

**UNITED STATES DISTRICT COURT  
NORTHER DISTRICT OF ILLINOIS  
EASTERN DIVISION**

KNOLL, INC.,

Plaintiff,

v.

SENATOR INTERNATIONAL LIMITED  
D/B/A THE SENATOR GROUP and  
SENATOR INTERNATIONAL, INC.  
D/B/A THE SENATOR GROUP

Defendants.

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: Case No. 1:20-CV-02458  
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: Judge Charles R. Norgle, Sr.  
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: **JURY TRIAL DEMANDED**  
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**SECOND AMENDED COMPLAINT FOR DESIGN PATENT INFRINGEMENT**

1. Plaintiff Knoll, Inc. (“Knoll” or “Plaintiff”) by and through its undersigned counsel hereby assert their Complaint against Defendants, Senator International Limited and Senator International Inc. doing business collectively and individually as The Senator Group (“Defendants”) and hereby alleges as follows:

**NATURE OF THE ACTION**

2. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*

**THE PARTIES**

3. Knoll is a corporation organized under the laws of the State of Delaware with a place of business at 1235 Water St., East Greenville, Pennsylvania 18041.

4. Knoll has a team of engineers that work on product development in this judicial district. This team of engineers has helped develop Knoll’s PIXEL line of tables.

5. Knoll does business in Pennsylvania and the Eastern District of Pennsylvania.

6. Knoll is the owner of U.S. Patent No. D839,638, a true and correct copy of which is attached hereto as Exhibit A.

7. Defendant Senator International Limited is a foreign company incorporated in the United Kingdom.

8. Senator International Limited's principal place of business is in the United Kingdom. Defendant has its global headquarters located at Altham Business Park, Sykeside Drive Altham, Accrington BB5 5YE United Kingdom. Defendant is a United Kingdom private limited company.

9. Senator International Limited does business under the name "The Senator Group." Senator International Limited sells products under the "Senator." "Senator Group," and "Allermuir" brand names. Senator International Limited owns U.S. Trademark Registration No. 4,468,431 for the mark, "Allermuir" for use of the Allermuir brand in connection with furniture, furniture parts and non-metal furniture fittings.

10. Senator International Limited offers for sale, sells, distributes, makes, and/or imports office furniture into the United States, in Illinois, in Pennsylvania, and this judicial district.

11. Senator International Limited and/or Senator International Limited's affiliates make, use, offer to sell, sell, and import office furniture products into the United States.

12. Defendant Senator International, Inc. is a wholly owned U.S. subsidiary of Senator International Limited.

13. Defendant Senator International, Inc. maintains a showroom in Chicago at the Merchandise Mart, which is located at 222 Merchandise Mart Plaza, Allermuir Showroom, Suite 112, Chicago, IL 60654.

14. Defendant Senator International, Inc. also maintains showrooms in New York, New York, and San Francisco, California.

15. Defendant Senator International, Inc. offers for sale, sells, distributes, makes, and/or imports office furniture into the United States, in Illinois, in New York, in California, and in this judicial district.

16. Defendant Senator International, Inc. does business under the name “The Senator Group.” Senator International Inc. sells products under the “Senator,” “Senator Group,” and “Allermuir” brand names.

17. Defendants’ personnel engage in regular and continuous business operations in the United States and in this judicial district that includes facilitating corporate relationships Defendant has with its customers in this judicial district, and assisting customers in identifying ways Defendant’s products and services meet their customers’ office furniture needs consistent with Defendant’s corporate objectives. Defendant personnel conduct these operations on behalf of Defendant as a representative, employee, and agent of Defendant.

18. Defendants offer for sale, sell, distribute, make, and/or import office furniture into the United States and this judicial district. This includes importation, sale, and/or offer of sale of “Array” table products that infringe U.S. Patent No. D839,638 as alleged herein.

19. For example, Senator International Limited knowingly sell their infringing Array table products to Senator International, Inc., for importation and sale throughout the United States. (*See* D.E. 16-2, 16-3, 24-2, 24-3).

20. As another example, Senator International, Inc. offers to sell, sells Array table products in the United States, and imports Array table products into the United States. Senator International, Inc. also ships the Array table products to its customers as components in one or

more containers that are to be installed at a customer site. Defendants facilitate installation of the Array table from those components at their customers' sites and also facilitate the arrangement and use of the Array table in the U.S. by their customers by providing assembly instructions, installation and use instructions, offering to provide and providing technical assistance for assembly and installation, and helping ensure trained personnel can perform the assembly and/or installation..

