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JAB DISTRIBUTORS, LLC,)	
)	
Plaintiff,)	
)	Civil Action No.:
v.)	
)	
STS LINENS, INC. and)	TRIAL BY JURY DEMANDED
LEGGETT & PLATT, INC.,)	
)	
Defendants.)	
)	

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.

5. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 and 1338(a).

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

7. Defendants have jointly and in concert engaged in business activities and infringing activities within this judicial district sufficient to vest this Court with personal jurisdiction over Defendants.

FACTUAL BACKGROUND

8. On June 30, 2009, United States Letter Patent No. 7,552,489 (the “’489 patent”), entitled “Mattress Encasement For Preventing Bed Bug Escapement Via A Zipper Opening,” was duly and legally issued by the United States Patent and Trademark Office (“USPTO”). On August 25, 2009, the USPTO issued a Certificate of Correction for the ‘489 patent. A copy of the ‘489 patent and the Certificate of Correction are attached hereto as Exhibit A. On January 13, 2010, a request for *ex parte* reexamination of the ‘489 patent was filed with the USPTO, and, on August 3, 2010, the USPTO issued an *Ex Parte* Reexamination Certificate confirming the patentability of all of the original claims of the ‘489 patent without any amendments to the claims. A copy of the *Ex Parte* Reexamination Certificate for the ‘489 patent is attached hereto as Exhibit B.

9. On September 10, 2013, United States Letter Patent No. 8,528,134 (the “’134 patent”), entitled “Method Of Preventing Bed Bugs From Escaping A Mattress

Encasement Via A Zipper Opening,” was duly and legally issued by the USPTO. A copy of the ‘134 patent is attached hereto as Exhibit C.

10. JAB is the assignee and owner of the entire right, title and interest in and to the ‘489 patent and the ‘134 patent, including the right to assert all causes of action arising under the ‘489 patent and ‘134 patent and the right to any remedy for infringement of the ‘489 patent and ‘134 patent.

11. Pursuant to 35 U.S.C. § 282, each of the ‘489 patent and ‘134 patent, including every claim therein, is presumed valid.

12. JAB makes, sells, and offers for sale mattress encasement products incorporating the inventions of the ‘489 patent and ‘134 patent. JAB markets the patented mattress encasement products under its registered trademark – PROTECT-A-BED[®].

13. On information and belief, and after a reasonable opportunity for further investigation or discovery, it is likely that the evidence will show the following facts. STS is a subsidiary of L & P and makes, imports, sells, and/or offers to sell mattress encasement products that infringe at least one claim of both the 489 patent and the 134 patent. STS performs these acts as an agent of, and pursuant to the instructions of, L & P.

COUNT I – INFRINGEMENT OF THE ‘489 PATENT BY STS

14. JAB specifically incorporates and realleges the allegations asserted in each of the preceding paragraphs as if fully set forth herein.

15. STS has been and is now infringing the ‘489 patent by making, using, selling, offering for sale, and/or importing into the United States, including in this

district, one or more products covered by at least one claim of the '489 patent, including, but not necessarily limited to, INVISICASE.

16. On information and belief, and after a reasonable opportunity for further investigation or discovery, it is likely that the evidence will show that STS's acts of infringement have been made with full knowledge of the '489 patent. Such acts constitute willful and deliberate infringement, entitling JAB to enhanced damages and attorney's fees. Moreover, on information and belief, STS's continued infringement will be willful.

17. As a consequence of STS's infringement, JAB has been irreparably damaged, to an extent not yet determined, and will continue to be irreparably damaged by such acts in the future unless STS is enjoined by this Court from committing further acts of infringement.

18. JAB is entitled to recover damages adequate to compensate for STS's infringement, which in no event can be less than a reasonable royalty.

COUNT II – INFRINGEMENT OF THE '134 PATENT BY STS

19. JAB specifically incorporates and realleges the allegations asserted in each of the preceding paragraphs as if fully set forth herein.

20. STS has been and is now infringing the '134 patent by making, using, selling, offering for sale, and/or importing into the United States, including in this district, one or more products covered by at least one claim of the '134 patent, including, but not necessarily limited to, INVISICASE.

