45) **Date of Patent:** **** Jan. 12, 2010**

(54) **ARCHITECTURAL PANEL WITH LARGE
 BLADE GRASS AND FLOWER**

(75) Inventors: **Elizabeth Egan Metcalf**, Salt Lake City,
 UT (US); **Jill A. Canales**, Salt Lake City,
 UT (US)

(73) Assignee: **3Form, Inc.**, Salt Lake City, UT (US)

(**) Term: **14 Years**

(21) Appl. No.: **29/336,954**

(22) Filed: **May 12, 2009**

(51) **LOC (9) CL.** **25-01**

(52) **U.S. Cl.** **D25/138**

(58) **Field of Classification Search** D25/111,
 D25/138-145, 150-153, 156, 157, 163, 199,
 D25/102-105; D5/20, 24, 32, 54; 156/63;
 52/81.4, 81.5, 81.6, 747.1, 783.11, 311.1,
 52/313, 311.2, 316; 428/34, 34.1-34.9, 35.7,
 428/36.1-36.4, 67, 446, 542.2, 542.6, 902,
 428/904.4, 143, 147, 13, 332, 335, 336, 339,
 428/480, 483

See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

232,140 A * 9/1880 Mason 273/157 R
 D22,753 S * 8/1893 Pilkington D25/103
 D22,982 S * 12/1893 Apple D25/111
 D33,672 S * 12/1900 Walsh, Jr. D25/111
 D38,979 S * 12/1907 Woltjen D25/111
 D43,349 S * 12/1912 Shuman D25/111
 D44,435 S * 8/1913 Dobbins D25/111
 D79,517 S * 10/1929 Haley D25/111
 D87,410 S * 7/1932 Riley D5/54
 D91,266 S * 1/1934 Fowler D5/1
 D91,310 S * 1/1934 Bennett D5/32
 1,977,265 A * 10/1934 Colvin, Jr. 139/419
 1,997,996 A * 4/1935 Carstens 428/61
 2,248,233 A * 7/1941 Heritage 428/165
 D130,369 S * 11/1941 Holzhey D5/54

2,380,885 A * 7/1945 Wack 52/316

D168,763 S * 2/1953 Prislant D25/163

D180,884 S * 8/1957 Pomeroy D5/54

(Continued)

Primary Examiner—Ian Simmons

Assistant Examiner—Mark A Goodwin

(74) *Attorney, Agent, or Firm*—Workman Nydegger

(57) **CLAIM**

The ornamental design for architectural panel with large blade grass and flower, as shown and described.

DESCRIPTION

FIG. 1 is a front perspective view of an architectural panel with large blade grass and flower showing our new design in use condition;

FIG. 2 is an enlarged front perspective view thereof;

FIG. 3 is a front elevational view thereof, the rear elevational view being a mirror image thereof;

FIG. 4 is a left elevational view thereof in cross-section;

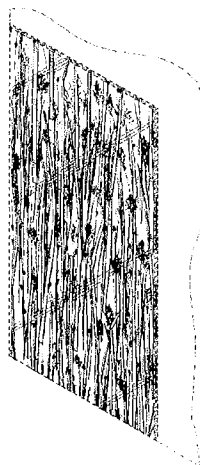
FIG. 5 is right elevational view thereof in cross-section;

FIG. 6 is a top plan cross-sectional view thereof; and,

FIG. 7 is a bottom plan cross-sectional view thereof.

The long dash short dash broken line showing of a wall structure in FIGS. 1 and 2 is included for the purpose of illustrating environmental structure and forms no part of the claimed design. The short dash broken line shown in FIGS. 1-7 is included for the purpose of illustrating the boundary of the architectural panel with large blade grass and flower and forms no part of the claimed design.

1 Claim, 3 Drawing Sheets



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U.S. PATENT DOCUMENTS

D181,368 S *	11/1957	Nold	D5/1	D441,466 S *	5/2001	Boone	D25/163
D183,323 S *	8/1958	Pomeroy	D5/54	6,322,862 B1 *	11/2001	Sakai	428/13
D189,035 S *	10/1960	Lanz	D25/138	D477,884 S *	7/2003	Di Giuseppe	D25/138
D190,647 S *	6/1961	Allen	D25/163	D486,922 S *	2/2004	Baxter	D25/163
D192,733 S *	5/1962	McNeil	D25/163	D488,565 S *	4/2004	Bresciani	D25/111
D197,176 S *	12/1963	Allen	D25/163	D513,537 S *	1/2006	Gulbrandsen	D25/150
3,159,525 A *	12/1964	Finger	428/152	7,008,700 B1 *	3/2006	Goodson et al.	428/542.2
D201,994 S *	8/1965	Cann et al.	D25/141	D519,220 S *	4/2006	Gulbrandsen	D25/153
3,431,157 A *	3/1969	Mack	156/82	D527,191 S *	8/2006	Sparkes	D5/32
D215,589 S *	10/1969	Hooton	D25/152	D531,738 S *	11/2006	Folliard	D25/163
3,608,261 A *	9/1971	French et al.	52/316	D531,739 S *	11/2006	Folliard	D25/163
D227,754 S *	7/1973	Newberry	D25/151	D569,012 S *	5/2008	Ellis	D25/138
D240,813 S *	8/1976	Paschke et al.	D25/111	D570,502 S *	6/2008	Silvestrin	D25/138
D244,383 S *	5/1977	Tellman et al.	D25/163	D573,727 S *	7/2008	Heatherly	D25/139
D244,544 S *	5/1977	Tellman et al.	D25/163	D578,669 S *	10/2008	Kaump	D25/163
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D249,069 S *	8/1978	Polifka	D25/152	7,481,957 B1 *	1/2009	Adickes	264/261
D257,407 S *	10/1980	Maahsen	D25/111	D587,821 S *	3/2009	Larsen	D25/141
D299,754 S *	2/1989	VanWeelden	D25/48	D603,060 S *	10/2009	Adickes	D25/111
D320,506 S *	10/1991	Nasser	D5/62	2003/0113485 A1 *	6/2003	Schober	428/13
D323,726 S *	2/1992	Murphy	D5/53	2003/0152798 A1 *	8/2003	Nemchock	428/660
D330,435 S *	10/1992	Dukart et al.	D25/138	2004/0247801 A1 *	12/2004	Schober	428/13
D342,163 S *	12/1993	Lesner	D5/47	2005/0142330 A1 *	6/2005	Albert	428/143
D366,154 S *	1/1996	Bick et al.	D5/32	2006/0046017 A1 *	3/2006	Adickes	428/67
D392,105 S *	3/1998	Goforth	D5/32	2006/0127611 A1 *	6/2006	Hunter	428/34
D425,709 S *	5/2000	Mathews et al.	D5/66	2008/0014398 A1 *	1/2008	Tueshaus et al.	428/38
D428,500 S *	7/2000	Wederski	D25/150	2008/0102255 A1 *	5/2008	Yang	428/195.1
D435,122 S *	12/2000	Ross et al.	D25/156	2008/0163648 A1 *	7/2008	Sundholm et al.	65/17.2

* cited by examiner

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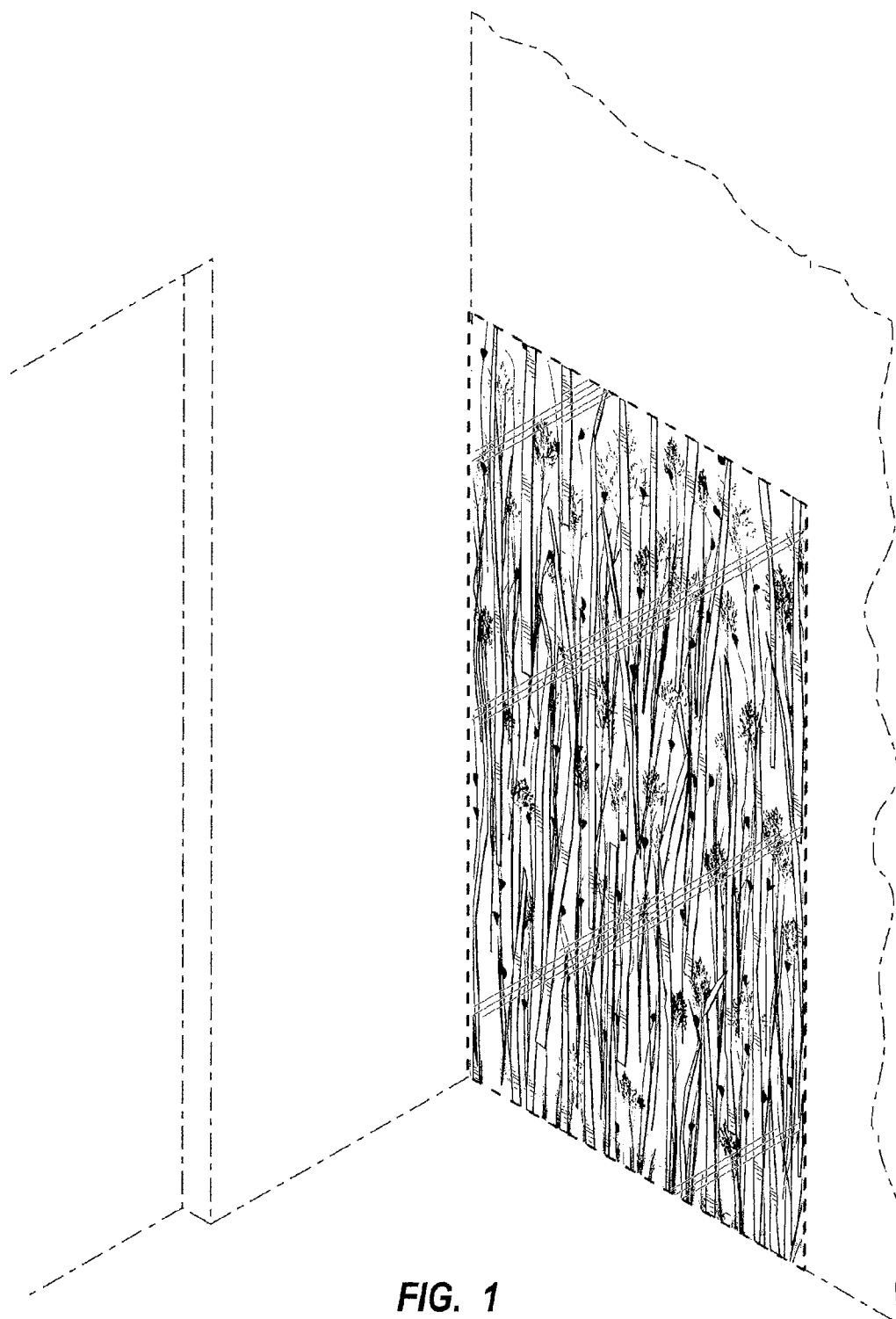


FIG. 1

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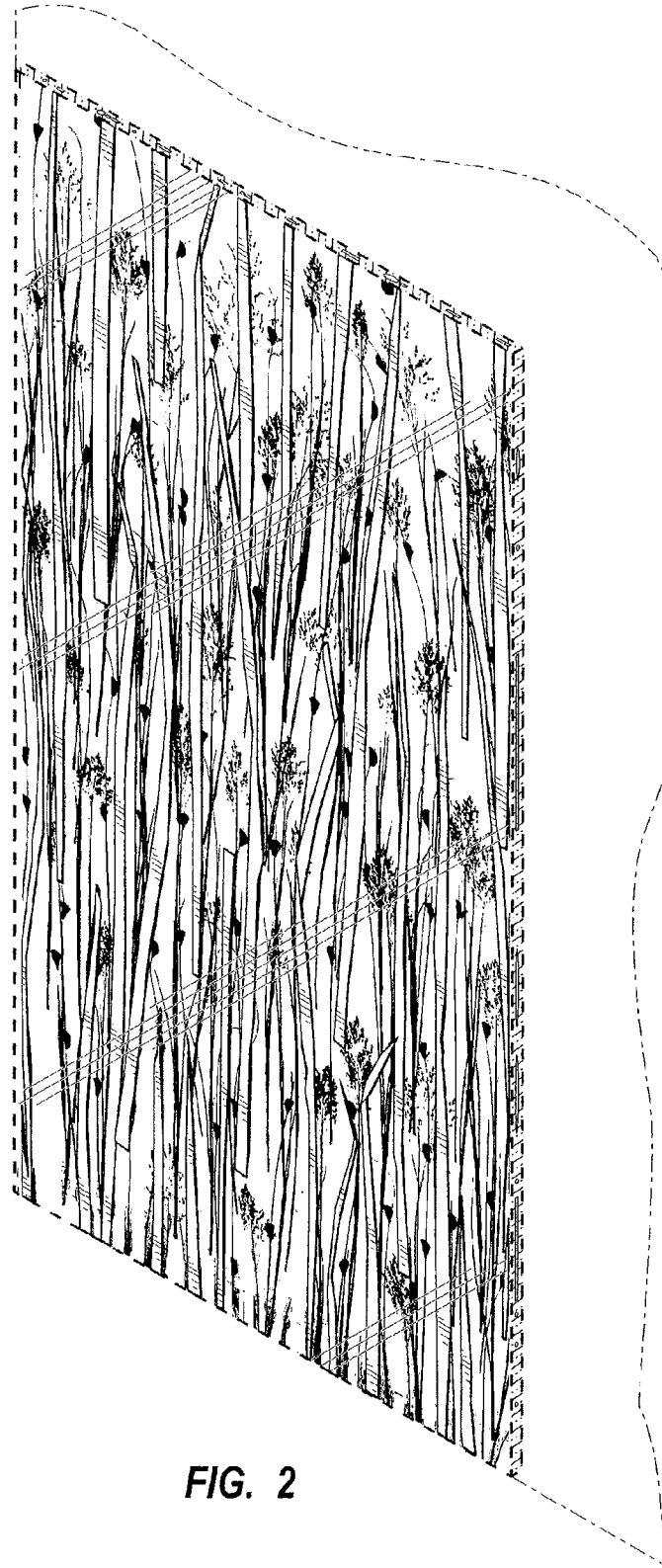


FIG. 2

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FIG. 6

FIG. 6

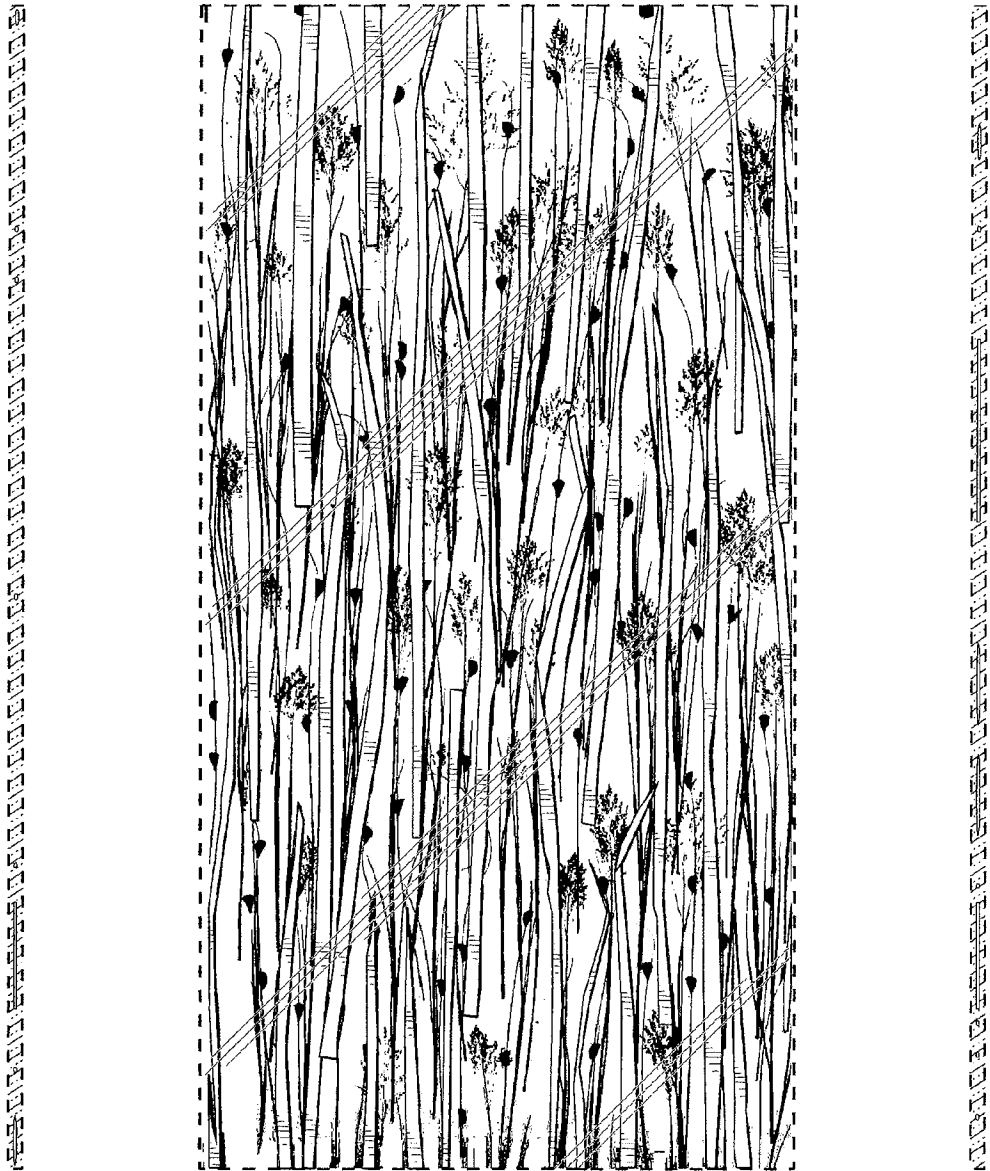


FIG. 4

FIG. 3

FIG. 5

FIG. 7

FIG. 7

EXHIBIT B



US00D608024S

(12) **United States Design Patent**
Canales et al.

(10) **Patent No.:** **US D608,024 S**

(45) **Date of Patent:** **** Jan. 12, 2010**

(54) **ARCHITECTURAL PANEL WITH SQUARE AND STRIP**

(75) Inventors: **Jill A. Canales**, Salt Lake City, UT (US);
Elizabeth E. Metcalf, Salt Lake City,
 UT (US)

(73) Assignee: **3Form, Inc.**, Salt Lake City, UT (US)

(**) Term: **14 Years**

(21) Appl. No.: **29/334,837**

(22) Filed: **Apr. 2, 2009**

(51) **LOC (9) Cl.** **25-01**

(52) **U.S. Cl.** **D25/140; D25/138**

(58) **Field of Classification Search** **D25/111,**
D25/138-145, 150-153, 156, 157, 163, 199,
D25/102-105; D5/20, 24, 32, 54; 156/63;
52/81.4, 81.5, 81.6, 747.1, 783.11, 311.1,
52/313, 311.2, 316; 428/34, 34.1-34.9, 35.7,
428/36.1-36.4, 67, 446, 542.2, 542.6, 902,
428/904.4, 143, 147, 13, 332, 335, 336, 339,
428/480, 483

See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

232,140 A * 9/1880 Mason 273/157 R
 D22,753 S * 8/1893 Pilkington D25/103
 D22,982 S * 12/1893 Apple D25/111
 D33,672 S * 12/1900 Walsh, Jr. D25/111
 D38,979 S * 12/1907 Woltjen D25/111
 D43,349 S * 12/1912 Shuman D25/111
 D44,435 S * 8/1913 Dobbins D25/111
 D79,517 S * 10/1929 Haley D25/111
 D87,410 S * 7/1932 Riley D5/54
 D91,266 S * 1/1934 Fowler D5/1
 D91,310 S * 1/1934 Bennett D5/32

1,977,265 A * 10/1934 Colvin, Jr. 139/419
 1,997,996 A * 4/1935 Carstens 428/61
 2,248,233 A * 7/1941 Heritage 428/165
 D130,369 S * 11/1941 Holzhey D5/54
 2,380,885 A * 7/1945 Wack 52/316
 D168,763 S * 2/1953 Prislant D25/163
 D180,884 S * 8/1957 Pomeroy D5/54

(Continued)

Primary Examiner—Ian Simmons

Assistant Examiner—Mark A Goodwin

(74) *Attorney, Agent, or Firm*—Workman Nydegger

(57) **CLAIM**

The ornamental design for architectural panel with square and strip, as shown and described.