21. Defendant Senator International Limited and its U.S. affiliate, Senator International, Inc. collectively refer to themselves as "The Senator Group." Each Defendant also uses the term "The Senator Group" to refer to themselves individually.

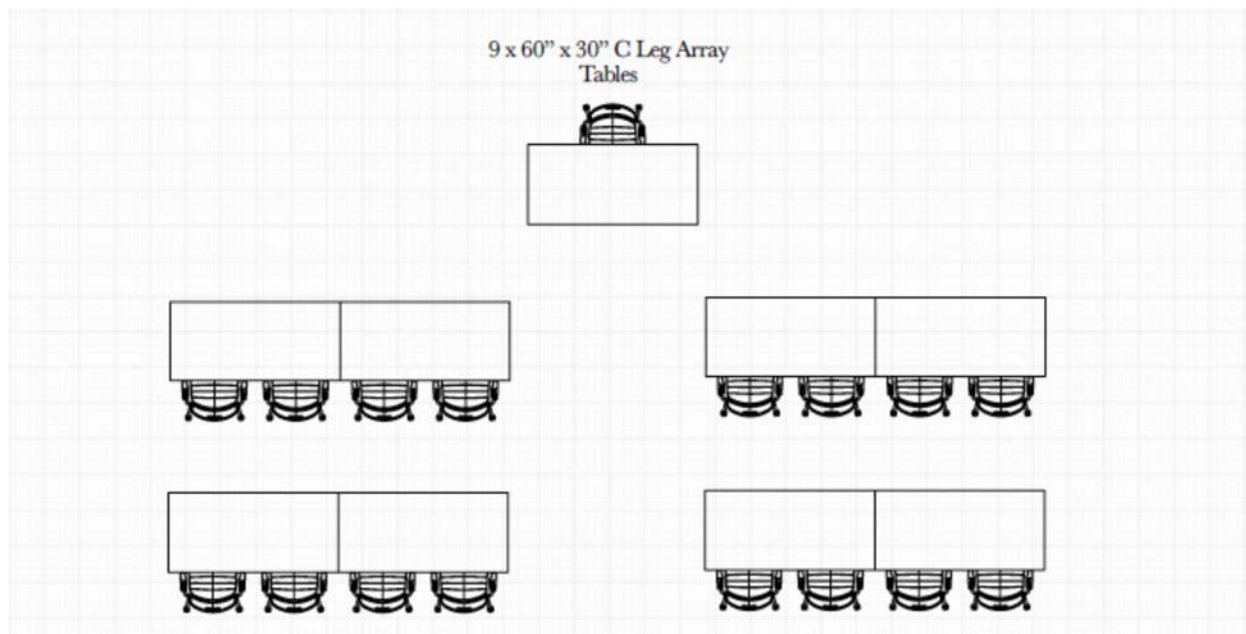
22. Defendant Senator International Limited knows that when it sells its Array table products to its U.S. affiliate, the Array table products it sells will be imported into the U.S. and sold in the U.S. because its Array table "is exclusively marketed, imported, and sold in the United States by Senator International, Inc." (D.E. 24-3, at ¶9).

23. Defendant Senator International Limited provides instructions for use and maintenance when it sells the Array table so that its customers can assemble, use and maintain the table. These customers include Senator International, Inc. and its other customers and distributors. By using the instructions and technical assistance provided by Senator International Limited, customers in the U.S. assemble the Array table to have an appearance that mimics the ornamental appearance of the design claimed in U.S. Patent No. D839,638.

24. Defendant Senator International, Inc. uses the instructions and other materials furnished by Senator International Limited to offer to sell, sell, and facilitate shipment, assembly and/or installation of the Array table for its U.S. customers.

25. The instructions Defendants provide includes instructing customers, including its U.S. customers, on how to assemble and arrange the Array table from components of the table that are shipped to the customer. When assembled, the Array table has an appearance that mimics the ornamental appearance of the design claimed in U.S. Patent No. D839,638 and infringes this patent.