21. On information and belief, and after a reasonable opportunity for further investigation or discovery, it is likely that the evidence will show that STS's acts of

infringement have been made with full knowledge of the '134 patent. Such acts constitute willful and deliberate infringement, entitling JAB to enhanced damages and attorney's fees. Moreover, on information and belief, STS's continued infringement will be willful.

22. As a consequence of STS's infringement, JAB has been irreparably damaged, to an extent not yet determined, and will continue to be irreparably damaged by such acts in the future unless STS is enjoined by this Court from committing further acts of infringement.

23. JAB is entitled to recover damages adequate to compensate for STS's infringement, which in no event can be less than a reasonable royalty.

COUNT III – INFRINGEMENT OF THE '489 PATENT BY L & P

24. JAB specifically incorporates and realleges the allegations asserted in each of the preceding paragraphs as if fully set forth herein.

25. L & P has been and is now infringing the '489 patent by making, using, selling, offering for sale, and/or importing into the United States, including in this district, one or more products covered by at least one claim of the '489 patent, including, but not necessarily limited to, INVISICASE.

26. On information and belief, and after a reasonable opportunity for further investigation or discovery, it is likely that the evidence will show that L & P's acts of infringement have been made with full knowledge of the '489 patent. Such acts constitute willful and deliberate infringement, entitling JAB to enhanced damages and attorney's fees. Moreover, on information and belief, L & P's continued infringement will be willful.

27. As a consequence of L & P's infringement, JAB has been irreparably damaged, to an extent not yet determined, and will continue to be irreparably damaged by such acts in the future unless L & P's is enjoined by this Court from committing further acts of infringement.

28. JAB is entitled to recover damages adequate to compensate for L & P's infringement, which in no event can be less than a reasonable royalty.

COUNT IV – INFRINGEMENT OF THE '134 PATENT BY L & P

29. JAB specifically incorporates and realleges the allegations asserted in each of the preceding paragraphs as if fully set forth herein.

30. L & P has been and is now infringing the '134 patent by making, using, selling, offering for sale, and/or importing into the United States, including in this district, one or more products covered by at least one claim of the '134 patent, including, but not necessarily limited to, INVISICASE.

31. On information and belief, and after a reasonable opportunity for further investigation or discovery, it is likely that the evidence will show that L & P's acts of infringement have been made with full knowledge of the '134 patent. Such acts constitute willful and deliberate infringement, entitling JAB to enhanced damages and attorney's fees. Moreover, on information and belief, L & P's continued infringement will be willful.

32. As a consequence of L & P's infringement, JAB has been irreparably damaged, to an extent not yet determined, and will continue to be irreparably damaged by such acts in the future unless L & P's is enjoined by this Court from committing further acts of infringement.

33. JAB is entitled to recover damages adequate to compensate for L & P's infringement, which in no event can be less than a reasonable royalty.

PRAYER FOR RELIEF

Wherefore, JAB prays for the following relief:

A. Judgment that the '489 patent and '134 patent have been infringed by Defendants;

B. That this Court issue an injunction, permanently enjoining Defendants and their officers, agents, subsidiaries, affiliates, successors, employees, representatives, and assigns from further infringement of the '489 patent and '134 patent;

C. That this Court ascertain and award JAB damages adequate to compensate JAB for all acts of infringement by Defendants, but in no event less than a reasonable royalty;

D. That the damages so ascertained be increased up to three times as provided for in 35 U.S.C. § 284;

E. That this case be declared exceptional and that JAB be awarded its attorneys' fees under 35 U.S.C. § 285;

F. That JAB be granted pre-judgment and post-judgment interest on the damages caused by reason of Defendants' infringement of the '489 patent and '134 patent;

G. That JAB be awarded its costs and expenses in this action; and

H. That this Court grant JAB such other and further relief as it may deem just and proper.

DEMAND FOR JURY TRIAL

JAB hereby demands a trial by jury on all issues so triable.

Dated: February 11, 2014

Respectfully submitted,

/s/ Patrick J. Arnold Jr

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