DESCRIPTION

FIG. 1 is a front perspective view of an architectural panel with square and strip showing our new design in use condition;

FIG. 2 is an enlarged front perspective view thereof;

FIG. 3 is a front elevational view thereof, the rear elevational view being a mirror image thereof;

FIG. 4 is a left elevational view thereof in cross-section;

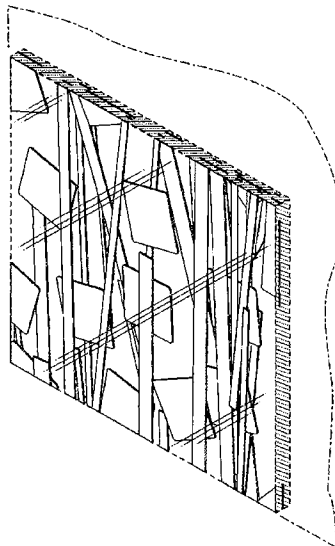
FIG. 5 is right elevational view thereof in cross-section;

FIG. 6 is a top plan cross-sectional view thereof; and,

FIG. 7 is a bottom plan cross-sectional view thereof.

The long dash short dash broken line showing of a wall structure in FIGS. 1 and 2 is included for the purpose of illustrating environmental structure and forms no part of the claimed design. The short dash broken line shown in FIGS. 1-7 is included for the purpose of illustrating the boundary of the architectural panel with square and strip and forms no part of the claimed design.

1 Claim, 3 Drawing Sheets



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U.S. PATENT DOCUMENTS

D181,368 S *	11/1957	Nold	D5/1	D441,466 S *	5/2001	Boone	D25/163
D183,323 S *	8/1958	Pomeroy	D5/54	6,322,862 B1 *	11/2001	Sakai	428/13
D189,035 S *	10/1960	Lanz	D25/138	D477,884 S *	7/2003	Di Giuseppe	D25/138
D190,647 S *	6/1961	Allen	D25/163	D486,922 S *	2/2004	Baxter	D25/163
D192,733 S *	5/1962	McNeil	D25/163	D488,565 S *	4/2004	Bresciani	D25/111
D197,176 S *	12/1963	Allen	D25/163	D513,537 S *	1/2006	Gulbrandsen	D25/150
3,159,525 A *	12/1964	Finger	428/152	7,008,700 B1 *	3/2006	Goodson et al.	428/542.2
D201,994 S *	8/1965	Cann et al.	D25/141	D519,220 S *	4/2006	Gulbrandsen	D25/153
3,431,157 A *	3/1969	Mack	156/82	D527,191 S *	8/2006	Sparkes	D5/32
D215,589 S *	10/1969	Hooton	D25/152	D531,738 S *	11/2006	Folliard	D25/163
3,608,261 A *	9/1971	French et al.	52/316	D531,739 S *	11/2006	Folliard	D25/163
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D244,547 S *	5/1977	Tellman et al.	D25/150	D579,128 S *	10/2008	Kaump	D25/163
D249,069 S *	8/1978	Polifka	D25/152	7,481,957 B1 *	1/2009	Adickes	264/261
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D299,754 S *	2/1989	VanWeelden	D25/48	D603,060 S *	10/2009	Adickes	D25/111
D320,506 S *	10/1991	Nasser	D5/62	2003/0113485 A1 *	6/2003	Schober	428/13
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D342,163 S *	12/1993	Lesner	D5/47	2005/0142330 A1 *	6/2005	Albert	428/143
D366,154 S *	1/1996	Bick et al.	D5/32	2006/0046017 A1 *	3/2006	Adickes	428/67
D392,105 S *	3/1998	Goforth	D5/32	2006/0127611 A1 *	6/2006	Hunter	428/34
D425,709 S *	5/2000	Mathews et al.	D5/66	2008/0014398 A1 *	1/2008	Tueshaus et al.	428/38
D428,500 S *	7/2000	Wederski	D25/150	2008/0102255 A1 *	5/2008	Yang	428/195.1
D435,122 S *	12/2000	Ross et al.	D25/156	2008/0163648 A1 *	7/2008	Sundholm et al.	65/17.2

* cited by examiner

U.S. Patent

Jan. 12, 2010

Sheet 1 of 3

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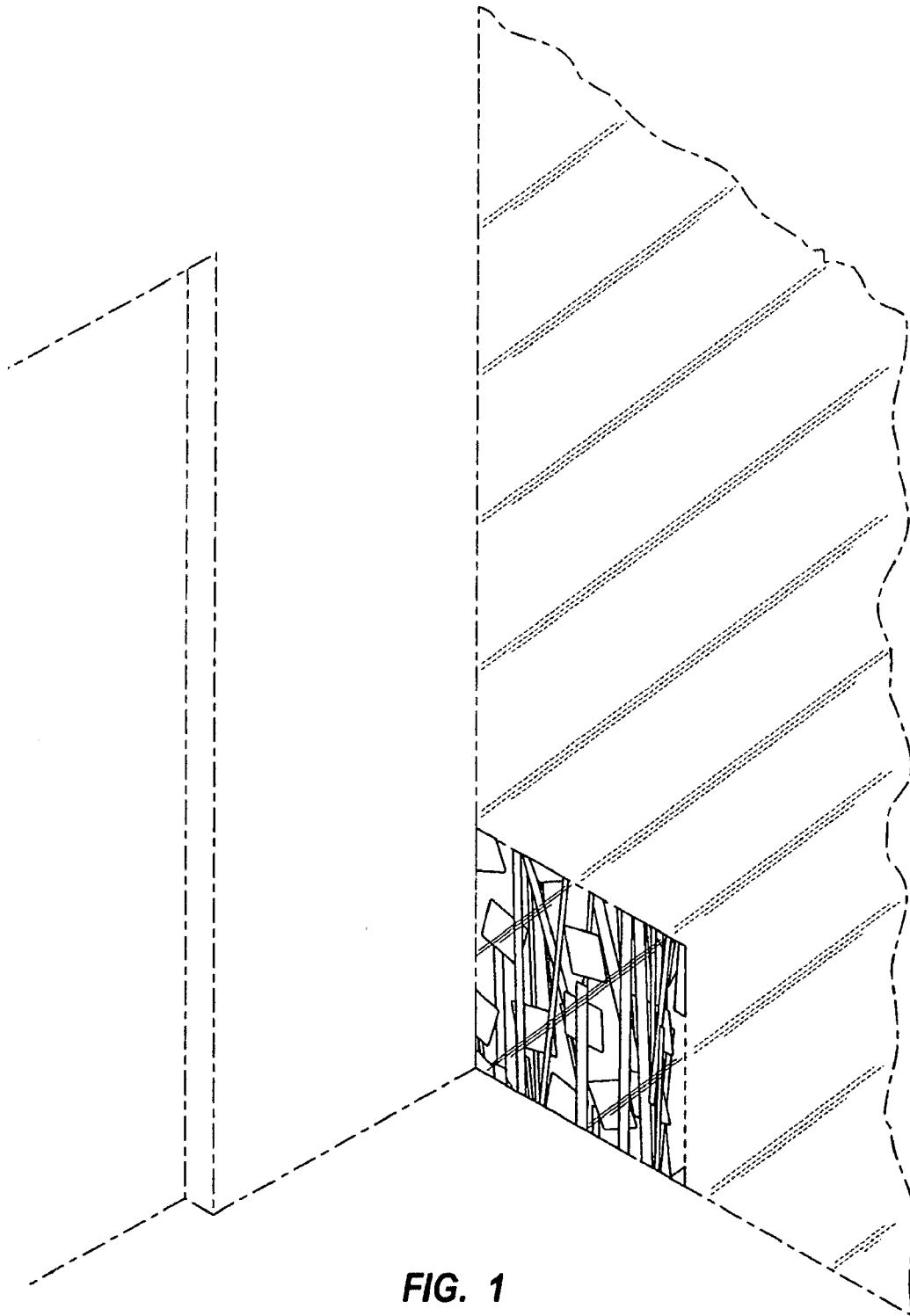


FIG. 1

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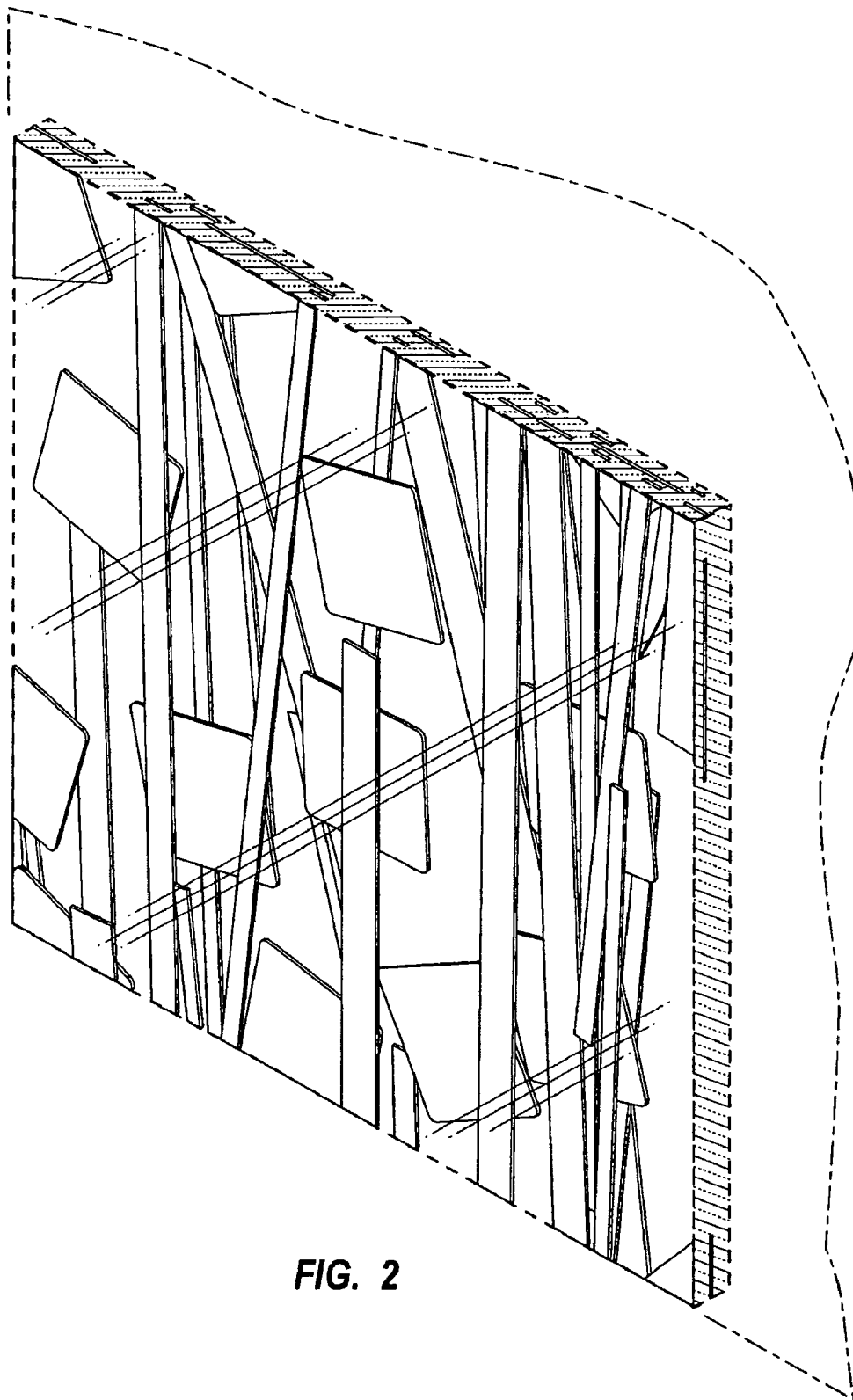


FIG. 2

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FIG. 6

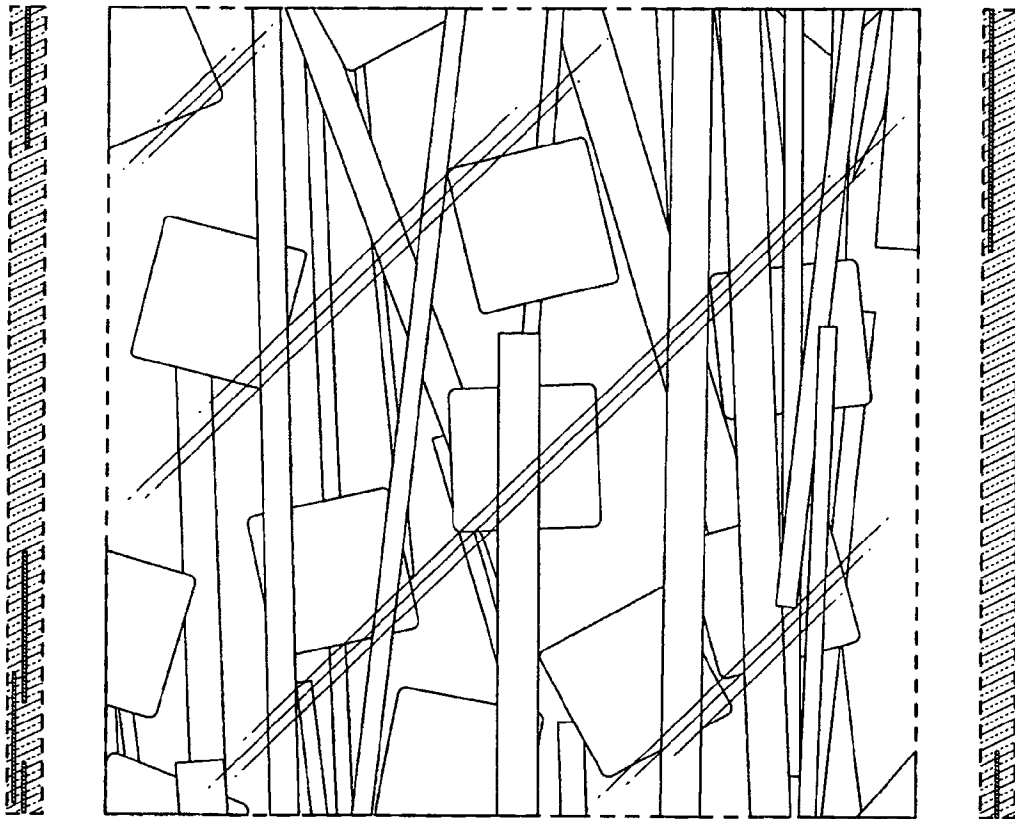


FIG. 4

FIG. 3

FIG. 5



FIG. 7

EXHIBIT C



US00D608474S

(12) **United States Design Patent**
Metcalf et al.

(10) **Patent No.:** **US D608,474 S**

(45) **Date of Patent:** **** Jan. 19, 2010**

(54) **ARCHITECTURAL PANEL WITH BURI
PALM AND REED**

(75) Inventors: **Elizabeth Egan Metcalf**, Salt Lake City,
UT (US); **Jill A. Canales**, Salt Lake City,
UT (US)

(73) Assignee: **3Form, Inc.**, Salt Lake City, UT (US)

(**) Term: **14 Years**

(21) Appl. No.: **29/336,925**

(22) Filed: **May 12, 2009**

(51) **LOC (9) Cl.** **25-01**

(52) **U.S. Cl.** **D25/138**

(58) **Field of Classification Search** D25/111,
D25/138-145, 150-153, 156, 157, 163, 199,
D25/102-105; D5/20, 24, 32, 54; 156/63;
52/81.4, 81.5, 81.6, 747.1, 783.11, 311.1,
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428/480, 483

See application file for complete search history.

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U.S. PATENT DOCUMENTS

232,140 A * 9/1880 Mason 273/157 R
D22,753 S * 8/1893 Pilkington D25/103
D22,982 S * 12/1893 Apple D25/111
D33,672 S * 12/1900 Walsh, Jr. D25/111
D38,979 S * 12/1907 Woltjen D25/111
D43,349 S * 12/1912 Shuman D25/111
D44,435 S * 8/1913 Dobbins D25/111
D79,517 S * 10/1929 Haley D25/111
D87,410 S * 7/1932 Riley D5/54
D91,266 S * 1/1934 Fowler D5/1
D91,310 S * 1/1934 Bennett D5/32
1,977,265 A * 10/1934 Colvin, Jr. 139/419
1,997,996 A * 4/1935 Carstens 428/61
2,248,233 A * 7/1941 Heritage 428/165
D130,369 S * 11/1941 Holzhey D5/54

2,380,885 A * 7/1945 Wack 52/316

D168,763 S * 2/1953 Prislant D25/163

D180,884 S * 8/1957 Pomeroy D5/54

(Continued)

Primary Examiner—Ian Simmons

Assistant Examiner—Mark A Goodwin

(74) *Attorney, Agent, or Firm*—Workman Nydegger

(57) **CLAIM**

The ornamental design for architectural panel with buri palm and reed, as shown and described.

DESCRIPTION

FIG. 1 is a front perspective view of an architectural panel with buri palm and reed showing our new design in use condition;

FIG. 2 is an enlarged front perspective view thereof;

FIG. 3 is a front elevational view thereof, the rear elevational view being a mirror image thereof;

FIG. 4 is a left elevational view thereof in cross-section;

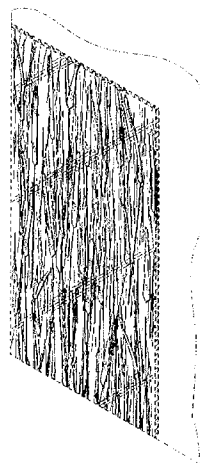
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FIG. 6 is a top plan cross-sectional view thereof; and,

FIG. 7 is a bottom plan cross-sectional view thereof.

The long dash short dash broken line showing of a wall structure in FIGS. 1 and 2 is included for the purpose of illustrating environmental structure and forms no part of the claimed design. The short dash broken line shown in FIGS. 1-7 is included for the purpose of illustrating the boundary of the architectural panel with buri palm and reed and forms no part of the claimed design.

