

III. JURISDICTION AND VENUE

4. This Court has exclusive subject matter jurisdiction over this patent action under 28 U.S.C. §§1331 and 1338(a).

5. Oak Street is subject to personal jurisdiction as Oak Street operates a website wherein its customers can log in and purchase Oak Street's products nationwide.

6. Venue is proper in this district under 28 U.S.C. §§ 1391 and 1400(b).

IV. FIRST CLAIM – INFRINGEMENT OF U.S. PATENT D660,620

7. On May 29, 2012, U.S. Patent No. D660,620 (the '620 Patent) was duly and legally issued by the U.S. Patent and Trademark Office to Maximillian Yuglich (Yuglich). A true and correct copy of the '620 Patent is attached as Exhibit A. The '620 Patent is presumed valid pursuant to 35 U.S.C. § 282.

8. The '620 Patent is a design patent directed to a chair back (Patented Chair Back) having a unique design formed from various holes cut throughout the chair back the holes forming a generally random pattern of rectilinear shapes (mosaic design).

9. Yuglich has not assigned his rights in the '620 Patent. Yuglich is the owner of all right, title and interest in the '620 Patent.

10. Oak Street makes, uses, sells, and/or offers to sell chairs and bar stools, including models SL2168 and SL2168-1. The relevant pages from Oak Street's catalog showing models SL2168 and SL2168-1 are attached as Exhibit B and screen shots from the website which show enlarged images of SL2168 and SL2168-1 are attached as Exhibit C.

11. The backs of chairs SL2168 and SL2168-1 (Defendant's Chair Backs) are virtually identical to the Patented Chair Back of the '620 Patent. Defendant's Chair

Backs both have a series of rectilinear shapes cut out in virtually the same pattern as the Patented Chair Back. The resemblance is such that an ordinary observer, familiar with the prior art, would be deceived into believing the Defendant's Chair Backs are the same as the Patented Chair Back.

12. Oak Street has been, and still is, infringing the claim of the '620 Patent under 35 U.S.C. § 271(a) by making, using, selling, and/or offering to sell chairs SL2168 and SL2168-1.

13. Oak Street also has been, and continues to induce infringement under 35 U.S.C. § 271(b) by its customers who directly infringe the '620 Patent through their sale and/or use of the SL2168 and SL2168-1 chairs.

V. PRAYER FOR RELIEF

WHEREFORE, Yuglich prays for judgment and seeks relief against Oak Street as follows:

- (a) For a judgment that the claim of the '620 Patent has been and continues to be infringed by Oak Street;
- (b) For a judgment and an award of all damages sustained by Yuglich as the result of Oak Street's acts of infringement, including supplemental damages for any continuing post-verdict infringement up until entry of the final judgment, with an accounting as needed;
- (c) For a permanent injunction enjoining Oak Street from infringing the claim of the '620 Patent;
- (d) For a judgment and an award of attorneys' fees pursuant to 35 U.S.C. § 285 or as otherwise permitted by law;

- (e) For a judgment and an award of all interest and costs;
- (f) For a judgment and an award of such other and further relief as the Court may deem just and proper.

VI. JURY DEMAND

Yuglich demands a trial by jury.

Dated: August 22, 2013

Respectfully submitted,

/s/ Erin J. Werner

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**ATTORNEYS FOR PLAINTIFF,
MAXIMILLIAN YUGLICH**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Original Complaint, Exhibits A, B, and C, two copies of the Notice of Lawsuit and Request for Waiver of Service (form AO 398) and two copies of the Waiver of Service (form AO 399) have been forwarded to Defendant's Registered Agent at the address below via Certified Mail, Return Receipt Requested, on August 22, 2013.

Thomas A. Bagge
509 E. Oak
Monticello, Iowa 52310

**Registered Agent for Defendant
Oak Street Commercial Cabinets, Inc.**

/s/ Erin J. Werner
Erin J. Werner