

**IN THE UNITED STATES DISTRICT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

FURNACE BROOK LLC,)	
)	
Plaintiff,)	
)	
v.)	
)	Case No.: 09-cv-04310
AEROPOSTALE, INC., BOSTON PROPER, INC.,)	(JURY TRIAL DEMANDED)
DICK'S SPORTING GOODS, INC., FOXSTORE.COM,)	
GAMESTOP CORP., GREEN MOUNTAIN COFFEE)	
ROASTERS, INC., HALLMARK CARDS INC.,)	
HICKORY FARMS, INC., HOME DEPOT INC., LEVI)	
STRAUSS & COMPANY, MRS. FIELDS' ORIGINAL)	
COOKIES, INC., NIKE, INC. AND THOMASVILLE)	
FURNITURE INDUSTRIES, INC.,)	
)	
Defendants.)	

COMPLAINT

Plaintiff, Furnace Brook, LLC ("Furnace Brook"), for its complaint of patent infringement against defendants, Aeropostale, Inc., Boston Proper, Inc., Dick's Sporting Goods, Inc., FOXSTORE.com, GameStop Corp., Green Mountain Coffee Roasters, Inc., Hallmark Cards Inc., Hickory Farms Inc., Home Depot Inc., Levi Strauss & Company, Mrs. Fields' Original Cookies, Inc., Nike, Inc. and Thomasville Furniture Industries, Inc. ("Defendants"), hereby alleges as follows:

PARTIES, JURISDICTION AND VENUE

1. Furnace Brook is a corporation with a principal place of business at 204 Furnace Dock Road, Cortland Manor, New York 10567.
2. Aeropostale, Inc. is a corporation with a principal place of business at 112 W. 34th Street, 22nd Floor, New York, NY 10120.

3. Boston Proper, Inc. is a corporation with a principal place of business at 6500 Park of Commerce Blvd., Boca Raton, FL 33487-8294.
4. Dick's Sporting Goods, Inc. is a corporation with a principal place of business at 300 Industry Drive, RIDC Park West, Pittsburgh, PA 15275.
5. FOXSTORE.com is a corporation with a principal place of business at Fox Group Legal, P.O. Box 900, Beverly Hills, California 90213.
6. GameStop Corp. is a corporation with a principal place of business at 625 Westport Pkwy., Grapevine, TX 76051.
7. Green Mountain Coffee Roasters, Inc. is a corporation with a principal place of business at 33 Coffee Lane, Waterbury, VT 05676.
8. Hallmark Cards Inc. is a corporation with a principal place of business at 2501 McGee Trafficway, Mail Drop #339, Kansas City, Missouri 64108-2615.
9. Hickory Farms Inc. is a corporation with a principal place of business at 1505 Holland Road, Maumee, OH 43537.
10. Home Depot Inc. is a corporation with a principal place of business at 2455 Paces Ferry Road, N.W., Atlanta, GA 30339.
11. Levi Strauss & Company is a corporation with a principal place of business at 1155 Battery St., San Francisco, CA 94111.
12. Mrs. Fields' Original Cookies, Inc. is a corporation with a principal place of business at 2855 E. Cottonwood Pkwy., Ste. 400, Salt Lake City, UT 84121-7050.

13. Nike, Inc. is a corporation with a principal place of business at One Bowerman Drive, Beaverton, OR 97005-6453.

14. Thomasville Furniture Industries, Inc. is a corporation with a principal place of business at 401 E. Main Street, Thomasville, NC 27360.

15. Upon information and belief, the defendants have been, and are, engaged in substantial and continuous business activities in the Judicial District.

16. This Complaint arises under the patent laws of the United States (35 U.S.C. § 1, *et seq.*). Subject matter jurisdiction is conferred on this Court by 28 U.S.C. §§ 1331 and 1338(a).

17. Venue in this Court is proper under 28 U.S.C. § 1400(b).

COUNT I – PATENT INFRINGEMENT

18. Furnace Brook repeats and realleges paragraphs 1-6, *supra*, as if fully set forth in full herein.

19. Furnace Brook is the owner by assignment of U.S. Patent No. 5,721,832, entitled *Method and Apparatus for an Interactive Computerized Catalog System* (“the ‘832 patent”) (Exhibit A).

20. The defendants, through the operation of their respective on-line ordering web sites, have infringed the ‘832 patent.

21. The defendants have induced others to infringe the ‘832 patent through their making available their respective on-line ordering web sites to end users.

22. The defendants have contributed to the infringement of the ‘832 patent by others through their making available their respective on-line ordering web sites to end users.

23. Upon information and belief, the afore-referenced infringement has been willful.
24. The defendants' infringing acts will cause continued damage to Furnace Brook's business and property rights, in an amount to be proven in trial.
25. The defendants' continued acts of infringement will further cause immediate and irreparable harm to Furnace Brook for which there is no adequate remedy at law, and for which Furnace Brook is entitled to injunctive relief under 35 U.S.C. § 283.

WHEREFORE, Furnace Brook respectfully requests an entry of judgment from this Court:

- A) Declaring that the defendants have infringed, and continue to infringe, the '832 Patent under 35 U.S.C. § 271(a) & (b);
- B) Declaring that the defendants have willfully infringed, and continue to willfully infringe, the '832 Patent;
- C) Permanently enjoining the defendants from further infringement of the '832 Patent;
- D) Awarding Furnace Brook adequate monetary damages consistent with 35 U.S.C. § 284 to compensate Furnace Brook for the defendants' past and continuing infringement, together with costs and prejudgment interest, but in no event less than a reasonable royalty;
- E) Awarding Furnace Brook enhanced monetary damages pursuant to 35 U.S.C. § 284 as a result of the defendants' willful infringement;
- F) Declaring this to be an "exceptional" case within the meaning of 35 U.S.C. § 285, and awarding Furnace Brook reasonable attorneys' fees, expenses and costs; and

G) Awarding Furnace Brook any additional relief that the Court determines to be appropriate.

Respectfully submitted,

Date: July 17, 2009

/s/George C. Summerfield
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DEMAND FOR JURY TRIAL

Pursuant to Fed. R. Civ. P. 38(b), plaintiff, Furnace Brook, LLC, demands a jury trial of all issues properly triable to a jury in this case.

/s/George C. Summerfield