1 Claim, 3 Drawing Sheets



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U.S. PATENT DOCUMENTS

D181,368 S *	11/1957	Nold	D5/1	D441,466 S *	5/2001	Boone	D25/163
D183,323 S *	8/1958	Pomeroy	.....	D5/54	6,322,862 B1 *	11/2001	Sakai	.....	428/13
D189,035 S *	10/1960	Lanz	.....	D25/138	D477,884 S *	7/2003	Di Giuseppe	.....	D25/138
D190,647 S *	6/1961	Allen	.....	D25/163	D486,922 S *	2/2004	Baxter	.....	D25/163
D192,733 S *	5/1962	McNeil	.....	D25/163	D488,565 S *	4/2004	Bresciani	.....	D25/111
D197,176 S *	12/1963	Allen	.....	D25/163	D513,537 S *	1/2006	Gulbrandsen	.....	D25/150
3,159,525 A *	12/1964	Finger	.....	428/152	7,008,700 B1 *	3/2006	Goodson et al.	.....	428/542.2
D201,994 S *	8/1965	Cann et al.	.....	D25/141	D519,220 S *	4/2006	Gulbrandsen	.....	D25/153
3,431,157 A *	3/1969	Mack	.....	156/82	D527,191 S *	8/2006	Sparkes	.....	D5/32
D215,589 S *	10/1969	Hooton	.....	D25/152	D531,738 S *	11/2006	Folliard	.....	D25/163
3,608,261 A *	9/1971	French et al.	.....	52/316	D531,739 S *	11/2006	Folliard	.....	D25/163
D227,754 S *	7/1973	Newberry	.....	D25/151	D569,012 S *	5/2008	Ellis	.....	D25/138
D240,813 S *	8/1976	Paschke et al.	.....	D25/111	D570,502 S *	6/2008	Silvestrin	.....	D25/138
D244,383 S *	5/1977	Tellman et al.	.....	D25/163	D573,727 S *	7/2008	Heatherly	.....	D25/139
D244,544 S *	5/1977	Tellman et al.	.....	D25/163	D578,669 S *	10/2008	Kaump	.....	D25/163
D244,547 S *	5/1977	Tellman et al.	.....	D25/150	D579,128 S *	10/2008	Kaump	.....	D25/163
D249,069 S *	8/1978	Polifka	.....	D25/152	7,481,957 B1 *	1/2009	Adickes	.....	264/261
D257,407 S *	10/1980	Maahsen	.....	D25/111	D587,821 S *	3/2009	Larsen	.....	D25/141
D299,754 S *	2/1989	VanWeelden	.....	D25/48	D603,060 S *	10/2009	Adickes	.....	D25/111
D320,506 S *	10/1991	Nasser	.....	D5/62	2003/0113485 A1 *	6/2003	Schober	.....	428/13
D323,726 S *	2/1992	Murphy	.....	D5/53	2003/0152798 A1 *	8/2003	Nemchock	.....	428/660
D330,435 S *	10/1992	Dukart et al.	.....	D25/138	2004/0247801 A1 *	12/2004	Schober	.....	428/13
D342,163 S *	12/1993	Lesner	.....	D5/47	2005/0142330 A1 *	6/2005	Albert	.....	428/143
D366,154 S *	1/1996	Bick et al.	.....	D5/32	2006/0046017 A1 *	3/2006	Adickes	.....	428/67
D392,105 S *	3/1998	Goforth	.....	D5/32	2006/0127611 A1 *	6/2006	Hunter	.....	428/34
D425,709 S *	5/2000	Mathews et al.	.....	D5/66	2008/0014398 A1 *	1/2008	Tueshaus et al.	.....	428/38
D428,500 S *	7/2000	Wederski	.....	D25/150	2008/0102255 A1 *	5/2008	Yang	.....	428/195.1
D435,122 S *	12/2000	Ross et al.	D25/156	2008/0163648 A1 *	7/2008	Sundholm et al.	65/17.2

* cited by examiner

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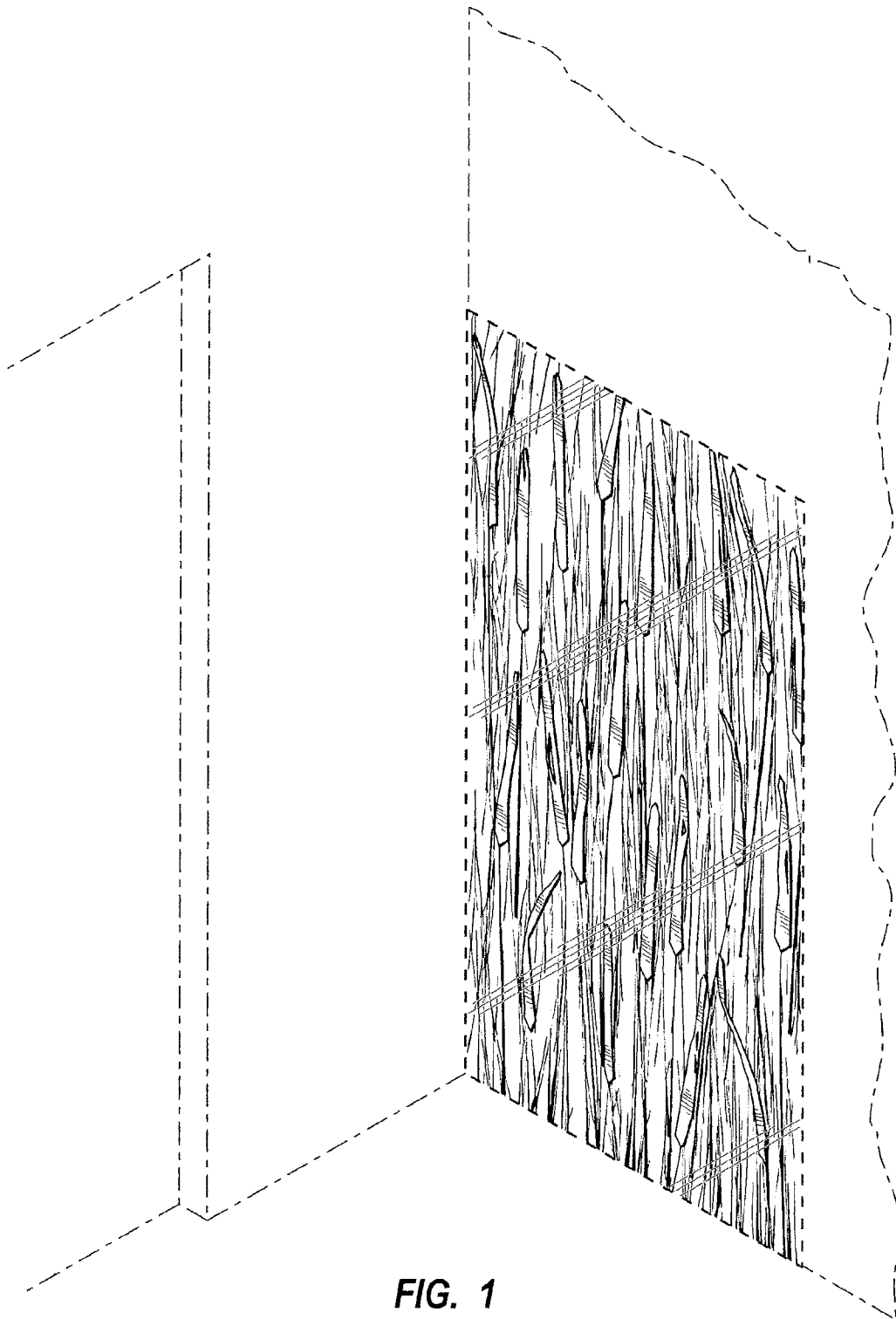


FIG. 1

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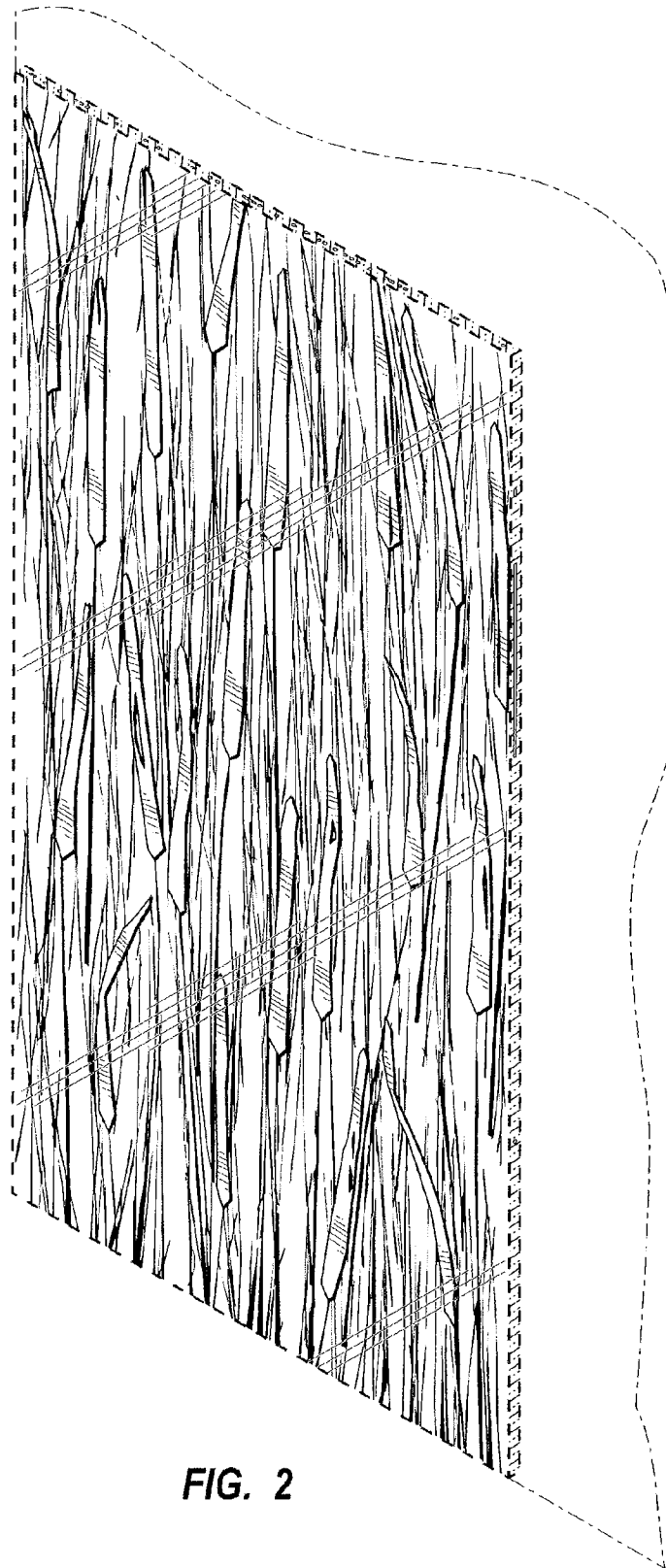


FIG. 2

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FIG. 6

FIG. 6

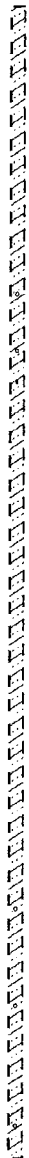


FIG. 4

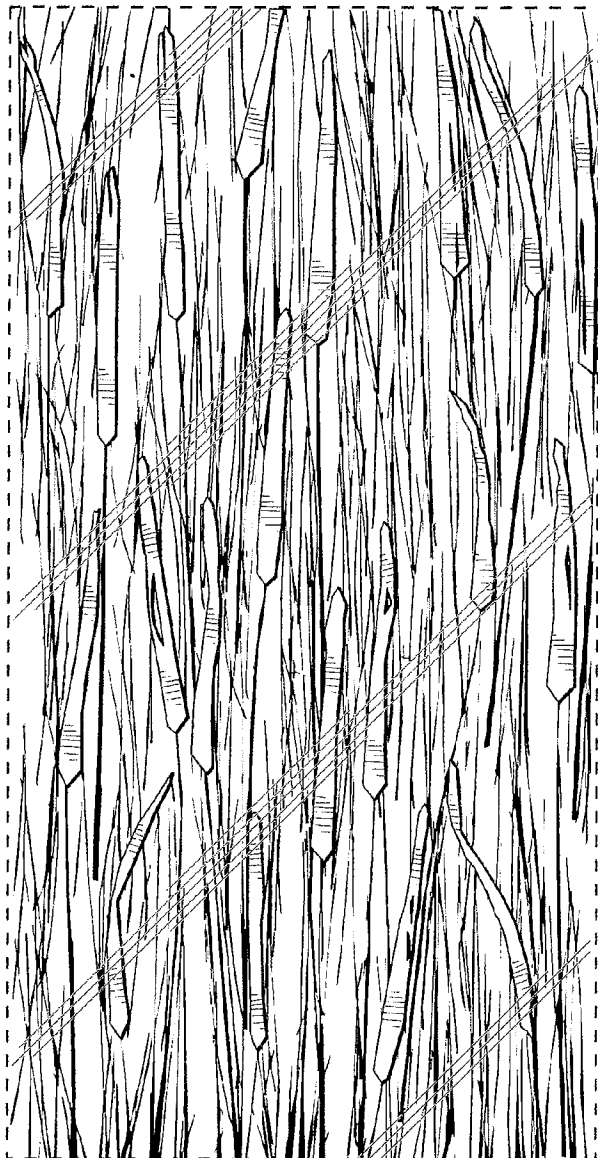


FIG. 3



FIG. 5

FIG. 7

FIG. 7

EXHIBIT D



US00D608026S

(12) **United States Design Patent**
Metcalfe et al.

(10) **Patent No.:** **US D608,026 S**
(45) **Date of Patent:** **** Jan. 12, 2010**

(54) **ARCHITECTURAL PANEL WITH PLANT STEM AND LEAF**

(75) Inventors: **Elizabeth Egan Metcalfe**, Salt Lake City, UT (US); **Jill A. Canales**, Salt Lake City, UT (US)

(73) Assignee: **3Form, Inc.**, Salt Lake City, UT (US)

(**) Term: **14 Years**

(21) Appl. No.: **29/336,950**

(22) Filed: **May 12, 2009**

(51) **LOC (9) Cl.** **25-01**

(52) **U.S. Cl.** **D25/140; D25/138**

(58) **Field of Classification Search** **D25/111, D25/138-145, 150-153, 156, 157, 163, 199, D25/102-105; D5/20, 24, 32, 54; 156/63; 52/81.4, 81.5, 81.6, 747.1, 783.11, 311.1, 52/313, 311.2, 316; 428/34, 34.1-34.9, 35.7, 428/36.1-36.4, 67, 446, 542.2, 542.6, 902, 428/904.4, 143, 147, 13, 332, 335, 336, 339, 428/480, 483**

See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

232,140 A * 9/1880 Mason 273/157 R
D22,753 S * 8/1893 Pilkington D25/103
D22,982 S * 12/1893 Apple D25/111
D33,672 S * 12/1900 Walsh, Jr. D25/111
D38,979 S * 12/1907 Woltjen D25/111
D43,349 S * 12/1912 Shuman D25/111
D44,435 S * 8/1913 Dobbins D25/111
D79,517 S * 10/1929 Haley D25/111
D87,410 S * 7/1932 Riley D5/54
D91,266 S * 1/1934 Fowler D5/1
D91,310 S * 1/1934 Bennett D5/32
1,977,265 A * 10/1934 Colvin, Jr. 139/419

1,997,996 A * 4/1935 Carstens 428/61
2,248,233 A * 7/1941 Heritage 428/165
D130,369 S * 11/1941 Holzhey D5/54
2,380,885 A * 7/1945 Wack 52/316
D168,763 S * 2/1953 Prislant D25/163
D180,884 S * 8/1957 Pomeroy D5/54
D181,368 S * 11/1957 Nold D5/1

(Continued)

Primary Examiner—Ian Simmons

Assistant Examiner—Mark A Goodwin

(74) *Attorney, Agent, or Firm*—Workman Nydegger

(57) **CLAIM**

The ornamental design for architectural panel with plant stem and leaf, as shown and described.

DESCRIPTION

FIG. 1 is a front perspective view of an architectural panel with plant stem and leaf showing our new design in use condition;

FIG. 2 is an enlarged front perspective view thereof;

FIG. 3 is a front elevational view thereof, the rear elevational view being a mirror image thereof;

FIG. 4 is a left elevational view thereof in cross-section;

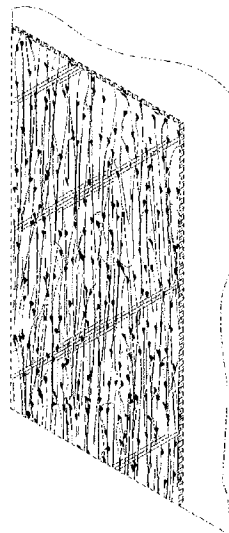
FIG. 5 is right elevational view thereof in cross-section;

FIG. 6 is a top plan cross-sectional view thereof; and,

FIG. 7 is a bottom plan cross-sectional view thereof.

The long dash short dash broken line showing of a wall structure in FIGS. 1 and 2 is included for the purpose of illustrating environmental structure and forms no part of the claimed design. The short dash broken line shown in FIGS. 1-7 is included for the purpose of illustrating the boundary of the architectural panel with plant stem and leaf and forms no part of the claimed design.

1 Claim, 3 Drawing Sheets



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U.S. PATENT DOCUMENTS

D183,323 S *	8/1958	Pomeroy	D5/54	D441,466 S *	5/2001	Boone	D25/163
D189,035 S *	10/1960	Lanz	D25/138	6,322,862 B1 *	11/2001	Sakai	428/13
D190,647 S *	6/1961	Allen	D25/163	D477,884 S *	7/2003	Di Giuseppe	D25/138
D192,733 S *	5/1962	McNeil	D25/163	D486,922 S *	2/2004	Baxter	D25/163
D197,176 S *	12/1963	Allen	D25/163	D488,565 S *	4/2004	Bresciani	D25/111
3,159,525 A *	12/1964	Finger	428/152	D513,537 S *	1/2006	Gulbrandsen	D25/150
D201,994 S *	8/1965	Cann et al.	D25/141	7,008,700 B1 *	3/2006	Goodson et al.	428/542.2
3,431,157 A *	3/1969	Mack	156/82	D519,220 S *	4/2006	Gulbrandsen	D25/153
D215,589 S *	10/1969	Hooton	D25/152	D527,191 S *	8/2006	Sparkes	D5/32
3,608,261 A *	9/1971	French et al.	52/316	D531,738 S *	11/2006	Folliard	D25/163
D227,754 S *	7/1973	Newberry	D25/151	D531,739 S *	11/2006	Folliard	D25/163
D240,813 S *	8/1976	Paschke et al.	D25/111	D569,012 S *	5/2008	Ellis	D25/138
D244,383 S *	5/1977	Tellman et al.	D25/163	D570,502 S *	6/2008	Silvestrin	D25/138
D244,544 S *	5/1977	Tellman et al.	D25/163	D573,727 S *	7/2008	Heatherly	D25/139
D244,547 S *	5/1977	Tellman et al.	D25/150	D578,669 S *	10/2008	Kaump	D25/163
D249,069 S *	8/1978	Poliifka	D25/152	D579,128 S *	10/2008	Kaump	D25/163
D257,407 S *	10/1980	Maahsen	D25/111	7,481,957 B1 *	1/2009	Adickes	264/261
D299,754 S *	2/1989	VanWeelden	D25/48	D587,821 S *	3/2009	Larsen	D25/141
D320,506 S *	10/1991	Nasser	D5/62	D603,060 S *	10/2009	Adickes	D25/111
D323,726 S *	2/1992	Murphy	D5/53	2003/0113485 A1 *	6/2003	Schober	428/13
D330,435 S *	10/1992	Dukart et al.	D25/138	2003/0152798 A1 *	8/2003	Nemchock	428/660
D342,163 S *	12/1993	Lesner	D5/47	2004/0247801 A1 *	12/2004	Schober	428/13
D366,154 S *	1/1996	Bick et al.	D5/32	2005/0142330 A1 *	6/2005	Albert	428/143
D392,105 S *	3/1998	Goforth	D5/32	2006/0046017 A1 *	3/2006	Adickes	428/67
D425,709 S *	5/2000	Mathews et al.	D5/66	2006/0127611 A1 *	6/2006	Hunter	428/34
D428,500 S *	7/2000	Wederski	D25/150	2008/0014398 A1 *	1/2008	Tueshaus et al.	428/38
D435,122 S *	12/2000	Ross et al.	D25/156	2008/0102255 A1 *	5/2008	Yang	428/195.1
				2008/0163648 A1 *	7/2008	Sundholm et al.	65/17.2

