

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA**

TRAVELPRO INTERNATIONAL, INC.,

Plaintiff,

v.

BRIGGS & RILEY TRAVELWARE, LLC

Defendant.

Civil Action No.

**Complaint For Patent Infringement**

Plaintiff, Travelpro International, Inc. (“Travelpro”), complains and alleges as follows against Defendant, Briggs & Riley Travelware, LLC (“B&R”):

**The Parties**

1. Plaintiff Travelpro is a corporation incorporated under the laws of the state of Delaware with a principal place of business at 700 Banyan Trail, Boca Raton, Florida 33431.

2. Defendant B&R is a corporation organized and existing under the laws of the state of New York, with its principal place of business at 400 Wireless Blvd., Happpauge, NY, 11788.

**Jurisdiction and Venue**

3. This is an action for patent infringement arising under the patent laws of the United States, United States Code, 35 U.S.C. § 271 *et seq.* This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. This Court has personal jurisdiction over B&R because B&R has committed, and continues to commit, acts of infringement in the Southern District of Florida.

5. Venue is proper under 28 U.S.C. §§ 1391 and 1400 because, among other reasons, B&R has committed acts of infringement in this district and B&R is subject to personal jurisdiction in this district.

**Travelpro's Patent-in-Suit**

6. Travelpro is the lawful owner of United States Patent No. 6,050,374 entitled "Luggage Case Construction," duly and legally issued April 18, 2000, listing Tom L. Johnston as the inventor (the "Luggage" patent). A true copy of the Luggage patent is attached hereto as Exhibit A.

**Count I**  
**(Infringement Of The Luggage Patent)**

7. Paragraphs 1-6 are incorporated as if fully set forth herein.

8. Travelpro owned the Luggage patent throughout the period of B&R's infringing acts and still owns the patent.

9. B&R has been and is directly infringing, actively inducing others to infringe, and/or contributing to the infringement of the Luggage patent by making, using, offering for sale, selling within the United States, and/or importing into the United States infringing products which embody one or more claims of the Luggage patent, without authority or license from Travelpro, in violation of 35 U.S.C. § 271.

10. B&R's infringement of the Luggage patent is ongoing. Unless and until enjoined by order of this Court, B&R's infringement of Travelpro's rights under the Luggage patent will continue to damage Travelpro, causing Travelpro irreparable harm as a direct and proximate result of B&R's conduct.

11. Travelpro has been damaged by B&R's infringement, and is entitled to recover from B&R the damages sustained as a result of B&R's wrongful acts in an amount to be proved at trial.

12. Upon information and belief, B&R will continue to infringe the Luggage patent unless and until it is enjoined by this Court. Such continued infringement will be willful, making this case exceptional under 35 U.S.C. § 285 and entitling Travelpro to an award of treble damages and its reasonable attorney's fees.

### **Jury Demand**

13. Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Travelpro demands a trial by jury on all issues triable as such.

### **Requested Relief**

WHEREFORE, Travelpro respectfully requests that this Court enter judgment against B&R as follows:

(a) declaring that B&R has directly infringed, induced infringement of, and/or contributed to the infringement of one or more claims of the Luggage patent;

(b) permanently enjoining B&R and its subsidiaries, affiliates, officers, directors, agents, servants, employees, licensees, successors, and customers and those in active concert or participation with any of them, from making, using, importing, offering to sell, or selling any products or methods that infringe or contribute to the infringement of any claim of the Luggage patent, or from inducing others to infringe any claim of the Luggage patent;

(c) awarding Travelpro its lost profits and other damages in amounts sufficient to compensate it for B&R's infringement of the Luggage patent, together with prejudgment and post judgment interest and costs, pursuant to 35 U.S.C. § 284;

- (d) trebling the damages awarded to Travelpro by reason of B&R's willful infringement of the Luggage patent;
- (e) declaring this case to be "exceptional" under 35 U.S.C. § 285 and awarding Travelpro its attorneys' fees, expenses and costs incurred in this action; and
- (f) awarding Travelpro such further relief as the Court deems just and proper.

Dated: May 24, 2013

Respectfully submitted,

/s/David Brafman

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