

JURISDICTION AND VENUE

4. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code. Jurisdiction as to these claims is conferred on this Court by 35 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Defendant. Defendant has regularly conducted and does regularly conduct business within the Commonwealth of Pennsylvania. Defendant, directly or through intermediaries (including distributors, retailers, and others), ships to and distributes, offers for sale, and sells products, including products that are the subject of this action, in the Commonwealth of Pennsylvania and the Eastern District of Pennsylvania. Defendant purposefully and voluntarily ships to and distributes, offers for sale, and sells such infringing products with the expectation that they will be purchased by distributors, retailers, and/or direct consumers in this Commonwealth and in this District.

6. Venue is proper in the Eastern District of Pennsylvania under 28 U.S.C. §§ 1391(b) and (c), and 1400(b).

INFRINGEMENT OF U.S. PATENT 6,000,758

7. Pride incorporates by reference paragraphs 1-6 as though fully set forth herein.

8. On December 14, 1999, United States Patent No. 6,000,758 (“the ‘758 patent”) entitled “Reclining Lift Chair” naming William E. Schaffner, Carl A. Kollar, James P. Mulhern, Ronald Levi, and Stephen J. Antonishak as joint inventors was duly and legally issued by the United States Patent and Trademark Office after full and fair examination. Pride is the owner of all right, title, and interest in and to the ‘758 patent by assignment, with full right to bring suit to enforce the patent, including the right to recover for past infringement damages. A copy of the ‘758 patent is attached hereto as Exhibit A.

9. Pride has complied with applicable marking requirements of 35 U.S.C. § 287.

10. Defendant Golden has infringed and continues to infringe at least claims 1, 2, and 33-39 of the '758 patent. Golden is liable for direct infringement of the designated claims of the '758 patent pursuant to 35 U.S.C. § 271(a) by making, using, selling, or offering for sale in, or importing into, the United States at least lift chairs built on Golden's LM5100-series and LM5120-series lift frames.

11. Defendant Golden has at no time been either expressly or impliedly licensed under the '758 patent.

12. On information and belief, Golden has been aware of the '758 patent since at least as early as April 13, 2011. Pride expressly notified Golden of its infringement of the 758 patent on May 2, 2013. Golden has been aware of its infringement from at least as early as that date.

13. Pride is a direct competitor of Defendant Golden in the same market to which Golden's infringing chairs are directed. Golden's acts of infringement have caused damage to Pride. Pride is entitled to recover from Golden damages adequate to compensate it for Golden's infringement. Golden will continue to infringe Pride's rights under the designated claims of the '758 patent, continuing to damage Pride's business and causing irreparable harm, unless enjoined.

14. On information and belief, Golden's infringement has been willful since at least as early as May 2, 2013, and will continue to be willful.

PRAYER

WHEREFORE, Pride prays for judgment that:

1. Defendant has infringed at least claims 1, 2, and 33-39 of the '758 patent;

2. Pride recover actual damages adequate to compensate it for all infringement occurring through at least the date of judgment, with prejudgment interest, and supplemental damages for any infringement after that date as appropriate;

3. Pride be awarded enhanced damages and counsel fees for willful infringement as permitted under the law;

4. Defendant, its agents, employees, representatives, successors, and assigns, and those acting in privity or in concert with all or any of them, be enjoined from further infringement of the '758 patent; and

5. Pride be awarded such other relief as the Court deems just and equitable.

Date: May 30, 2013

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