* cited by examiner

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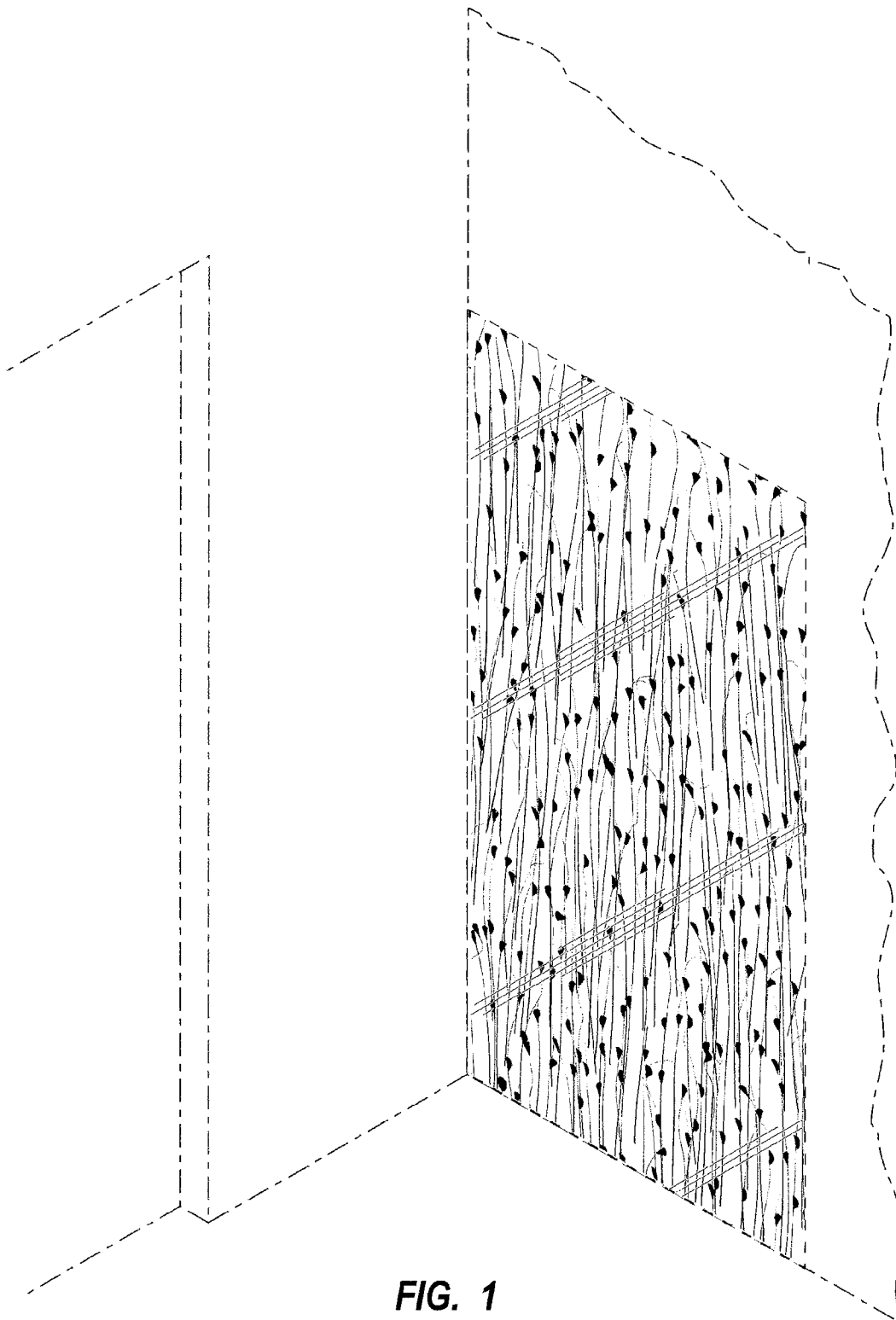


FIG. 1

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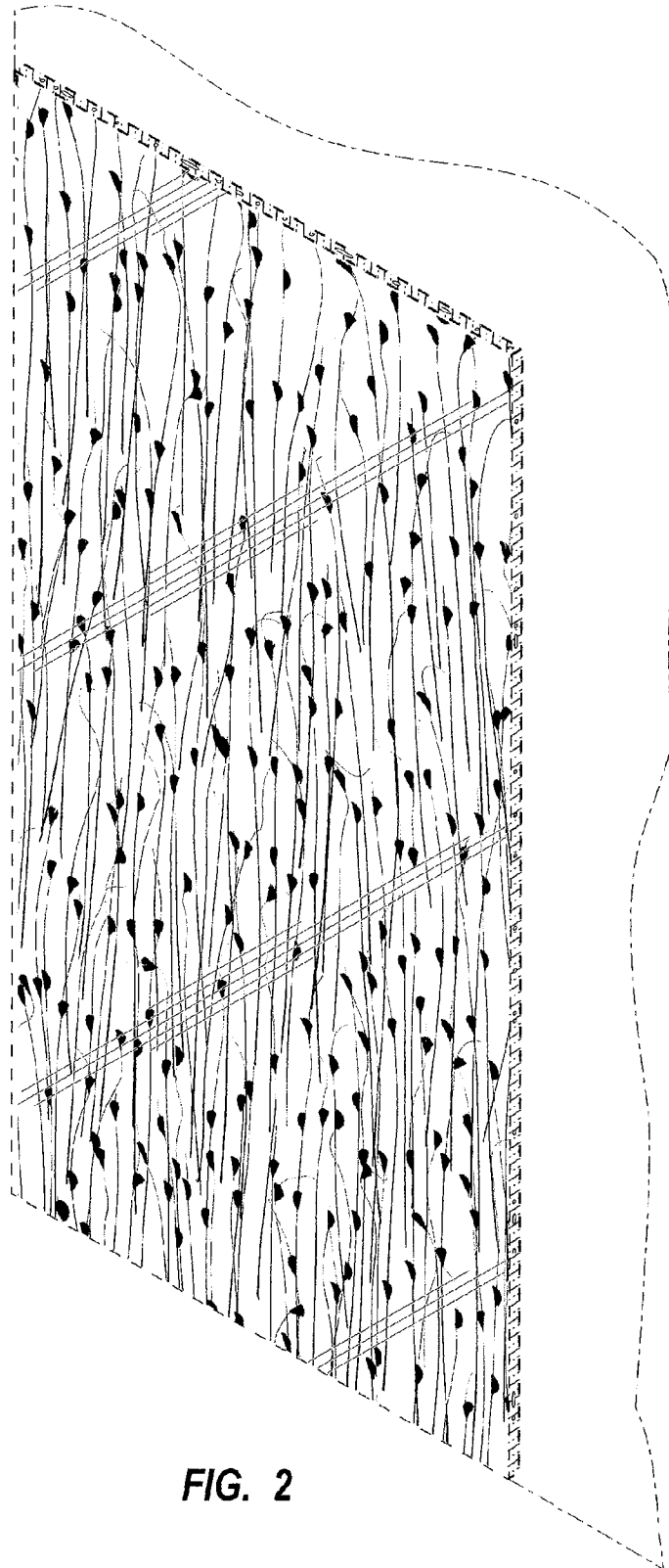


FIG. 2

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FIG. 6

FIG. 6

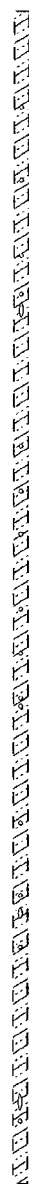
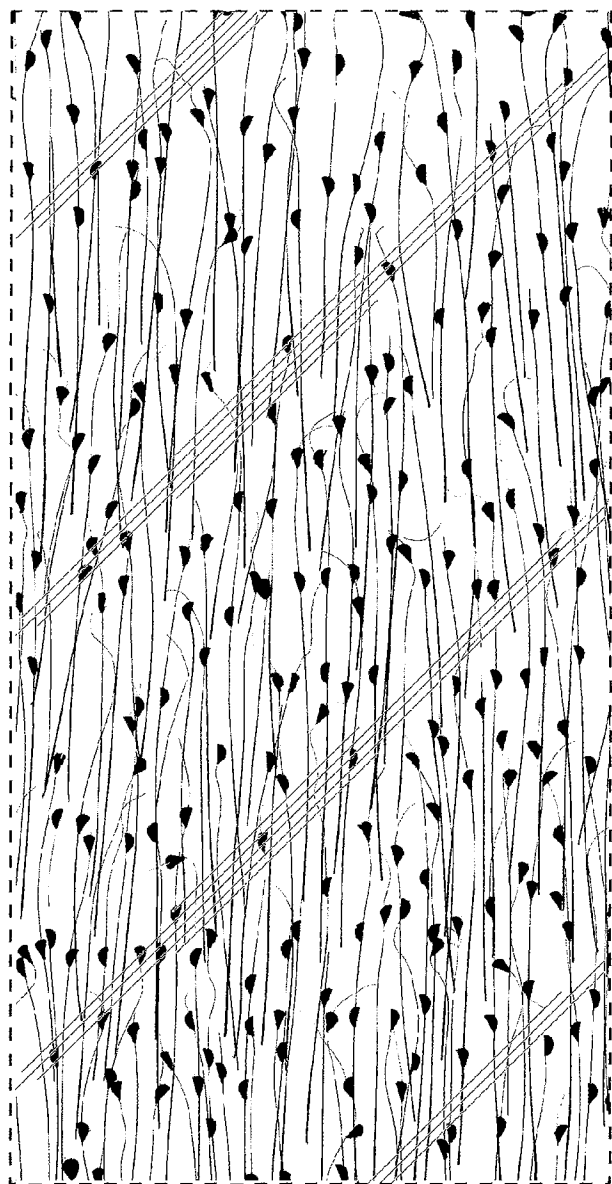
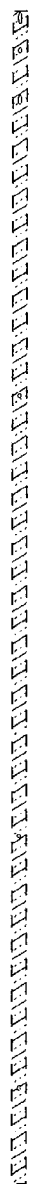


FIG. 4

FIG. 3

FIG. 5

FIG. 7

FIG. 7

EXHIBIT E



US00D621068S

(12) **United States Design Patent**
Goodson et al.

(10) **Patent No.:** **US D621,068 S**

(45) **Date of Patent:** ** *Aug. 3, 2010

(54) **ARCHITECTURAL PANEL WITH THATCH REED DESIGN**

(75) Inventors: **Raymond Lynn Goodson**, Sandy, UT (US); **R. Talley Goodson**, Salt Lake City, UT (US); **Boyd T. Goodson**, Salt Lake City, UT (US)

(73) Assignee: **3Form, Inc.**, Salt Lake City, UT (US)

(*) Notice: This patent is subject to a terminal disclaimer.

(**) Term: **14 Years**

(21) Appl. No.: **29/334,111**

(22) Filed: **Mar. 20, 2009**

Related U.S. Application Data

(60) Continuation of application No. 11/203,985, filed on Aug. 15, 2005, now Pat. No. 7,550,057, which is a division of application No. 10/821,307, filed on Apr. 9, 2004, now Pat. No. 7,008,700, which is a continuation-in-part of application No. 10/465,465, filed on Jun. 18, 2003, said application No. 10/821,307 is a continuation-in-part of application No. 10/086,269, filed on Mar. 1, 2002, now abandoned.

(51) **LOC (9) Cl.** **25-01**

(52) **U.S. Cl.** **D25/108**

(58) **Field of Classification Search** D25/103, D25/104, 105, 111, 108; 52/306, 307, 308, 52/315; 428/325, 322.2, 323, 13, 17, 18, 428/22

See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

D109,025 S *	3/1938	Perkins	.....	D25/108
2,660,824 A	12/1953	Neugass		
3,255,781 A	6/1966	Gillespie		
3,371,003 A	2/1968	Goodman		
3,465,062 A	9/1969	Holoch et al.		

3,560,600 A	2/1971	Gliniecki
3,616,029 A	10/1971	Lerman
3,833,537 A	9/1974	Jaquiss
3,937,765 A	2/1976	Toy et al.

(Continued)

FOREIGN PATENT DOCUMENTS

DE	1694354	6/1971
----	---------	--------

(Continued)

OTHER PUBLICATIONS

Office Action mailed Feb. 26, 2009, U.S. Appl. No. 11/203,985.

(Continued)

Primary Examiner—Doris Clark

(74) *Attorney, Agent, or Firm*—Workman Nydegger

(57) **CLAIM**

The ornamental design for an architectural panel with thatch reed design, as shown and described.

DESCRIPTION

FIG. 1 is a front perspective view of an architectural panel portion incorporating the architectural panel with thatch reed design as used in a wall structure;

FIG. 2 is an enlarged view thereof;

FIG. 3 is a front elevational view thereof, the rear elevational view being a mirror image thereof;

FIG. 4 is a left elevational view thereof;

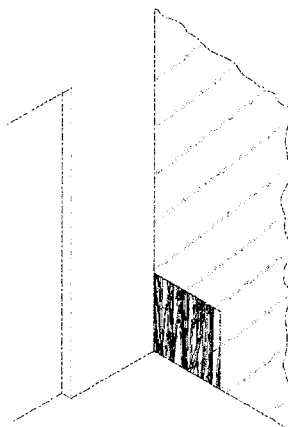
FIG. 5 is right elevational view thereof;

FIG. 6 is a top plan view thereof; and,

FIG. 7 is a bottom plan view thereof.

The broken lines are for illustrative purposes only and form no part of the claimed design.

1 Claim, 3 Drawing Sheets



US D621,068 S

Page 2

U.S. PATENT DOCUMENTS

3,964,958 A	6/1976	Johnston	6,685,993 B1	2/2004	Hansson et al.
4,199,489 A	4/1980	Short	6,743,327 B2	6/2004	Schober
4,219,635 A	8/1980	Cooke et al.	6,780,905 B2	8/2004	Bienmueller
4,227,979 A	10/1980	Humke et al.	6,969,745 B1	11/2005	Taraiya et al.
4,235,948 A	11/1980	Holmes	7,114,737 B1	10/2006	Rasmussen
4,301,040 A	11/1981	Berbeco	2001/0016626 A1	8/2001	Vollenberg et al.
4,308,782 A	1/1982	Harttry	2002/0019466 A1	2/2002	Falcone et al.
4,368,231 A	1/1983	Egert et al.	2002/0032299 A1	3/2002	Matsumoto et al.
4,403,004 A	9/1983	Parker et al.	2002/0100540 A1	8/2002	Savitski et al.
4,409,275 A	10/1983	Samowich	2002/0115761 A1	8/2002	Eckel et al.
4,443,581 A	4/1984	Robeson et al.	2002/0122926 A1	9/2002	Goodson
4,521,835 A	6/1985	Meggs et al.	2002/0145276 A1	10/2002	Veiga
4,543,292 A	9/1985	Giles, Jr. et al.	2003/0083408 A1	5/2003	Bienmuller et al.
4,634,483 A	1/1987	Spengler	2003/0113485 A1	6/2003	Schober
4,642,255 A	2/1987	Dlubak	2003/0171494 A1	9/2003	Aramaki et al.
4,648,690 A	3/1987	Ohe	2004/0039090 A1	2/2004	Seidel et al.
4,656,080 A	4/1987	Takahashi et al.	2004/0053040 A1	3/2004	Goodson et al.
4,683,172 A	7/1987	LeGrand et al.	2004/0127653 A1	7/2004	Ellington et al.
4,824,722 A	4/1989	Jarrett	2004/0202800 A1	10/2004	Schober
4,900,611 A	2/1990	Carroll	2005/0016096 A1 *	1/2005	Wright, Jr. 52/311.1
4,921,755 A	5/1990	Carroll, Jr. et al.	2005/0049369 A1	3/2005	O'Neil et al.
4,939,009 A	7/1990	Beavers et al.	2005/0053732 A1 *	3/2005	Tilby 428/17
5,064,980 A	11/1991	Grossman et al.			
5,073,421 A	12/1991	Akao			
5,108,678 A	4/1992	Hirasaka et al.			
5,192,609 A	3/1993	Carroll			
5,221,569 A	6/1993	Rohrka et al.			
5,277,952 A	1/1994	Watras			
5,352,532 A	10/1994	Kline			
5,364,926 A	11/1994	Sakashita et al.			
5,413,828 A	5/1995	De Keyser			
5,458,966 A	10/1995	Matsumoto et al.			
5,496,630 A	3/1996	Hawrylko et al.			
5,514,428 A	5/1996	Kunert			
5,605,751 A	2/1997	Suzuki et al.			
5,643,666 A	7/1997	Eckart et al.			
5,663,280 A	9/1997	Ogoe et al.			
5,743,631 A	4/1998	Bigham			
5,760,120 A	6/1998	Itoh et al.			
5,776,838 A	7/1998	Dellinger			
5,871,570 A	2/1999	Koyama et al.			
5,894,048 A	4/1999	Eckart et al.			
5,899,783 A	5/1999	Kimbrell, Jr. et al.			
5,958,539 A	9/1999	Eckart et al.			
5,998,028 A	12/1999	Eckart et al.			
6,022,050 A	2/2000	Kline			
6,025,069 A	2/2000	Eckart et al.			
6,044,650 A	4/2000	Cook et al.			
6,081,659 A	6/2000	Garza et al.			
6,117,384 A	9/2000	Laurin et al.			
6,136,441 A	10/2000	MacGregor et al.			
6,187,699 B1	2/2001	Terakawa et al.			
6,189,330 B1	2/2001	Retallick et al.			
6,221,939 B1	4/2001	Campbell et al.			
6,228,912 B1	5/2001	Campbell et al.			
6,235,380 B1	5/2001	Tupil et al.			
6,319,432 B1	11/2001	Harrod et al.			
6,322,862 B1	11/2001	Sakai			
6,333,094 B1	12/2001	Schneider et al.			
6,369,141 B1	4/2002	Ishii et al.			
6,387,477 B1	5/2002	Ogura et al.			
6,388,046 B1	5/2002	Campbell et al.			
D459,005 S *	6/2002	Tagawa D25/108			
6,401,002 B1	6/2002	Jang et al.			
6,433,046 B1	8/2002	Campbell et al.			
6,445,969 B1	9/2002	Kenney et al.			
6,448,316 B1	9/2002	Hirano et al.			
6,562,163 B1	5/2003	Wellington			
6,569,928 B1	5/2003	Levchik et al.			
6,569,929 B2	5/2003	Falcone et al.			
6,683,520 B1 *	1/2004	Sakai 335/285			

FOREIGN PATENT DOCUMENTS

DE	2505326 A1	8/1975
DE	2536654 A1	2/1977
DE	4214383 C1	11/1993
DE	29615956 U1	11/1996
DE	10137930 A1	2/2003
EP	0016617 A1	10/1980
EP	0072626 A2	2/1983
EP	0171730 A1	2/1986
EP	0188791 A1	7/1986
EP	0227922 A2	7/1987
EP	0278685 A2	8/1988
EP	0365266 A2	4/1990
EP	0372324 A2	6/1990
EP	0928683 A2	7/1991
EP	0265171 B1	9/1991
EP	0470618 A2	2/1992
EP	0491266 A2	6/1992
EP	0537577 A1	4/1993
EP	0582383 A1	2/1994
EP	0587353 A1	3/1994
EP	0626256 A1	11/1994
EP	0637509 A1	2/1995
EP	0638749 A1	2/1995
EP	0668318 A1	8/1995
EP	0680996 A1	11/1995
EP	0728811 A2	8/1996
EP	0731307 A1	9/1996
EP	0742096 A2	11/1996
EP	0795398 A1	9/1997
EP	0754897 A1	11/1997
EP	0899306 A1	3/1999
EP	0909635 A2	4/1999
EP	0933256 A2	8/1999
EP	1131378 B1	12/2001
EP	1312472 A1	5/2003
FR	1388691	2/1965
FR	1555527	1/1969
FR	2194543 A1	3/1974
FR	2237859 A1	2/1975
FR	2661362 A1	4/1990
GB	1461255	1/1977
GB	1517652	7/1978
JP	5383884	7/1978
JP	55135158	10/1980
JP	56123235	9/1981
JP	59123659 A	7/1984
JP	6322816 A	1/1988
JP	63194949	8/1988

