

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

TRAVELPRO INTERNATIONAL, INC.,

Plaintiff,

v.

RICARDO BEVERLY HILLS, INC.,

Defendant.

JURY TRIAL DEMANDED

Civil Action No.

Complaint For Patent Infringement

Plaintiff Travelpro International, Inc. (“Travelpro”) complains and alleges as follows against Defendant Ricardo Beverly Hills, Inc. (“Ricardo”):

The Parties

1. Plaintiff Travelpro is a corporation organized and existing under the laws of the state of Delaware with a principal place of business at 700 Banyan Trail, Boca Raton, Florida 33431. Travelpro, the company that invented Rollaboard[®] luggage, is a market leader in innovative luggage design.

2. Upon information and belief, Defendant Ricardo is a corporation organized and existing under the laws of the State of Washington with its principal place of business in Kent, Washington. Ricardo is a luggage company whose luggage products are sold nationally.

Jurisdiction and Venue

3. This is an action for patent infringement arising under the patent laws of the United States, 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 Ricardo because Ricardo 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 at least because Ricardo has committed acts of infringement in this district and Ricardo is subject to personal jurisdiction in this district.

Travelpro's Patent-in-Suit

6. Travelpro is the lawful owner of United States Patent No. 8,851,251, entitled "Handle For Luggage" and duly and legally issued on October 7, 2014 ("the '251 Patent"). A true copy of the '251 Patent is attached hereto as Exhibit A.

7. The '251 Patent relates to wheeled luggage with a handle incorporating palm contact surfaces. Among other things, Travelpro's patented luggage and handle allows wheeled luggage to be pushed more comfortably using the palm of the hand.

8. Travelpro's patented handle has received industry recognition. For example, the Travel Goods Association ("TGA") granted a Product Innovation Award to Travelpro. In connection with granting that award, the TGA stated that Travelpro's commercial embodiment of the handle "allows more comfort and better control when pushing 4-wheel spinner luggage through busy airports. The handle grip also minimizes fatigue on shoulders, arms, hands and wrists."

9. Since 2013, Travelpro has sent several letters to Ricardo regarding Travelpro's intellectual property rights in Travelpro's handle that were being violated by Ricardo.

10. In its letters, Travelpro explained that it makes substantial investments in developing and commercializing its innovative and award-winning product designs, and that it values its unique handle highly. Travelpro also explained that it had a United States utility

patent application pending, and that Travelpro would not permit any infringement of any patent issuing from that application.

11. After issuance of the '251 Patent, Ricardo continued to sell luggage that infringes the '251 Patent, including but not limited to Ricardo's Rodeo Drive, Sausalito 2.0, Roxbury 2.0, La Jolla, and Mar Vista lines of spinner luggage, and any other luggage using similar handles. Indeed, subsequent to issuance of the '251 Patent, the home page of Ricardo's website (www.ricardobeverlyhills.com) featured a video advertisement for the infringing Rodeo Drive luggage highlighting the handle, stating, "Rodeo Drive's ergonomically designed handle system is curved to fit the natural contours of your hand, helping to minimize fatigue as you push or pull your case." Ricardo continues to sell infringing luggage today.

Count I

(Infringement Of The '251 Patent)

12. Paragraphs 1-11 are incorporated as if fully set forth herein.

13. Since the '251 Patent issued, Ricardo has been, and still is, directly infringing, actively inducing others to infringe, and/or contributing to the infringement of the '251 Patent by making, using, offering for sale, selling within the United States, and/or importing into the United States infringing products, including at least Ricardo's Rodeo Drive, Sausalito 2.0, Roxbury 2.0, La Jolla, and Mar Vista lines of spinner luggage, and any other luggage using similar handles, without authority or license from Travelpro, in violation of 35 U.S.C. § 271.

14. Ricardo continues to infringe notwithstanding Travelpro's repeated communications to it warning Ricardo of Travelpro's existing and pending intellectual property rights, including the pending patent application that has now issued as the '251 Patent.

15. Ricardo's continuing infringement is willful.

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

17. Upon information and belief, Ricardo will continue to infringe the '251 Patent, causing irreparable harm to Travelpro, unless and until it is enjoined by this Court.

Jury Demand

18. 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 Ricardo as follows:

(a) declaring that Ricardo has directly infringed, induced infringement of, and/or contributed to the infringement of one or more claims of the '251 Patent;

(b) permanently enjoining Ricardo 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 '251 Patent, or from inducing others to infringe any claim of the '251 Patent;

(c) awarding Travelpro its lost profits and other damages in amounts sufficient to compensate it for Ricardo's infringement of the '251 patent, but no less than a reasonable royalty, 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 Ricardo's willful infringement of the '251 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: March 13, 2015

Respectfully submitted,

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