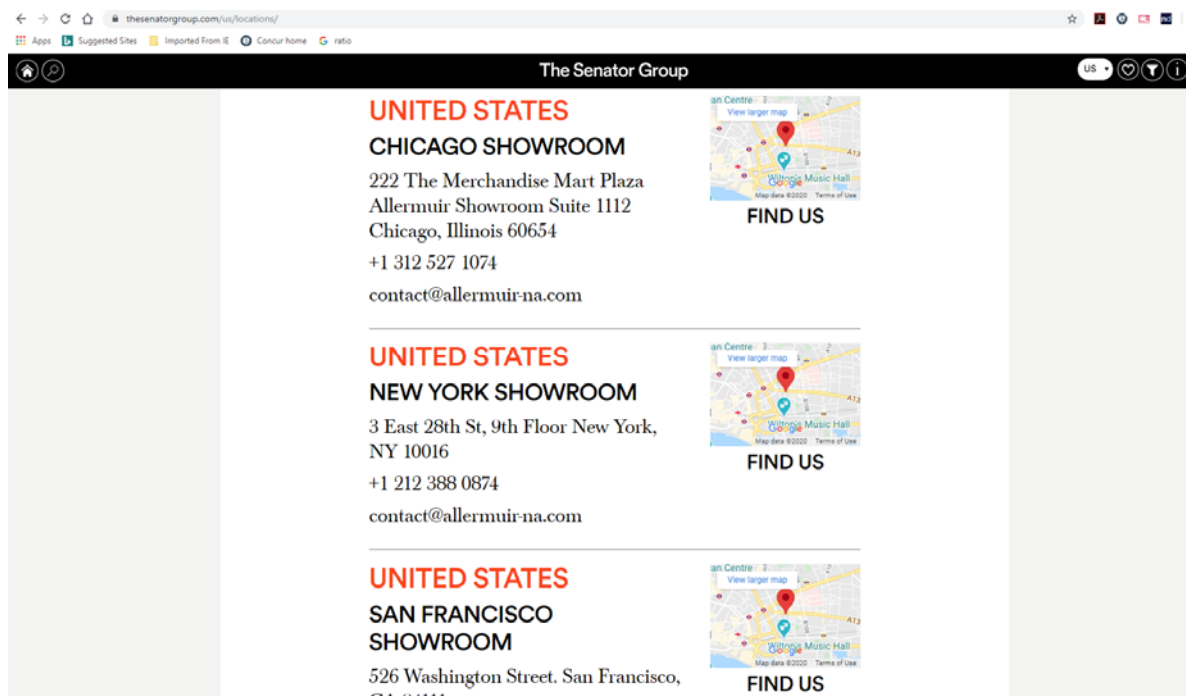
26. Defendants also provide instructions for cable management for the table, instruct customers how to flip the table between storage and use positions, how to nest Array tables next to each other, how to connect Array tables together, how to install and run electric cables in the Array table, and how to position Array tables into different arrangements. These arrangements include the below (Ex. B):



27. Defendants also make available their “Array Price List 2019” document at the URL - <https://www.thesenatorgroup.com/media/19756/array-price-list-2019.pdf>. This document is attached hereto as Exhibit B. This document is publicly available via Defendants’ shared website that is operated by Senator International Limited.

28. Defendant Senator International Limited knows that its U.S. subsidiary, Senator International, Inc., “maintains showrooms in Chicago, Illinois, San Francisco, California, and New York, New York.” (D.E. 24-3, ¶5). Defendant Senator International Limited knows that its Array table has been shown in these showrooms to advertise the table and promote the table in the U.S.

29. Defendant Senator International Limited advertises these showrooms as being its U.S. locations. Defendants’ website explains that “The Senator Group” has U.S. locations on its website, <https://www.thesenatorgroup.com/us/locations/> as shown below:



30. Defendants’ products are offered for sale and sold in California, Illinois, New York, Pennsylvania, and other parts of the U.S. including in this judicial district.

31. Defendants have a large number of distributors and customers. One such affiliate is “Ethosource,” which sells The Senator Group brand products in Pennsylvania. For instance, Ethosource has showrooms in King of Prussia, PA and Reading, PA at which Allermuir brand and the Senator Group brand products are available for purchase.

32. Defendants also have a large number of other distributors, retailers, or other affiliates in the U.S. who offer to sell and sell Defendants' products. These affiliates are responsible for different regions of the U.S. for sale of Defendants' products.