US D621,068 S

Page 3

JP	1206010	8/1989	Office Action mailed Feb. 28, 2008, U.S. Appl. No. 11/203,985.
JP	1249336 A	10/1989	Office Action mailed Oct. 16, 2007, U.S. Appl. No. 11/203,985.
JP	3143950	6/1991	Poly(bisphenol A carbonate)-poly(dimethylsiloxane) multiblock copolymers, by Huib A.M. Van Aert, Laurent Nelissen, Piet J. Lemstra, and Daniel J. Brunelle, Eindhoven Polymer Laboratories, Eindhoven University of Technology, The Netherlands. Jul. 26, 2000.
JP	3285958	12/1991	Chemical Abstracts, vol. 116, No. 4, Jan. 27, 1992.
JP	4214779	8/1992	Chemical Abstracts, vol. 122, No. 12, Mar. 20, 1995.
JP	4224385 A	8/1992	Chemical Abstracts, vol. 117, No. 2, Jul. 13, 1992.
JP	5293916	11/1993	Standard Test Method for Surface Burning Characteristics of Building Materials, Copyright ASTM International, May 7, 2004.
JP	631862	2/1994	Restriction Requirement mailed Sep. 26, 2003, U.S. Appl. No. 10/086,269.
JP	6220290	8/1994	Office Action mailed Jan. 23, 2004, U.S. Appl. No. 10/086,269.
JP	7125000	5/1995	Office Action mailed May 24, 2004, U.S. Appl. No. 10/086,269.
JP	7126483	5/1995	Office Action mailed May 5, 2005, U.S. Appl. No. 10/821,307.
JP	7195496	8/1995	Notice of Allowance mailed Nov. 29, 2005, U.S. Appl. No. 10/821,307.
JP	8085174	4/1996	Office Action mailed May 29, 2007, U.S. Appl. No. 11/175,240.
JP	9277483	10/1997	Office Action mailed Nov. 9, 2007, U.S. Appl. No. 11/175,240.
JP	10175985	6/1998	Office Action mailed Mar. 27, 2008, U.S. Appl. No. 11/175,240.
JP	2002161211 A	6/2002	Restriction Requirement mailed Jun. 24, 2005, U.S. Appl. No. 10/465,465.
WO	WO93/22382	11/1993	Office Action mailed Sep. 20, 2005, U.S. Appl. No. 10/465,465.
WO	WO9322373 A1	11/1993	Office Action mailed Jun. 15, 2006, U.S. Appl. No. 10/465,465.
WO	WO9907779 A1	11/1993	Office Action mailed Oct. 9, 2007, U.S. Appl. No. 10/465,465.
WO	WO9608370 A1	3/1996	Office Action mailed Dec. 26, 2006, U.S. Appl. No. 11/103,829.
WO	WO97/22474 A1	6/1997	Notice of Allowance mailed Oct. 9, 2007, U.S. Appl. No. 11/103,829.
WO	WO98/29245 A2	7/1998	Office Action mailed Jun. 4, 2007, U.S. Appl. No. 11/103,829.
WO	WO00/12609 A1	3/2000	Office Action mailed Jul. 9, 2008, U.S. Appl. No. 10/465,465.
WO	WO00/12611 A1	3/2000	Office Action mailed Dec. 26, 2006, U.S. Appl. No. 10/465,465.
WO	WO00/12612 A1	3/2000	Office Action mailed Jul. 24, 2007, U.S. Appl. No. 10/465,465.
WO	WO00/12614 A1	3/2000	Office Action mailed Feb. 17, 2009, U.S. Appl. No. 10/465,465.
WO	WO0024580 A1	5/2000	Office Action mailed Jun. 10, 2009, U.S. Appl. No. 11/175,240.
WO	WO0027927 A1	5/2000	Office Action mailed Dec. 29, 2008, U.S. Appl. No. 11/175,240.
WO	WO03023684 A1	3/2003	Reynald Tombini, Abstract of French Patent 2661362, Mar. 1992, Derwent Information Ltd., USA.
WO	WO2005044906 A1	5/2005	
WO	WO2006/096196 A1	9/2006	
WO	WO2006/127219 A1	11/2006	
WO	WO2006/127222 A1	11/2006	
WO	WO2006127231 A1	11/2006	

OTHER PUBLICATIONS

Notice of Allowance mailed Apr. 16, 2009, U.S. Appl. No. 11/203,985.

Office Action mailed Jul. 7, 2008, U.S. Appl. No. 11/203,985.

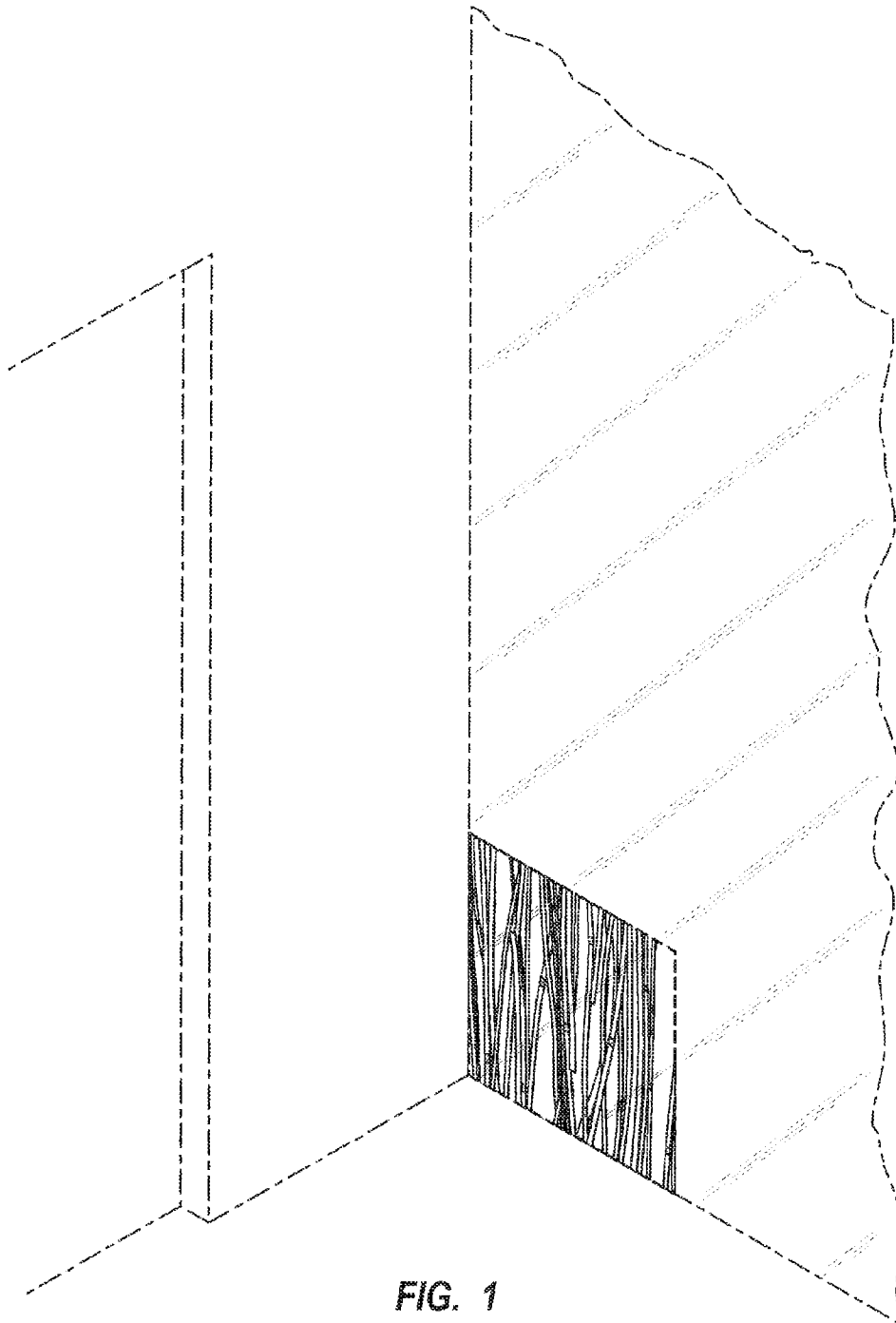
* cited by examiner

U.S. Patent

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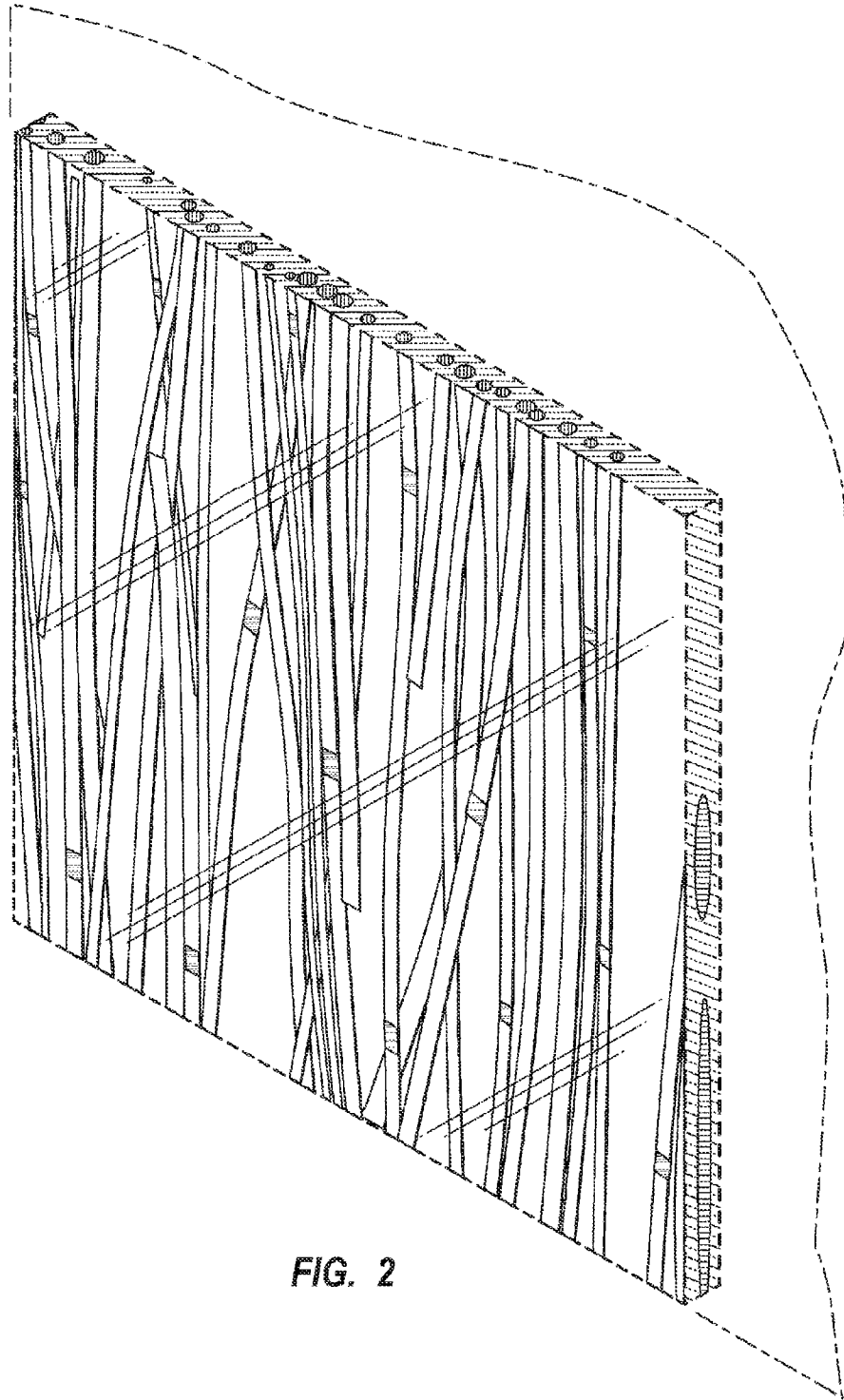


FIG. 2

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FIG. 6

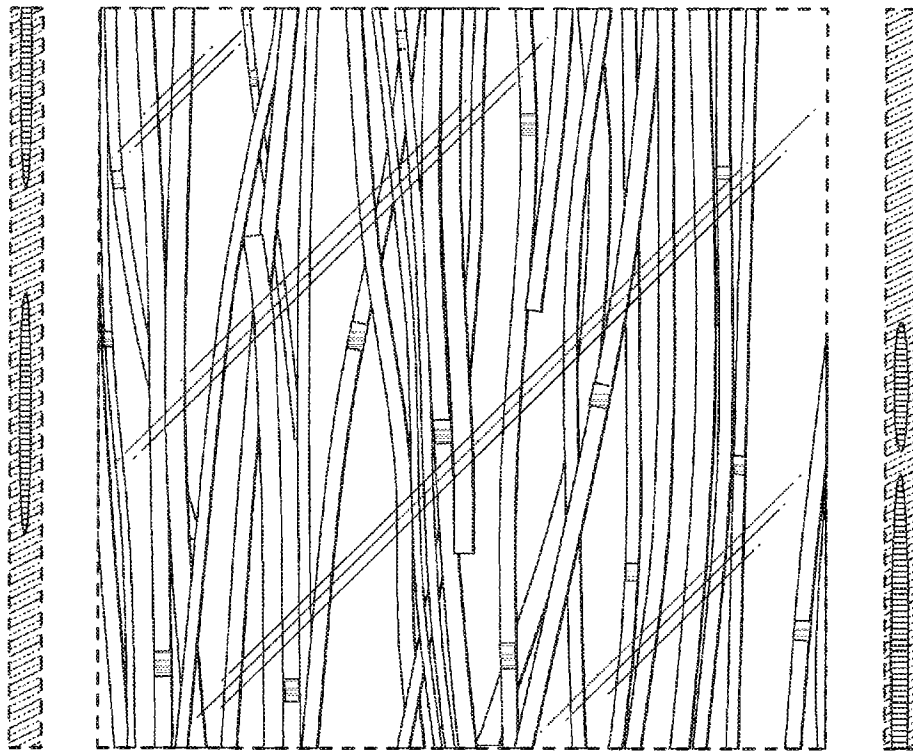


FIG. 4

FIG. 3

FIG. 5



FIG. 7

EXHIBIT F



US00D608029S

(12) **United States Design Patent**
Martin(10) **Patent No.:** **US D608,029 S**(45) **Date of Patent:** **** Jan. 12, 2010**(54) **ARCHITECTURAL PANEL WITH UNEVEN SURFACE**(75) Inventor: **Guillaume Martin**, Villecresnes (FR)(73) Assignee: **3Form, Inc**, Salt Lake City, UT (US)(**) Term: **14 Years**(21) Appl. No.: **29/334,845**(22) Filed: **Apr. 2, 2009**(51) **LOC (9) Cl.** **25-01**(52) **U.S. Cl.** **D25/141; D25/138**(58) **Field of Classification Search** D25/111,
D25/138-145, 150-153, 156, 157, 163, 199,
D25/102-105; D5/20, 24, 32, 54; 156/63;
52/81.4, 81.5, 81.6, 747.1, 783.11, 311.1,
52/313, 311.2, 316; 428/34, 34.1-34.9, 35.7,
428/36.1-36.4, 67, 446, 542.2, 542.6, 902,
428/904.4, 143, 147, 13, 332, 335, 336, 339,
428/480, 483

See application file for complete search history.

(56) **References Cited****U.S. PATENT DOCUMENTS**

232,140	A *	9/1880	Mason	273/157 R
D22,753	S *	8/1893	Pilkington	D25/103
D22,982	S *	12/1893	Apple	D25/111
D33,672	S *	12/1900	Walsh	D25/111
D38,979	S *	12/1907	Woltjen	D25/111
D43,349	S *	12/1912	Shuman	D25/111
D44,435	S *	8/1913	Dobbins	D25/111
D79,517	S *	10/1929	Haley	D25/111
D87,410	S *	7/1932	Riley	D5/54
D91,266	S *	1/1934	Fowler	D5/1
D91,310	S *	1/1934	Bennett	D5/32
1,977,265	A *	10/1934	Colvin, Jr.	139/419
1,997,996	A *	4/1935	Carstens	428/61
2,248,233	A *	7/1941	Heritage	428/165
D130,369	S *	11/1941	Holzhey	D5/54
2,380,885	A *	7/1945	Wack	52/316
D168,763	S *	2/1953	Prisland	D25/163
D180,884	S *	8/1957	Pomeroy	D5/54

D181,368	S *	11/1957	Nold	D5/1
D183,323	S *	8/1958	Pomeroy	D5/54
D189,035	S *	10/1960	Lanz	D25/138
D190,647	S *	6/1961	Allen	D25/163
D192,733	S *	5/1962	McNeil	D25/163
D197,176	S *	12/1963	Allen	D25/163

(Continued)

Primary Examiner—Ian Simmons*Assistant Examiner*—Mark A Goodwin(74) *Attorney, Agent, or Firm*—Workman Nydegger(57) **CLAIM**

The ornamental design for architectural panel with uneven surface, as shown and described.

DESCRIPTION

FIG. 1 is a front perspective view of an architectural panel with uneven surface showing my new design in use condition;

FIG. 2 is an enlarged front perspective view thereof;

FIG. 3 is a front elevational view thereof;

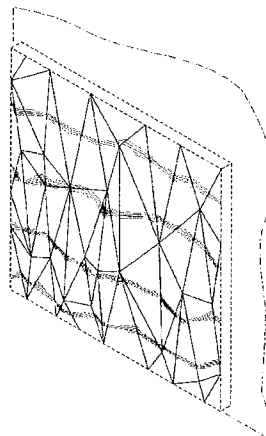
FIG. 4 is a left elevational view thereof in cross-section;

FIG. 5 is right elevational view thereof in cross-section;

FIG. 6 is a top plan cross-sectional view thereof; and,

FIG. 7 is a bottom plan cross-sectional view thereof.

The long dash short dash broken line showing of a wall structure in FIGS. 1 and 2 is included for the purpose of illustrating environmental structure and forms no part of the claimed design. The short dash broken line shown in FIGS. 1-7 is included for the purpose of illustrating the boundary of the architectural panel with uneven surface and forms no part of the claimed design.

