

**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION**

DESIGN IDEAS, LTD.,)	
an Illinois corporation,)	
)	
Plaintiff,)	
)	
v.)	Case No.: 13-cv-1260
)	
HARRIET CARTER GIFTS, INC.,)	JURY TRIAL DEMANDED
a Pennsylvania corporation, and)	
MSR IMPORTS, INC.,)	
a New Jersey corporation,)	
)	
Defendants.)	

COMPLAINT AND DEMAND FOR JURY TRIAL

NOW COMES Plaintiff, DESIGN IDEAS, LTD., an Illinois corporation, by and through its attorneys, HeplerBroom, LLC, Stephen R. Kaufmann, of counsel, and for its Complaint against Defendants, HARRIET CARTER GIFTS, INC., a Pennsylvania corporation, and MSR IMPORTS, INC., a New Jersey corporation, alleges upon information and belief as follows:

NATURE OF THE ACTION

1. This is an action for infringement of a design patent assigned to Design Ideas, Ltd. Defendants infringe the patent by offering to sell and selling certain wire mesh baskets in the Central District of Illinois, as more fully described herein.

JURISDICTION AND VENUE

2. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. § 1338(a).

3. Venue in this District is proper pursuant to 28 U.S.C. § 1391(b) and (c).

THE PARTIES

4. Plaintiff, Design Ideas, Ltd. (“Design Ideas”), is a corporation organized and existing under the laws of the State of Illinois, and maintains its principal place of business at 2521 Stockyard Road, Springfield, Illinois. Design Ideas is engaged in the business of designing, manufacturing and distributing a range of unique, aesthetically pleasing office and household goods made of metal mesh.

5. On information and belief, Defendant Harriet Carter Gifts, Inc. (“Harriet Carter”) is a Pennsylvania corporation with principal place of business in North Wales, Pennsylvania. Harriet Carter sells house wares and related goods throughout the country, including in the Central District of Illinois, via the internet.

6. On information and belief, Defendant, MSR Imports, Inc. (“MSR”) is a New Jersey corporation with principal place of business in Pennsauken, New Jersey. MSR manufactures and/or imports and sells consumer products to retailers like defendant Harriet Carter, including those complained of herein.

THE MATTER AT BAR

7. Design Ideas was founded in 1983 in Springfield, Illinois, where it is still located. Design Ideas creates and distributes innovative and affordable accessories for office and home, employing a creative staff of industrial designers in Springfield. In the late 1990’s, Design Ideas’ designers began work on a series of metal mesh office and home accessories, including mesh containers used to store office and household items. Design Ideas duly applied for and was granted United States design patents for several such inventions and designs by the U.S. Patent and Trademark Office, including the one in suit. Over the years, Design Ideas has distributed

thousands of its mesh containers at retail and wholesale, including to big-box retailers such as The Container Store.

DESIGN IDEAS' INTELLECTUAL PROPERTY

8. Design Ideas was issued U.S. Patent No. D449,074 (the "'074 Patent"), entitled "Mesh Container" on October 9, 2001, which claims "the ornamental design for a mesh container, as shown." A true and accurate copy of the '074 Patent is attached hereto as **Exhibit A** and made a part hereof by reference. Design Ideas is the owner by assignment of the '074 Patent.

9. Design Ideas marks its patented mesh containers with the notation "Patent No. D449,074."

HARRIET CARTER'S AND MSR'S INFRINGING ACTIVITIES

10. Defendant Harriet Carter has offered to sell and sold in the Central District of Illinois metal mesh containers (sometimes known as "Magnetic Baskets") depicted in **Exhibit B** attached hereto and incorporated herein.

11. On December 27, 2012, a representative of Design Ideas purchased the product depicted in Exhibit B above from Harriet Carter via the internet. The product was shipped from Harriet Carter to Design Ideas in Springfield, Illinois. A true and correct copy of the email purchase sales receipt the Design Ideas representative received from Harriet Carter is attached as **Exhibit C**.

12. Defendant MSR manufactured and/or imported, and sold the products identified in Paragraphs 10 and 11 to Defendant Harriet Carter.

13. Defendants' said products infringe Design Ideas' patented design.

COUNT I

INFRINGEMENT OF U.S. PAT. NO. D449,074

14. Design Ideas realleges and incorporates by reference Paragraphs 1 through 13 of the Complaint as though fully set forth herein.

15. Defendants have infringed and continue to infringe the '074 Patent. Defendant Harriet Carter has sold, offered to sell and continues to sell products that infringe the '074 Patent. Defendant MSR has manufactured and/or imported, and sold said products to Defendant Harriet Carter. Defendants will continue to undertake said acts, unless enjoined by this Court.

16. Design Ideas has sustained damages as a result of Defendants' infringing acts. Design Ideas will continue to suffer harm unless infringement of the '074 Patent is enjoined.

17. Defendants' infringement has been willful.

WHEREFORE, Plaintiff, DESIGN IDEAS, LTD., an Illinois corporation, prays that this Court grant the following relief:

A. A judgment that Harriet Carter Gifts, Inc. has infringed U.S. Patent No. D449,074;

B. A permanent injunction against Harriet Carter Gifts, Inc. its owners, officers, agents, employees, parent and subsidiary companies and operations, assigns, successors in interests and all persons in active participation or concert with them or any of them, enjoining them from continuing infringement of U.S. Patent No. D449,074;

C. A judgment against Harriet Carter Gifts, Inc., awarding Design Ideas, Ltd., Harriet Carter, Inc.'s profits and damages from its infringement of U.S. Patent No. D449,074, together with pre-judgment and post-judgment interest;

D. A judgment against Harriet Carter Gifts, Inc., awarding costs to Design Ideas, Ltd.;

E. A judgment that Harriet Carter, Inc.'s infringement has been willful, and awarding Design Ideas, Ltd. its reasonable attorney fees under 35 U.S.C. §285;

F. A judgment that MSR Imports, Inc. has infringed U.S. Patent No. D449,074;

G. A permanent injunction against MSR Imports, Inc., its owners, officers, agents, employees, parent and subsidiary companies and operations, assigns, successors in interests and all persons in active participation or concert with them or any of them, enjoining them from continuing infringement of U.S. Patent No. D449,074;

H. A judgment against MSR Imports, Inc., awarding Design Ideas, Ltd., MSR Imports Inc.'s profits and damages from its infringement of U.S. Patent No. D449,074, together with pre-judgment and post-judgment interest;

I. A judgment against MSR Imports, Inc., awarding costs to Design Ideas, Ltd.;

J. A judgment that MSR Imports, Inc.'s infringement has been willful, and awarding Design Ideas, Ltd. its reasonable attorney fees under 35 U.S.C. §285; and

K. Such other and further relief, which this Court deems just and equitable.

PLAINTIFF DEMANDS A JURY TRIAL.

Plaintiff, DESIGN IDEAS, LTD., hereby demands a jury trial on all issues triable of right by jury.

Respectfully submitted,

DESIGN IDEAS, LTD.,
Plaintiff,

By: /s/ Stephen R. Kaufmann

Attorney for Plaintiff Design Ideas, Ltd.

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