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THE HONORABLE ROBERT S. LASNIK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JAMES E. GROVE, a U.S. Citizen residing in California, and LF PRODUCTS PTE. LTD., a Singapore Company,)	Civil Action No. 13-1740-RSL
)	
Plaintiffs,)	FIRST AMENDED COMPLAINT FOR
)	PATENT INFRINGEMENT
v.)	
)	DEMAND FOR JURY TRIAL
GLOBAL FURNITURE (ZHEJIANG) CO. LTD.,)	
a Chinese Corporation, and OFFICE DEPOT, INC., a Delaware Corporation,)	
)	
Defendants.)	
)	

Plaintiffs for their First Amended Complaint herein, alleges as follows:

NATURE OF ACTION

1. This action is based on the Patent Laws of the United States, 35 U.S.C. § 100 *et seq.*

THE PARTIES

2. Plaintiff James E. Grove is a U.S. Citizen residing in California.

1 entitled "CHAIR WITH PIVOTABLE BACK." The '553 patent is valid, enforceable, and
2 subsisting.

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4 CLAIMS

5 FIRST COUNT - PATENT INFRINGEMENT - U.S. PATENT 6,786,553

6 13. Plaintiffs repeat and reallege each of the allegations contained in paragraphs 1
7 through 12 of this Complaint.

8 14. Until recently, Defendant OfficeMax was a customer of Plaintiff True and
9 purchased chairs covered by the '553 Patent from True for resale by Defendant OfficeMax.

10 15. Upon information and belief, prior to 2011, Defendant OfficeMax was aware of
11 the '553 Patent and was aware that the '553 Patent covered chairs which OfficeMax purchased
12 from True.

13 16. On or about July 7, 2008, True provided Defendant GloFurn with written notice
14 of the '553 Patent.

15 17. Prior to 2011, Mr. Ben Sun was the head of research and development at True,
16 and was responsible for new product development, engineering and patents. In his position at
17 True, Mr. Sun was well aware of the details of True's innovative chair design and of the '553
18 Patent.

19 18. Prior to 2011, Mr. Malcom Smith in charge of True's Chinese operations. In his
20 position at True, Mr. Smith was well aware of the details of True's innovative chair design and
21 of the '553 Patent.

22 19. In 2011, Mr. Sun and Mr. Smith left True and joined GloFurn.

23 20. After 2011 and with knowledge of the '553 Patent, upon information and belief
24 Defendant OfficeMax provided Defendant GloFurn with a sample of one of True's innovative
25 chairs covered by the '533 Patent and asked GloFurn to produce a knock-off of True's chair.
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1 21. After 2011 and with knowledge of the '553 Patent, upon information and belief,
2 Defendant GloFurn produced knock-offs of True's innovative chairs as requested by Defendant
3 OfficeMax.

4 22. Upon information and belief, Defendants GloFurn and OfficeMax have
5 infringed one or more claims of the '553 Patent by manufacturing, importing, using, offering to
6 sell, selling, and/or causing to be manufactured, imported, used, offered for sale or sold, chairs
7 with pivotable backs.

8 23. Defendant GloFurn's and Defendant OfficeMax's infringing products include at
9 least the following model number, which on information and belief has been offered for sale
10 and sold by Defendant OfficeMax in this judicial district and throughout the United States:
11 TUL NTEC 600 Chair.

12 24. Defendant GloFurn's infringing products also include chairs offered for sale and
13 sold under model 747996 by Costco.

14 25. Defendants GloFurn and OfficeMax are jointly and severally liable, or liable in
15 the alternative, for damages based on infringing products offered for sale or sold by Defendant
16 OfficeMax.

17 26. Defendant GloFurn is liable for damages based on products offered for sale or
18 sold by Defendant Glofurn to others, including products offered for sale or sold by Defendant
19 GloFurn to Costco.

20 27. On information and belief, the infringement of Defendants GloFurn and
21 OfficeMax has been willful.

22 28. Plaintiffs have been, and will continue to be, damaged by such infringement in
23 an amount to be proven at trial, and in a manner and amount that cannot be fully measured or
24 compensated in economic terms and for which there is no adequate remedy at law. The patent
25 infringement actions of Defendants GloFurn and OfficeMax have damaged, and will continue
26

1 to damage, Plaintiffs' business, market, reputation, and goodwill unless Defendants' acts of
2 patent infringement complained of herein are enjoined.

3
4 PRAYER FOR RELIEF

5 WHEREFORE, Plaintiffs respectfully demand judgment:

6 1. That Defendants GloFurn and OfficeMax, and their respective officers, agents,
7 servants, employees, attorneys, and all other persons in active concert or participation with any
8 of them, be enjoined and restrained during the pendency of this action and permanently
9 thereafter from all acts that infringe the '553 Patent directly, contributorily, or by inducement,
10 including manufacturing, importing, using, offering for sale and/or selling infringing products.

11 2. That Defendants GloFurn and OfficeMax, and each of them, be required to
12 deliver up to the Court any and all products in their possession, custody or control that infringe
13 the '553 Patent.

14 3. That Defendants GloFurn and OfficeMax, and each of them, be required to
15 prepare and deliver to the Court a complete list of entities from whom such Defendant
16 purchased, or to whom such Defendant has sold or otherwise delivered, products that infringe
17 the '553 Patent, and to serve a copy of such list on Plaintiffs' attorneys.

18 4. That Defendants GloFurn and OfficeMax, and each of them, within thirty days
19 after receiving notice of entry of judgment, be required to file with the Court and serve upon
20 Plaintiffs' counsel a written report under oath setting forth in detail the manner in which each
21 Defendant has complied with Paragraphs 1 through 3, immediately above.

22 5. That Defendants account for and pay over to Plaintiffs damages sustained by
23 Plaintiffs, directly and indirectly, by reason of Defendants' patent infringement.

24 6. That Defendants' infringement of the '553 Patent be found willful and that
25 treble damages, together with interest and costs, be awarded under 35 U.S.C. § 284, or as
26 otherwise permitted by law.
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7. That the present case be found exceptional and that attorney fees be awarded to Plaintiffs under 35 U.S.C. § 285, or as otherwise permitted by law.

8. That Plaintiffs have such other and further relief as the Court may deem equitable.

DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a trial by jury of all issues in this case.

DATED this 17th day of December 2013,

Respectfully submitted,

SEED IP Law Group PLLC

s/Timothy L. Boller/

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