1 Claim, 3 Drawing Sheets

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U.S. PATENT DOCUMENTS

3,159,525 A *	12/1964	Finger	428/152	D486,922 S *	2/2004	Baxter	D25/163
D201,994 S *	8/1965	Cann et al.	D25/141	D488,565 S *	4/2004	Bresciani	D25/111
3,431,157 A *	3/1969	Mack	156/82	D513,537 S *	1/2006	Gulbrandsen	D25/150
D215,589 S *	10/1969	Hooton	D25/152	7,008,700 B1 *	3/2006	Goodson et al.	428/542.2
3,608,261 A *	9/1971	French et al.	52/316	D519,220 S *	4/2006	Gulbrandsen	D25/153
D227,754 S *	7/1973	Newberry	D25/151	D527,191 S *	8/2006	Sparkes	D5/32
D240,813 S *	8/1976	Paschke et al.	D25/111	D531,738 S *	11/2006	Folliard	D25/163
D244,383 S *	5/1977	Tellman et al.	D25/163	D531,739 S *	11/2006	Folliard	D25/163
D244,544 S *	5/1977	Tellman et al.	D25/163	D569,012 S *	5/2008	Ellis	D25/138
D244,547 S *	5/1977	Tellman et al.	D25/150	D570,502 S *	6/2008	Silvestrin	D25/138
D249,069 S *	8/1978	Polifka	D25/152	D573,727 S *	7/2008	Heatherly	D25/139
D257,407 S *	10/1980	Maahsen	D25/111	D578,669 S *	10/2008	Kaump	D25/163
D299,754 S *	2/1989	VanWeelden	D25/48	D579,128 S *	10/2008	Kaump	D25/163
D320,506 S *	10/1991	Nasser	D5/62	7,481,957 B1 *	1/2009	Adickes	264/261
D323,726 S *	2/1992	Murphy	D5/53	D587,821 S *	3/2009	Larsen	D25/141
D330,435 S *	10/1992	Dukart et al.	D25/138	D603,060 S *	10/2009	Adickes	D25/111
D342,163 S *	12/1993	Lesner	D5/47	2003/0113485 A1 *	6/2003	Schober	428/13
D366,154 S *	1/1996	Bick et al.	D5/32	2003/0152798 A1 *	8/2003	Nemchock	428/660
D392,105 S *	3/1998	Goforth	D5/32	2004/0247801 A1 *	12/2004	Schober	428/13
D425,709 S *	5/2000	Mathews et al.	D5/66	2005/0142330 A1 *	6/2005	Albert	428/143
D428,500 S *	7/2000	Wederski	D25/150	2006/0046017 A1 *	3/2006	Adickes	428/67
D435,122 S *	12/2000	Ross et al.	D25/156	2006/0127611 A1 *	6/2006	Hunter	428/34
D441,466 S *	5/2001	Boone	D25/163	2008/0014398 A1 *	1/2008	Tueshaus et al.	428/38
6,322,862 B1 *	11/2001	Sakai	428/13	2008/0102255 A1 *	5/2008	Yang	428/195.1
D477,884 S *	7/2003	Di Giuseppe	D25/138	2008/0163648 A1 *	7/2008	Sundholm et al.	65/17.2

* cited by examiner

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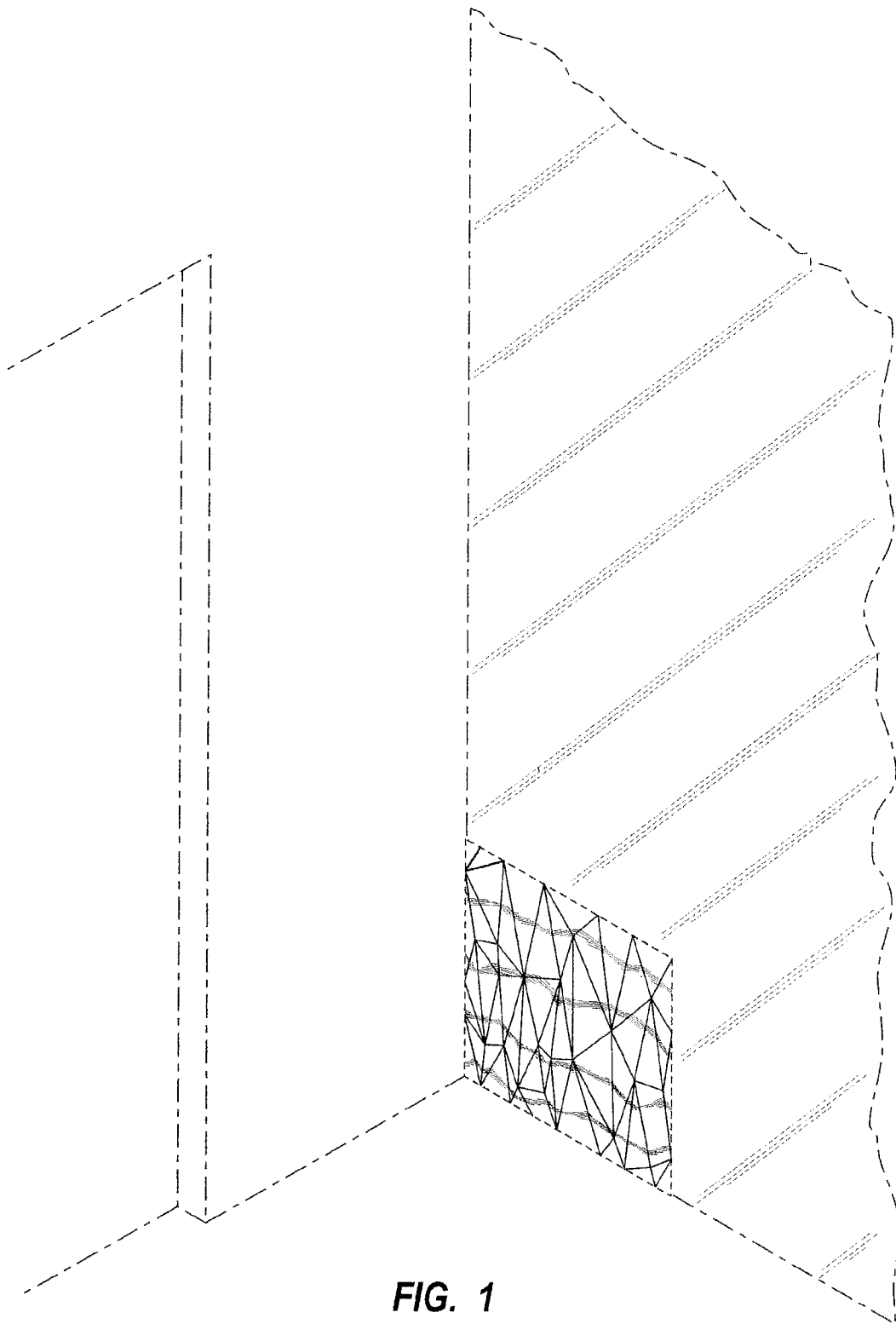


FIG. 1

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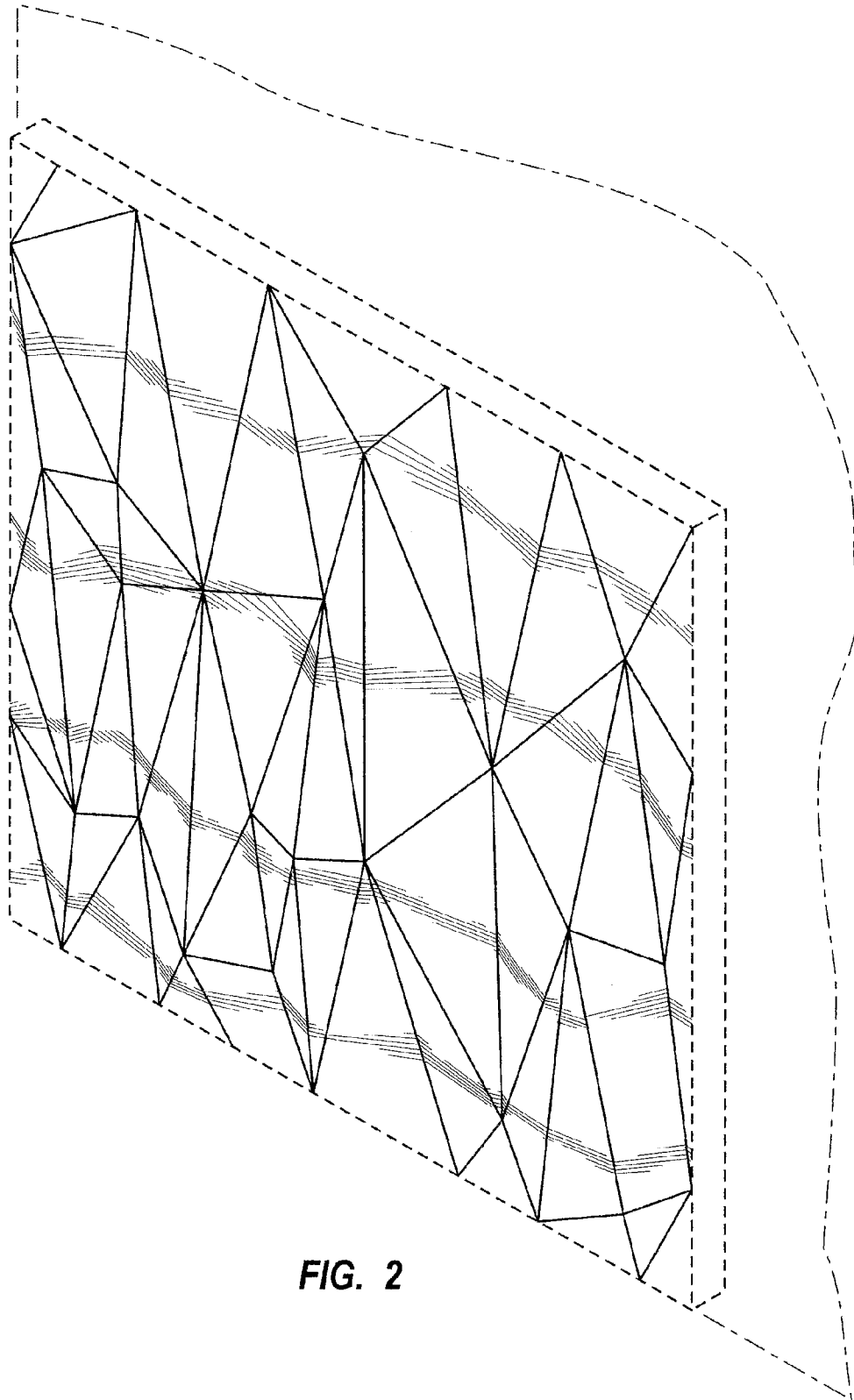


FIG. 2

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FIG. 6

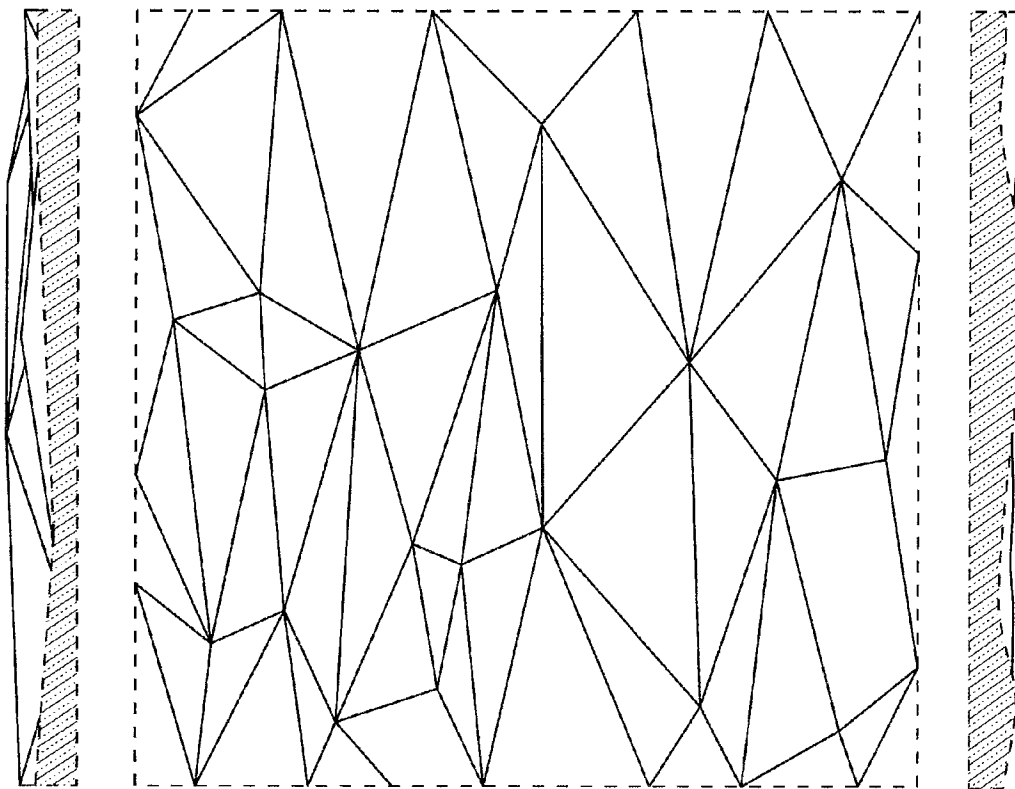


FIG. 4

FIG. 3

FIG. 5



FIG. 7

EXHIBIT G



US00D632811S

(12) **United States Design Patent**
Canales et al.

(10) **Patent No.:** **US D632,811 S**

(45) **Date of Patent:** **** Feb. 15, 2011**

(54) **ARCHITECTURAL PANEL WITH WOVEN
 TEXTILE INTERLAYER**

(75) Inventors: **Jill A. Canales**, Salt Lake City, UT (US);
Elizabeth Egan Metcalf, Salt Lake City,
 UT (US)

(73) Assignee: **3form, Inc.**, Salt Lake City, UT (US)

(**) Term: **14 Years**

(21) Appl. No.: **29/377,613**

(22) Filed: **Oct. 22, 2010**

Related U.S. Application Data

(63) Continuation of application No. 12/806,191, filed on
 May 3, 2010.

(51) **LOC (9) Cl.** **25-01**

(52) **U.S. Cl.** **D25/138; D6/332**

(58) **Field of Classification Search** D25/111,
 D25/138-145, 150-153, 156, 157, 163, 199,
 D25/102-105, 110, 58; D5/20, 24, 32, 54,
 D5/4, 7; 156/63; 52/81.4, 81.5, 81.6, 747.1,
 52/783.11, 311.1, 313, 311.2, 316, 239, 241,
 52/481.2; 428/34, 34.1-34.9, 35.7, 36.1-36.4,
 428/67, 446, 542.2, 542.6, 902, 904.4, 143,
 428/147, 13, 332, 335, 336, 339, 480, 483,
 428/195.1, 38; D6/332

See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

D87,410 S 7/1932 Riley
 1,977,265 A 10/1934 Colvin et al.
 D130,369 S 11/1941 Holzbery

(Continued)

OTHER PUBLICATIONS

Lumicor, Product Catalog, 2008 (22 pages).

(Continued)

Primary Examiner—Doris Clark

(74) *Attorney, Agent, or Firm*—Workman Nydegger

(57) **CLAIM**

The ornamental design for an architectural panel with woven textile interlayer, as shown and described.

DESCRIPTION

FIG. 1 is a left side elevation view of an architectural panel with woven textile interlayer taken along line 1—1 of FIG. 2;

FIG. 2 is a front elevation view thereof;

FIG. 3 is a right side elevation view taken along line 3—3 of FIG. 2;

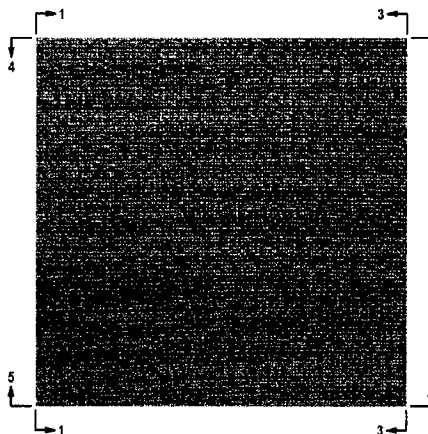
FIG. 4 is a top plan view taken along line 4—4 of FIG. 2;

FIG. 5 is a bottom plan view taken along line 5—5 of FIG. 2; and,

FIG. 6 is a rear elevation view.

The claimed architectural panel with woven textile interlayer design includes outer transparent or transparent resin or glass sheets with a textile interlayer. One or more of the resin or glass sheets of the claimed architectural panel with woven textile interlayer design can optionally be colored, such as by one or more colored films bonded thereto. The textile interlayer of the claimed architectural panel with woven textile interlayer design includes fabric or material strips generally aligned in a first direction, and thread woven through the fabric or material strips in a direction generally perpendicular to the first direction. The claimed architectural panel with woven textile interlayer design can be part of a larger panel having any width, length, or shape. The claimed architectural panel with woven textile interlayer design can be used as a part of a ceiling, wall, partition, floor, or other architectural structure.

1 Claim, 2 Drawing Sheets



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U.S. PATENT DOCUMENTS

D180,884 S	9/1955	Pomeroy	
D181,426 S *	11/1957	Murray	D25/138
D183,323 S	8/1958	Pomeroy	
3,159,525 A	12/1964	Finger	
3,431,157 A	3/1969	Mack	
3,498,870 A *	3/1970	Fritchey	428/114
3,593,474 A *	7/1971	Neels	52/223.7
D221,330 S *	8/1971	Ottinger et al.	D25/150
D224,149 S *	7/1972	Sahm	D25/150
D224,150 S *	7/1972	Sahm	D25/150
D257,407 S *	10/1980	Maahsen	D25/111
4,630,416 A *	12/1986	Lapins et al.	52/239
D320,506 S	10/1991	Nasser	
D341,897 S *	11/1993	Benavent Adrian	D25/138
D342,163 S	12/1993	Lesner	
D402,047 S *	12/1998	Sadovenko	D25/111
D405,616 S *	2/1999	Hellwig et al.	D6/332
D408,929 S *	4/1999	Fear et al.	D25/58
D426,391 S *	6/2000	Rowan	D6/332
D427,783 S *	7/2000	Luedke	D6/332
6,322,862 B1	11/2001	Sakai	
D486,922 S	2/2004	Baxter	
D488,565 S *	4/2004	Bresciani	D25/111
D500,604 S *	1/2005	Ashby	D6/332
7,008,700 B1	3/2006	Goodson et al.	
D519,220 S	4/2006	Gulbrandsen	
D525,724 S *	7/2006	Reisman	D25/157
D569,012 S	5/2008	Ellis	
D608,021 S	1/2010	Canales	
D608,025 S	1/2010	Canales	
D608,476 S	1/2010	Canales	
D608,914 S *	1/2010	Heatherly	D25/138
2003/0113485 A1	6/2003	Schober	
2004/0247801 A1	12/2004	Schober	
2008/0014398 A1	1/2008	Tueshaus et al.	

OTHER PUBLICATIONS

3FORM, Product Catalog, 2008 (33 pages).

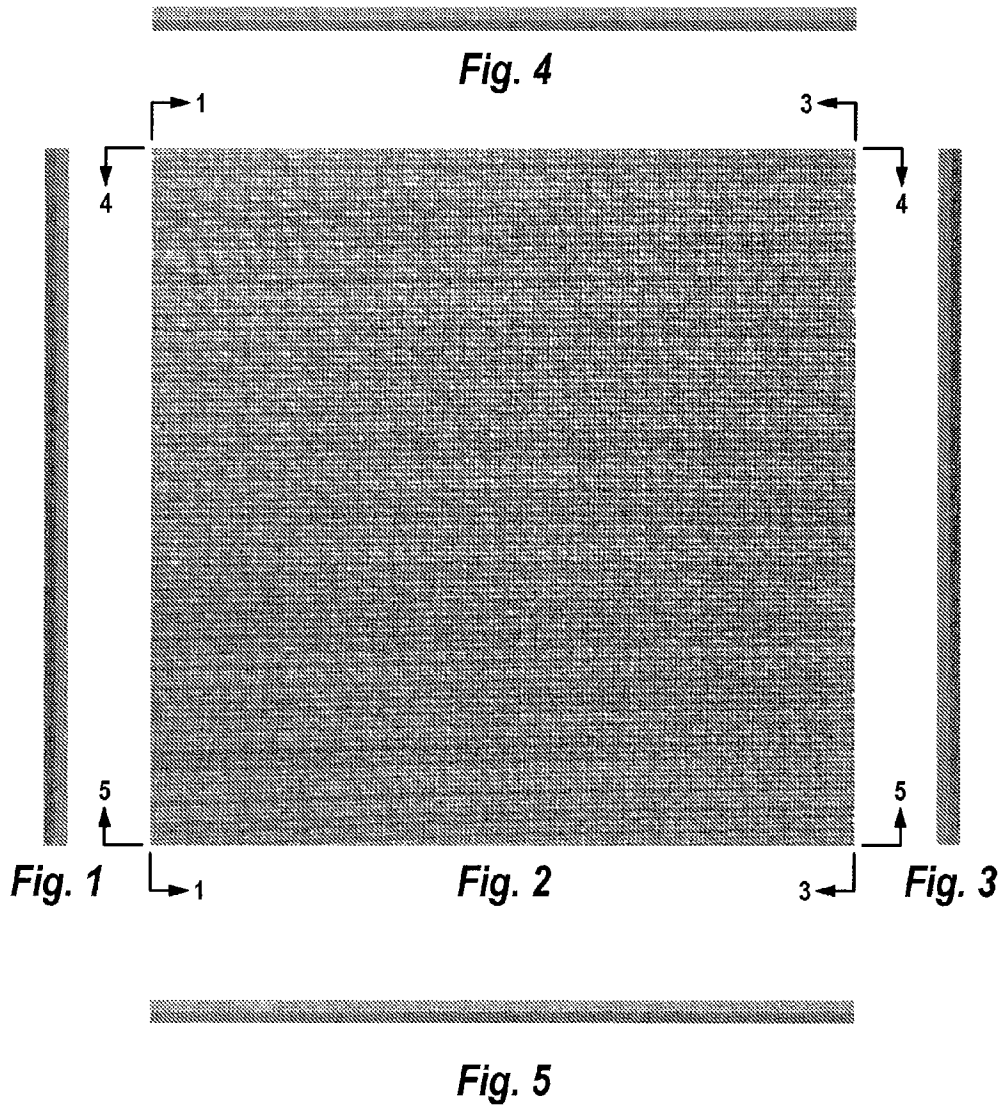
* cited by examiner

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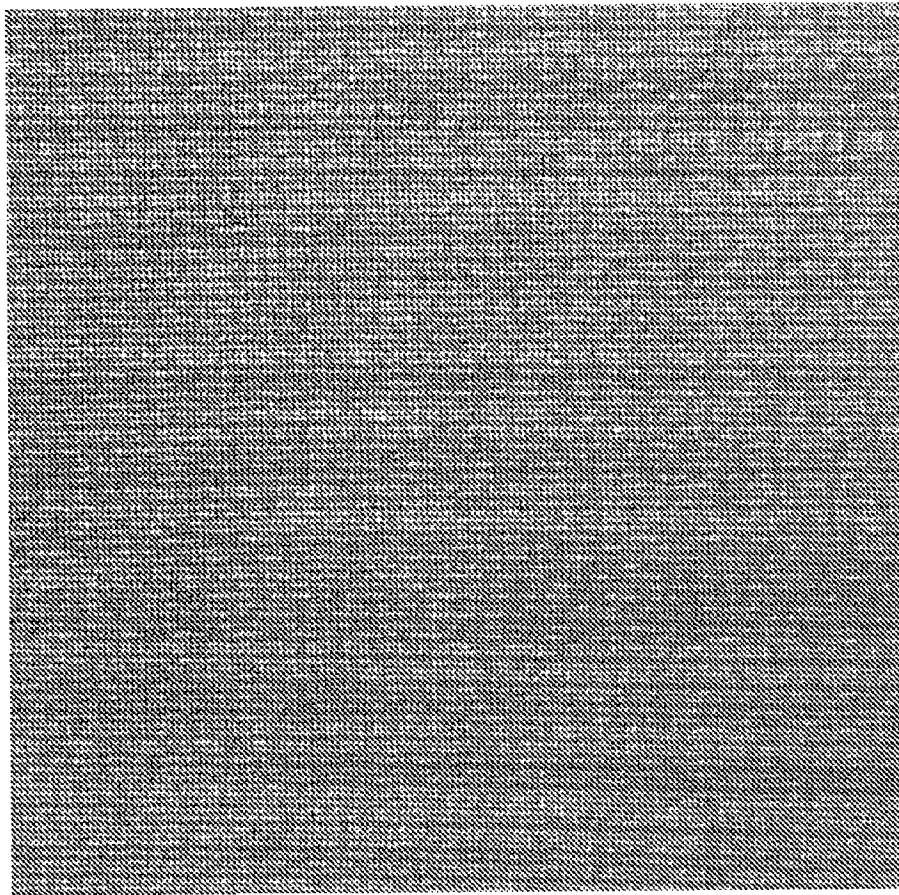


Fig. 6

EXHIBIT H



US00D608476S

(12) **United States Design Patent**
Canales et al.

