

EXHIBIT 1003:

COMPLAINT (DOC. 1), *LUV N' CARE, LTD. V. TOYS "R" US, INC.*,

1:12-CV-00228-LLS (S.D. NY).

Munchkin, Inc. & Toys "R" Us, Inc.: 1003

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

12 CIV 0228

LUV N' CARE, LTD. and ADMAR
INTERNATIONAL, INC.,

Plaintiffs,

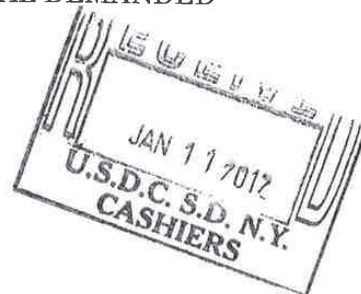
v.

TOYS "R" US, INC. and MUNCHKIN,
INC.

Defendant.

Civil Action No.

JURY TRIAL DEMANDED



COMPLAINT

Plaintiffs Luv n' care, Ltd. ("Luv n' care") and Admar International, Inc. ("Admar") (collectively, "Plaintiffs"), by their attorneys, hereby complain of Defendants Toys "R" Us, Inc. ("TRU") and Munchkin, Inc. ("Munchkin") (collectively, "Defendants") as follows:

JURISDICTION AND VENUE

1. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. §101 *et seq.*; trade dress infringement and unfair competition under Section 43 of the Lanham Act, 15 U.S.C. §1125; and for unfair competition and trade dress dilution under the laws of the State of New York. This Court has jurisdiction over the federal claims of this action pursuant to 28 U.S.C. §1331, 28 U.S.C. §1338, and 15 U.S.C. § 1121, and has jurisdiction over the state claims under 28 U.S.C.

§1338(b) and further pursuant to its supplemental jurisdiction under 28 U.S.C. §1367. The state claims asserted herein are so related to the federal claims as to form part of the same case or controversy.

2. This action arises from Defendants' patent infringement, trade dress infringement, unfair and deceptive business practices, and offer for sale, sale, and distribution of products which are deceptive copies of Plaintiffs' product designs and trade dress.

3. This Court has personal jurisdiction over Defendants in that Defendants have intentionally directed its tortious activities toward New York, including this judicial district. Further, Defendants have delivered their infringing products into this State with the expectation that they will be purchased by consumers in this State, including in this judicial district. In addition, Defendant TRU is licensed to do business in the State of New York, and operates retail stores in this State.

4. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b) and (c) and 28 U.S.C. §1400(b).

THE PARTIES

5. Plaintiff Luv n' care is a corporation organized and existing under the laws of the State of Louisiana having a principal place of business at 3030 Aurora Avenue, Monroe, Louisiana 71201.

6. Plaintiff Admar is a corporation organized and existing under the laws of the State of Delaware having a principal place of business at 3030 Aurora Avenue, Monroe, Louisiana 71201. Admar is an affiliate of Luv n' care.

7. Upon information and belief, Defendant TRU is a corporation organized and existing under the laws of the State of Delaware and having its principal place of business at One Geoffrey Way, Wayne, New Jersey 07470. TRU distributes baby products and accessories for sale in the United States.

8. Upon information and belief, Defendant TRU also operates retail stores under the name Babies R' Us ("BRU") through which it distributes baby products and accessories for sale in the United States.

9. Upon information and belief, Defendant Munchkin is a corporation organized and existing under the laws of the State of California, having its principal place of business at 16689 Schoenborn Street North Hills, CA 91343. Munchkin manufactures baby products and accessories, and distributes, offer for sale, and sells those products and accessories in the United States.

10. Royal King Infant Product Co., Ltd. ("RK") is a Thailand manufacturer of baby products.

11. Jackel International Ltd. (“Jackel”) is a UK manufacturer of baby products.

12. Mayborn USA, Inc. (“Mayborn”) is a US distributor of baby products.

13. Defendant TRU obtains its accused products from Defendant Munchkin, and from RK, Mayborn, and/or Jackel.

FACTS

PLAINTIFFS’ PATENTS

14. Mr. Nouri E. Hakim is the inventor of a novel and unique ornamental design relating to drinking cups and drinking cup tops for children’s sippy cups.

15. On June 8, 2010, United States Patent No. D617,465 S entitled “Drinking Cup” was duly and lawfully issued to Nouri E. Hakim by the United States Patent and Trademark Office (hereinafter “the ‘465 patent”). A copy of the ‘465 patent is attached as Exhibit 1 hereto.

16. On March 15, 2011, United States Patent No. D634,439 S entitled “Drinking Cup Top” was duly and lawfully issued to Nouri E. Hakim by the United States Patent and Trademark Office (hereafter “the ‘439 patent”). A copy of the ‘439 patent is attached as Exhibit 2 hereto.

17. Luv n’ care is the owner of all right, title and interest in and to the ‘465 and ‘439 patents (“the Design Patents”).

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