(10) **Patent No.:** **US D608,476 S**

(45) **Date of Patent:** **** Jan. 19, 2010**

(54) **ARCHITECTURAL PANEL WITH
UNRAVELED STRING**

(75) Inventors: **Jill A. Canales**, Salt Lake City, UT (US);
Caroline D. Lewis, New Harmony, IN
(US); **Elizabeth E. Metcalf**, Salt Lake
City, UT (US)

(73) Assignee: **3 Form, Inc.**, Salt Lake City, UT (US)

(**) Term: **14 Years**

(21) Appl. No.: **29/335,275**

(22) Filed: **Apr. 13, 2009**

(51) **LOC (9) Cl.** **25-01**

(52) **U.S. Cl.** **D25/140; D25/138**

(58) **Field of Classification Search** D25/111,
D25/138-145, 150-153, 156, 157, 163, 199,
D25/102-105; D5/20, 24, 32, 54; 156/63;
52/81.4, 81.5, 81.6, 747.1, 783.11, 311.1,
52/313, 311.2, 316; 428/34, 34.1-34.9, 35.7,
428/36.1-36.4, 67, 446, 542.2, 542.6, 902,
428/904.4, 143, 147, 13, 332, 335, 336, 339,
428/480, 483

See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

232,140	A	*	9/1880	Mason	.....	273/157	R
D22,753	S	*	8/1893	Pilkington	.....	D25/103	
D22,982	S	*	12/1893	Apple	.....	D25/111	
D33,672	S	*	12/1900	Walsh, Jr.	.....	D25/111	
D38,979	S	*	12/1907	Woltjen	.....	D25/111	
D43,349	S	*	12/1912	Shuman	.....	D25/111	
D44,435	S	*	8/1913	Dobbins	.....	D25/111	
D79,517	S	*	10/1929	Haley	.....	D25/111	
D87,410	S	*	7/1932	Riley	.....	D5/54	
D91,266	S	*	1/1934	Fowler	.....	D5/1	
D91,310	S	*	1/1934	Bennett	.....	D5/32	
1,977,265	A	*	10/1934	Colvin, Jr.	.....	139/419	
1,997,996	A	*	4/1935	Carstens	.....	428/61	
2,248,233	A	*	7/1941	Heritage	.....	428/165	
D130,369	S	*	11/1941	Holzhey	.....	D5/54	

2,380,885 A * 7/1945 Wack 52/316

D168,763 S * 2/1953 Pristland D25/163

D180,884 S * 8/1957 Pomeroy D5/54

(Continued)

Primary Examiner—Ian Simmons

Assistant Examiner—Mark A Goodwin

(74) *Attorney, Agent, or Firm*—Workman Nydegger

(57) **CLAIM**

The ornamental design for architectural panel with unraveled string, as shown and described.

DESCRIPTION

FIG. 1 is a front perspective view of an architectural panel with unraveled string showing our new design in use condition;

FIG. 2 is an enlarged front perspective view thereof;

FIG. 3 is a front elevational view thereof, the rear elevational view being a mirror image thereof;

FIG. 4 is a left elevational view thereof in cross-section;

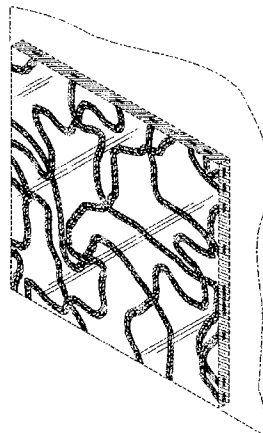
FIG. 5 is right elevational view thereof in cross-section;

FIG. 6 is a top plan cross-sectional view thereof; and,

FIG. 7 is a bottom plan cross-sectional view thereof.

The long dash short dash broken line showing of a wall structure in FIGS. 1 and 2 is included for the purpose of illustrating environmental structure and forms no part of the claimed design. The short dash broken line shown in FIGS. 1-7 is included for the purpose of illustrating the boundary of the architectural panel with unraveled string and forms no part of the claimed design.

1 Claim, 3 Drawing Sheets



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U.S. PATENT DOCUMENTS

D181,368 S *	11/1957	Nold	D5/1	D441,466 S *	5/2001	Boone	D25/163
D183,323 S *	8/1958	Pomeroy	D5/54	6,322,862 B1 *	11/2001	Sakai	428/13
D189,035 S *	10/1960	Lanz	D25/138	D477,884 S *	7/2003	Di Giuseppe	D25/138
D190,647 S *	6/1961	Allen	D25/163	D486,922 S *	2/2004	Baxter	D25/163
D192,733 S *	5/1962	McNeil	D25/163	D488,565 S *	4/2004	Bresciani	D25/111
D197,176 S *	12/1963	Allen	D25/163	D513,537 S *	1/2006	Gulbrandsen	D25/150
3,159,525 A *	12/1964	Finger	428/152	7,008,700 B1 *	3/2006	Goodson et al.	428/542.2
D201,994 S *	8/1965	Cann et al.	D25/141	D519,220 S *	4/2006	Gulbrandsen	D25/153
3,431,157 A *	3/1969	Mack	156/82	D527,191 S *	8/2006	Sparkes	D5/32
D215,589 S *	10/1969	Hooton	D25/152	D531,738 S *	11/2006	Folliard	D25/163
3,608,261 A *	9/1971	French et al.	52/316	D531,739 S *	11/2006	Folliard	D25/163
D227,754 S *	7/1973	Newberry	D25/151	D569,012 S *	5/2008	Ellis	D25/138
D240,813 S *	8/1976	Paschke et al.	D25/111	D570,502 S *	6/2008	Silvestrin	D25/138
D244,383 S *	5/1977	Tellman et al.	D25/163	D573,727 S *	7/2008	Ileatherly	D25/139
D244,544 S *	5/1977	Tellman et al.	D25/163	D578,669 S *	10/2008	Kaump	D25/163
D244,547 S *	5/1977	Tellman et al.	D25/150	D579,128 S *	10/2008	Kaump	D25/163
D249,069 S *	8/1978	Polifka	D25/152	7,481,957 B1 *	1/2009	Adickes	264/261
D257,407 S *	10/1980	Maahsen	D25/111	D587,821 S *	3/2009	Larsen	D25/141
D299,754 S *	2/1989	VanWeelden	D25/48	D603,060 S *	10/2009	Adickes	D25/111
D320,506 S *	10/1991	Nasser	D5/62	2003/0113485 A1 *	6/2003	Schober	428/13
D323,726 S *	2/1992	Murphy	D5/53	2003/0152798 A1 *	8/2003	Nemchock	428/660
D330,435 S *	10/1992	Dukart et al.	D25/138	2004/0247801 A1 *	12/2004	Schober	428/13
D342,163 S *	12/1993	Lesner	D5/47	2005/0142330 A1 *	6/2005	Albert	428/143
D366,154 S *	1/1996	Bick et al.	D5/32	2006/0046017 A1 *	3/2006	Adickes	428/67
D392,105 S *	3/1998	Goforth	D5/32	2006/0127611 A1 *	6/2006	Hunter	428/34
D425,709 S *	5/2000	Mathews et al.	D5/66	2008/0014398 A1 *	1/2008	Tueshaus et al.	428/38
D428,500 S *	7/2000	Wederski	D25/150	2008/0102255 A1 *	5/2008	Yang	428/195.1
D435,122 S *	12/2000	Ross et al.	D25/156	2008/0163648 A1 *	7/2008	Sundholm et al.	65/17.2

* cited by examiner

U.S. Patent

Jan. 19, 2010

Sheet 1 of 3

US D608,476 S

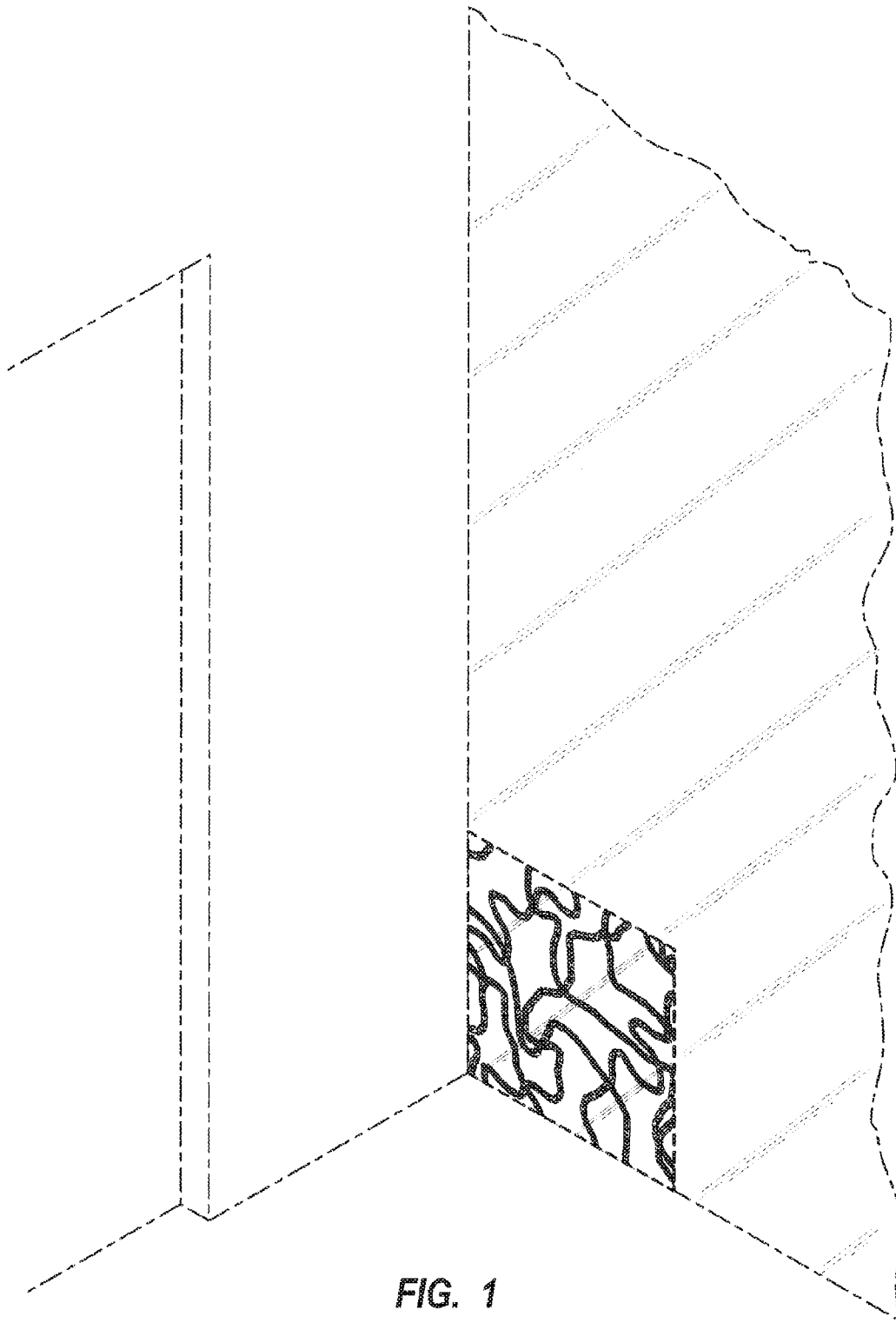


FIG. 1

U.S. Patent

Jan. 19, 2010

Sheet 2 of 3

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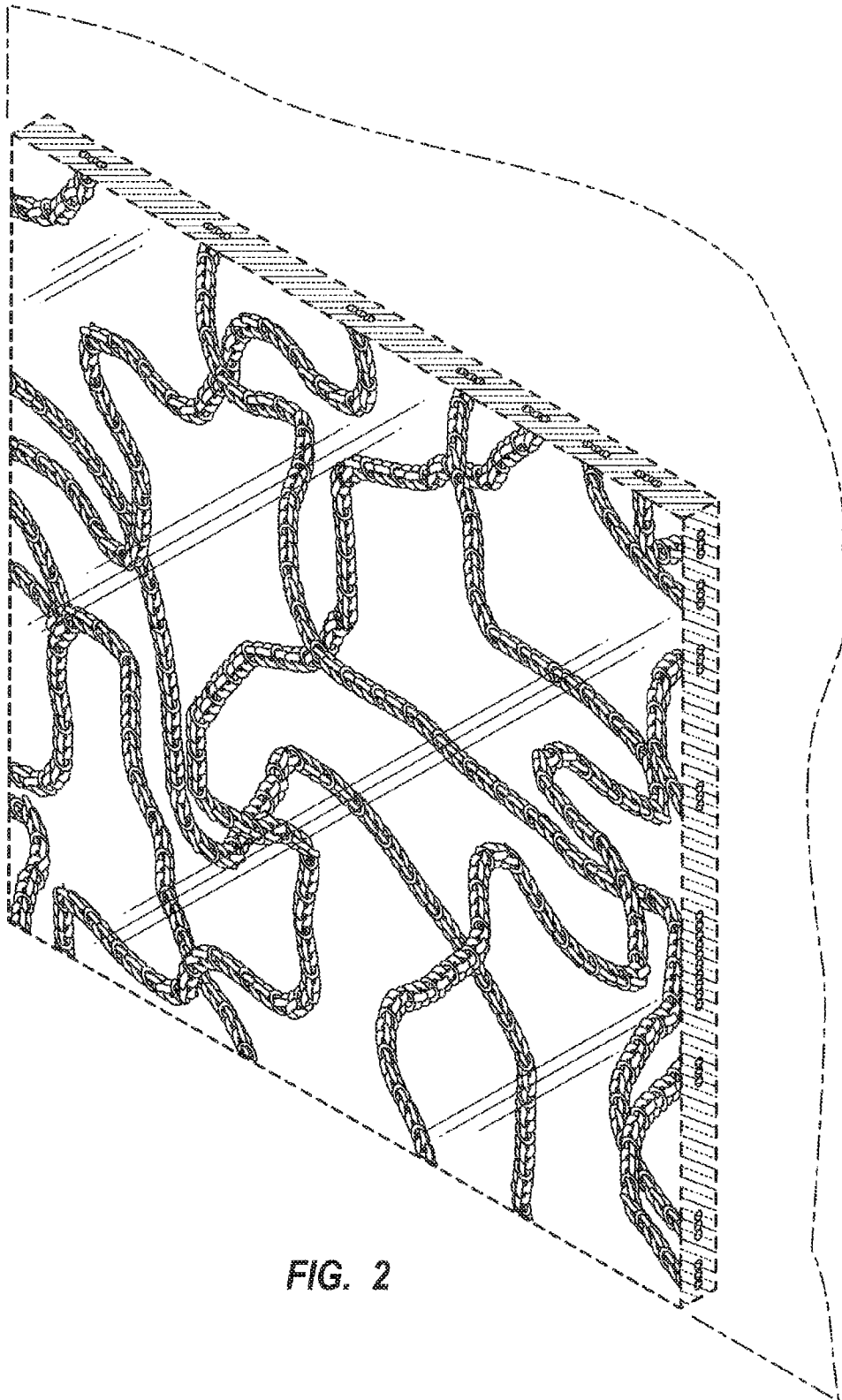


FIG. 2

U.S. Patent

Jan. 19, 2010

Sheet 3 of 3

US D608,476 S



FIG. 6

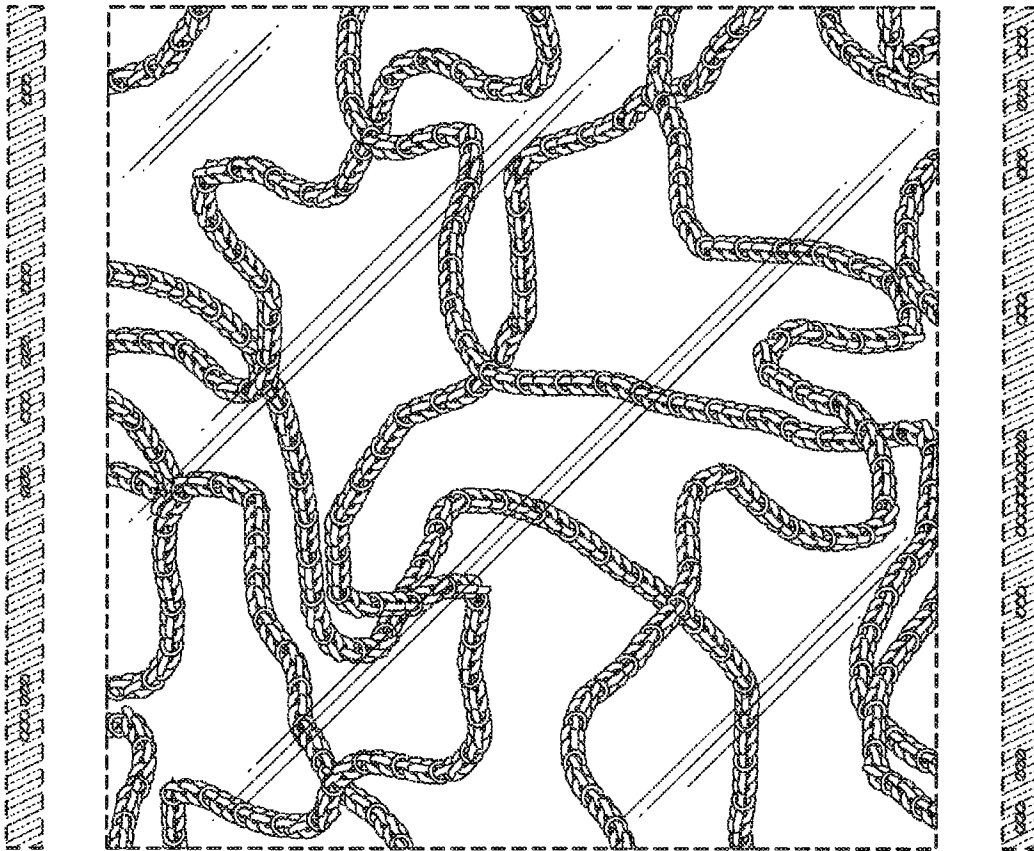


FIG. 4

FIG. 3

FIG. 5



FIG. 7

EXHIBIT I



US00D632405S

(12) **United States Design Patent**
Metcalf

(10) **Patent No.:** **US D632,405 S**
(45) **Date of Patent:** **** Feb. 8, 2011**

(54) **ARCHITECTURAL PANEL WITH EMBOSSED PEBBLE DESIGN**

(57) **CLAIM**

(75) **Inventor:** **Elizabeth Egan Metcalf**, Salt Lake City, UT (US)

The ornamental design for an architectural panel with embossed pebble design, as shown and described.

(73) **Assignee:** **3form, Inc.**, Salt Lake City, UT (US)

DESCRIPTION

(**) **Term:** **14 Years**

(21) **Appl. No.:** **29/375,408**

(22) **Filed:** **Sep. 22, 2010**

Related U.S. Application Data

(63) Continuation of application No. 12/806,191, filed on May 3, 2010.

(51) **LOC (9) Cl.** **25-01**

(52) **U.S. Cl.** **D25/138; D6/332**

(58) **Field of Classification Search** D25/111, D25/138-145, 150-153, 156, 157, 163, 199, D25/102-105, 110, 58; D5/20, 24, 32, 54, D5/4, 7; 156/63; 52/81.4, 81.5, 81.6, 747.1, 52/783.11, 311.1, 313, 311.2, 316, 239, 241, 52/481.2; 428/34, 34.1-34.9, 35.7, 36.1-36.4, 428/67, 446, 542.2, 542.6, 902, 904.4, 143, 428/147, 13, 332, 335, 336, 339, 480, 483, 428/195.1, 38; D6/332

See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

D22,982 S 12/1893 Apple

(Continued)

OTHER PUBLICATIONS

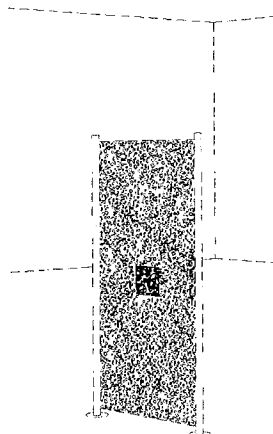
Lumicor, Product Catalog, 2008 (22 pages).

(Continued)

Primary Examiner—Doris Clark

(74) *Attorney, Agent, or Firm*—Workman Nydegger

1 Claim, 4 Drawing Sheets



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Page 2

U.S. PATENT DOCUMENTS

D33,672 S	12/1900	Walsh	D330,435 S	10/1992	Dukart et al.	
D44,435 S	8/1913	Dobbins	D341,897 S *	11/1993	Benavent Adrian	D25/138
D79,517 S	10/1929	Haley	D402,047 S *	12/1998	Sadovenko	D25/111
2,248,233 A	7/1941	Heritage	D405,616 S *	2/1999	Hellwig et al.	D6/332
2,380,885 A	7/1945	Wack	D408,929 S *	4/1999	Fear et al.	D25/58
D181,426 S *	11/1957	Murray	D426,391 S *	6/2000	Rowan	D6/332
3,159,525 A	12/1964	Finger	D427,783 S *	7/2000	Luedke	D6/332
D201,994 S	8/1965	Cann	D441,466 S	5/2001	Boone	
3,498,870 A *	3/1970	Fritchey	D488,565 S *	4/2004	Bresciani	D25/111
3,593,474 A *	7/1971	Neels	D500,604 S *	1/2005	Ashby	D6/332
D221,330 S *	8/1971	Ottinger et al.	D513,537 S	1/2006	Gulbrandsen	
3,608,261 A	9/1971	French et al.	D525,724 S *	7/2006	Reisman	D25/157
D224,149 S *	7/1972	Sahm	D573,727 S	7/2008	Heatherly	
D224,150 S *	7/1972	Sahm	D578,669 S	10/2008	Kaump	
D240,813 S	8/1976	Paschke et al.	D579,128 S	10/2008	Kaump	
D244,383 S	5/1977	Tellman et al.	D608,029 S	1/2010	Martin	
D244,544 S	5/1977	Tellman et al.	D608,914 S *	1/2010	Heatherly	D25/138
D244,547 S	5/1977	Tellman et al.				
D257,407 S *	10/1980	Maahsen				
4,630,416 A *	12/1986	Lapins et al.				
D323,726 S	2/1992	Murphy				

OTHER PUBLICATIONS

3Form, Product Catalog, 2008 (33 pages).

* cited by examiner

U.S. Patent

Feb. 8, 2011

Sheet 1 of 4

US D632,405 S

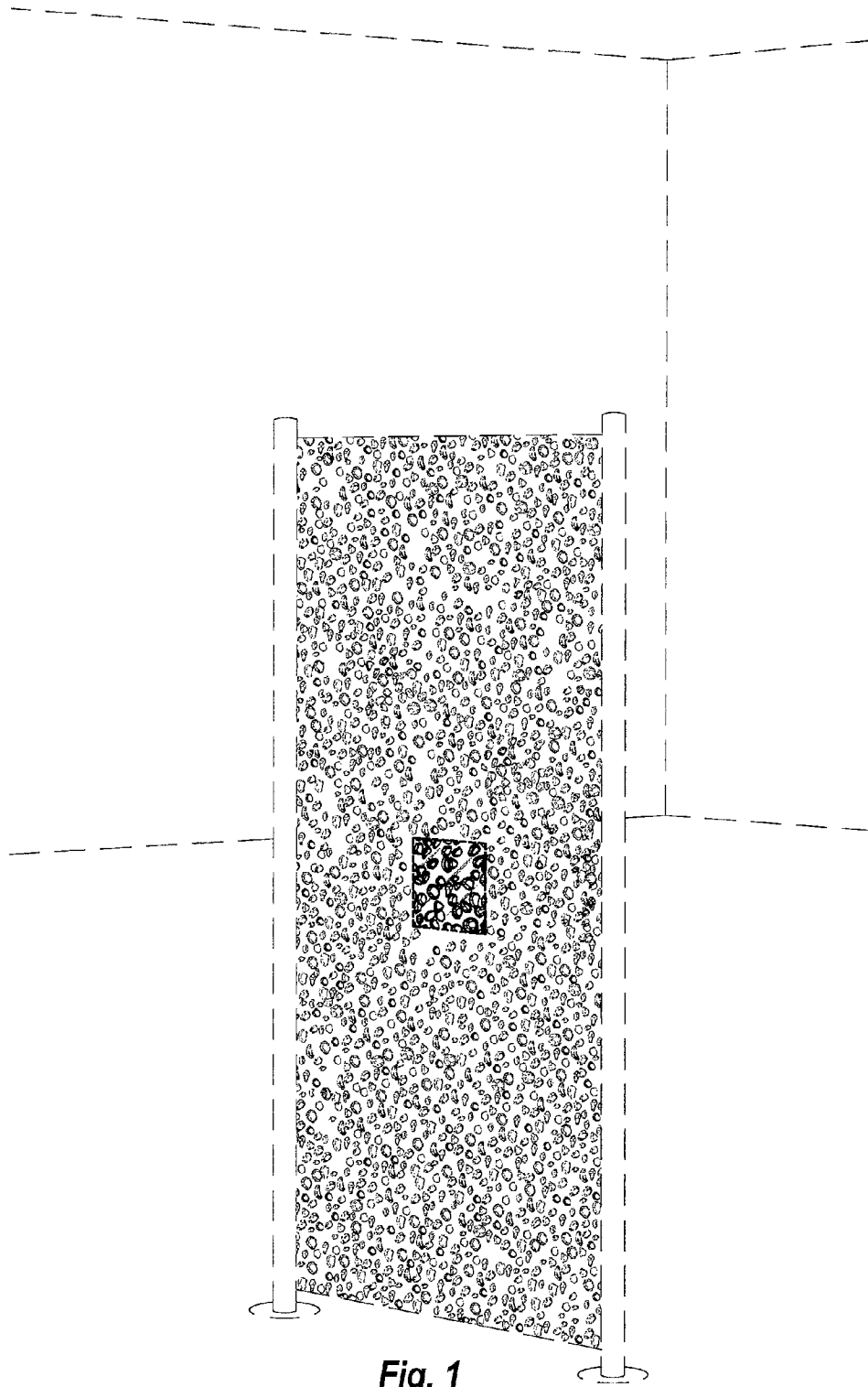


Fig. 1

U.S. Patent

Feb. 8, 2011

Sheet 2 of 4

US D632,405 S

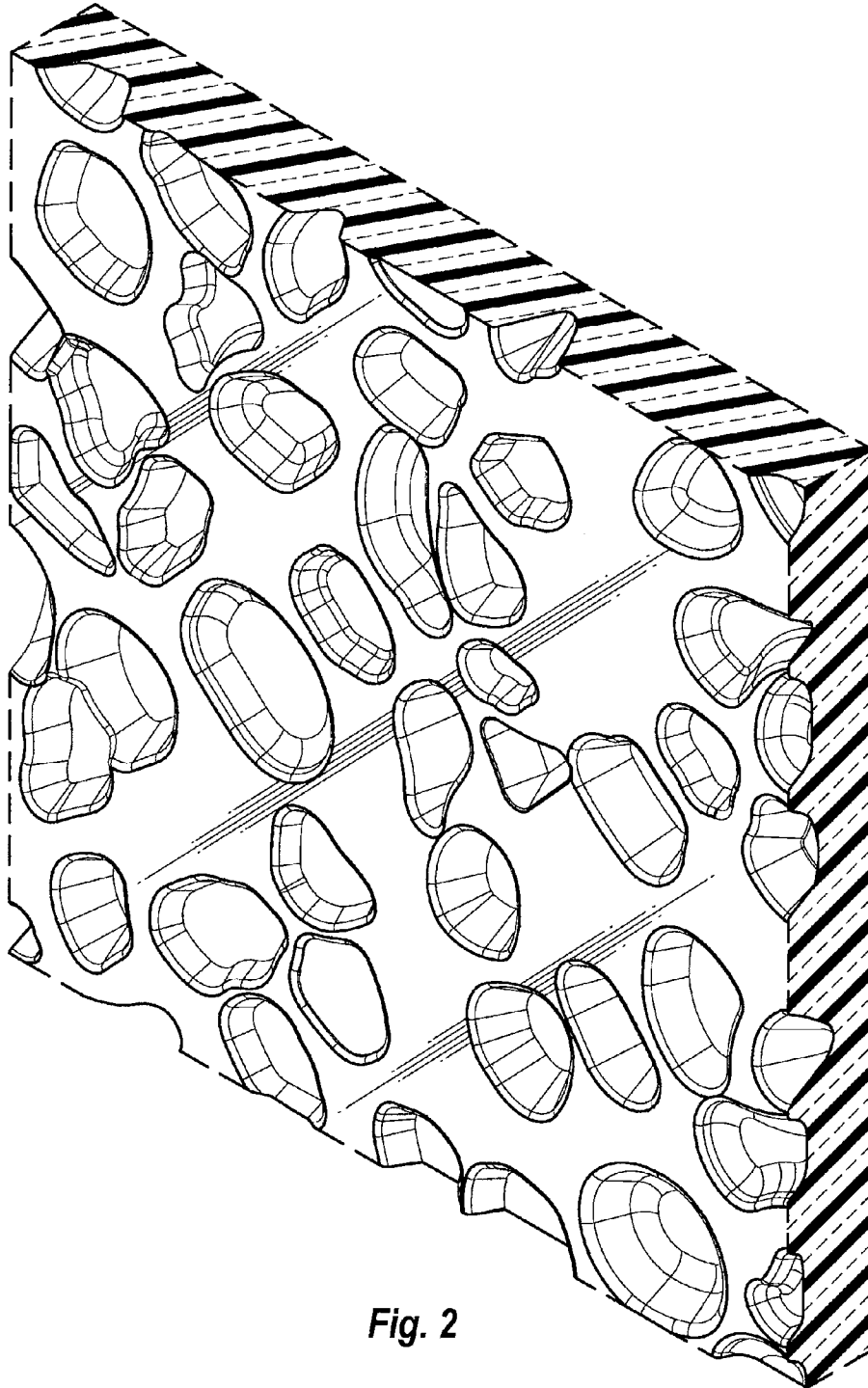


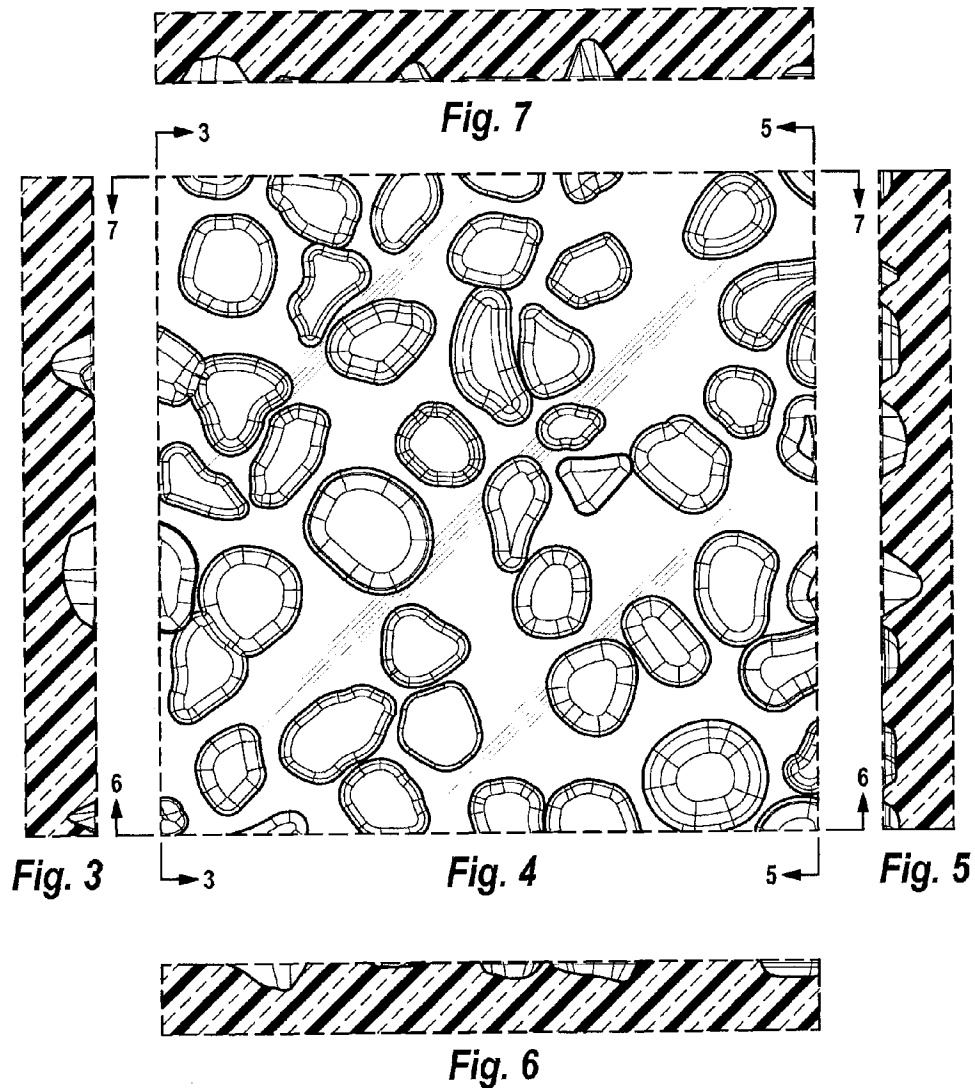
Fig. 2

U.S. Patent

Feb. 8, 2011

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US D632,405 S



U.S. Patent

Feb. 8, 2011

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US D632,405 S

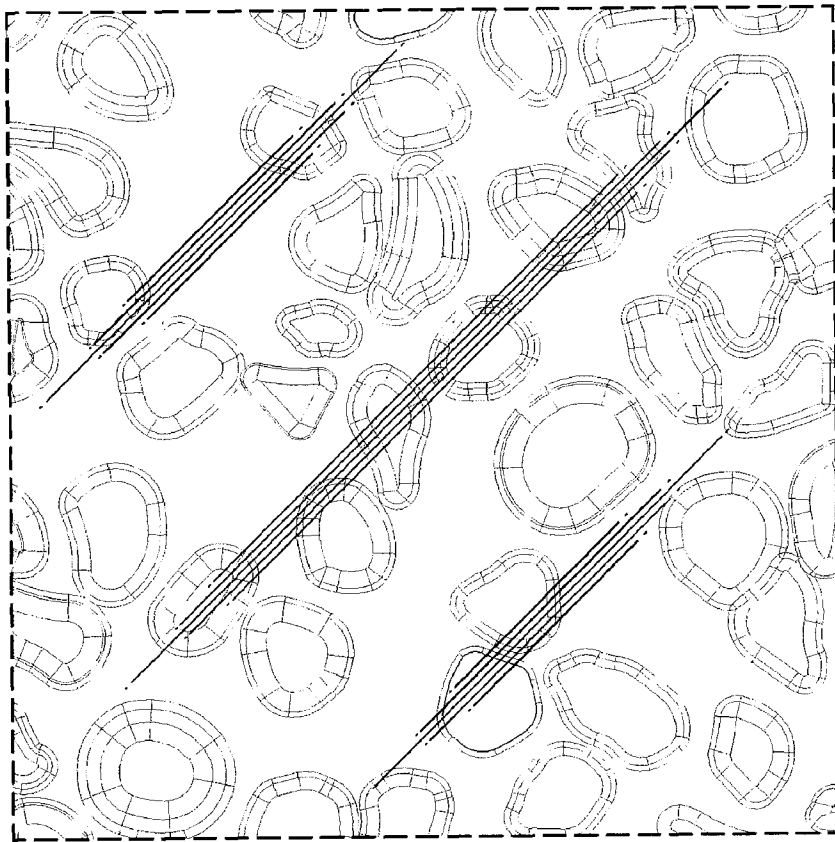


Fig. 8

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Andrew Guilford and the assigned discovery Magistrate Judge is Arthur Nakazato.

The case number on all documents filed with the Court should read as follows:

SACV12- 2087 AG (ANx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☐ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☒ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.



AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/> 3FORM, INC., a Utah corporation	DEFENDANTS ARCHITECTURAL RESINS GROUP INTL., a Wyoming corporation
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Sterling a. Brennan (California State Bar No. 126019); sbrennan@wnlaw.com WORKMAN NYDEGGER (949) 202-1900 20 Pacifica, Suite 1130, Irvine, CA 92618	Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:33%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:33%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td align="center"><input type="checkbox"/> 1</td> <td align="center"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td align="center"><input type="checkbox"/> 4</td> <td align="center"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td align="center"><input type="checkbox"/> 2</td> <td align="center"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td align="center"><input checked="" type="checkbox"/> 5</td> <td align="center"><input checked="" type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td align="center"><input type="checkbox"/> 3</td> <td align="center"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td align="center"><input type="checkbox"/> 6</td> <td align="center"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input checked="" type="checkbox"/> 5	<input checked="" type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. ORIGIN (Place an X in 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 Multi-District Litigation
 ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: ☐ Yes ☐ No **MONEY DEMANDED IN COMPLAINT: \$** _____

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

VII. NATURE OF SUIT (Place an X in one box only.)					
OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <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 Act <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 Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <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 Loan (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 REAL PROPERTY <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	TORTS 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 Fed. 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 <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 IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS 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 BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <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 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus 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 FORFEITURE / PENALTY <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 Empl. Ret. Inc. Security Act 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 SSID 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

FOR OFFICE USE ONLY: Case Number: **SACV12-02087 AG (ANx)**

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes
 If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes
 If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Utah

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Orange County	

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Orange County	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER): _____ **Date** November 30, 2012

Notice to Counsel/Parties: The CV-71 (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. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))