33. Defendants work with their dealers and other distribution agents to provide an integrated network of teams with in-depth knowledge of Senator International Limited's ranges and space planning capabilities for promotion and sale of Defendants' products – including Defendants' Array table.

34. Defendants work with their distribution network to ensure that Senator International Limited provide supportive sale and service functions while also receiving crucial feedback that informs Senator International Limited's product development strategy so that Defendants' products are aligned with customer needs. This work includes work that Senator International Limited engages in with U.S. affiliated entities including its subsidiary Senator International, Inc., other distributors, and other types of sales agents.

35. Defendants have a website that solicits subscriptions to "Senator Group Marketing" at <https://www.thesenatorgroup.com/us/product-search/>. These subscriptions are utilized to facilitate U.S. sales efforts. Below is a screen shot of this webpage of the Defendants' website:

The screenshot shows the website of The Senator Group. At the top, there is a navigation bar with the company name and a language selector set to 'US'. Below this is a 'Product Search' section with a horizontal menu containing 'All Brands', 'SENATOR', and 'Allermuir'. The 'SENATOR' tab is currently selected. The main content area is titled 'Contact Senator Group' and features a subscription form. The form includes fields for 'Email Address', 'First Name', and 'Last Name'. Below these are 'Marketing Permissions' checkboxes for 'Email', 'Direct Mail', and 'Customized Online Advertising'. A 'Subscribe' button is at the bottom of the form. To the right of the form, contact information for 'GLOBAL HQ' is listed: 'Altham Business Park, Accrington, Lancashire, BB5 5YE', along with a phone number '+44 01282 725000' and social media icons for Facebook, LinkedIn, Twitter, and Instagram. A footer at the bottom contains links to 'Terms and conditions', 'Privacy Policy', 'Cookie Policy', 'Sustainability Charter', 'Modern slavery statement', and 'Modern slavery policy', along with copyright information '© The Senator Group 2020' and 'Site by'.

36. Defendant Senator International Limited solicits direct and customized marketing to U.S. customers as well as other worldwide customers via its website.

37. Defendant Senator International Limited sends direct mail and email advertisements via the subscriptions obtained via its website.

38. Defendants solicits business from subscribers who have used Senator International Limited's website and subscribed to Senator Group Marketing via this website.

39. Defendant Senator International Limited provides the information it obtains from its website to Mailchimp for processing and subsequent use consistent with Defendant's marketing objectives. Mailchimp is an American company having offices in different states of the U.S. that provides an automation platform and email marketing service to Defendant consistent with Defendant's marketing directives and guidelines. These marketing efforts include marketing and promotion activities associated with Defendant's Array table products.



40. Senator International Inc. is involved in these marketing efforts. For example, Senator International, Inc. promotes and markets the Array table products in the U.S. and in this judicial district to its customers and potential customers.

41. Senator International Limited has personnel who have come to Chicago, Illinois to help with promotion, advertisement and offering of sales of the Array table. Senator International Limited personnel have also provided assistance to facilitate offers of sale, promotion, sales, assembly and/or installation of Array tables in the U.S. (including this judicial district) via telecommunications technology as well.

### **JURISDICTION AND VENUE**

42. This is an action for patent infringement arising under the Patent laws of the United States, Title 35 of the United States Code.

43. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338.

44. Defendants have been and is engaged in business in Chicago, Illinois, in this judicial district, in Pennsylvania and the Eastern District of Pennsylvania, including advertising and offering to sell its infringing Array tables in this judicial district, shipping said products directly or indirectly into or through Illinois and Pennsylvania, including through this judicial district, and having sold and/or participated in the offer of sale of the Array tables in this judicial district.

45. Defendants have directly and/or through a coordinated distribution network regularly place the Array tables in the stream of commerce with the knowledge and/or understanding that such products will be sold and used in this judicial district. Defendants are subject to the general jurisdiction of this Court because it has regular and systemic contacts

with this forum such that the exercise of jurisdiction over it will not offend the traditional notions of fair play and substantial justice.

46. Further, this Court has personal jurisdiction over Defendants because Defendants have established minimum contacts with the forum such that the exercise of personal jurisdiction over Defendant will not offend the traditional notions of fair play and substantial justice.

47. For example, Defendant Senator International Limited has admitted that this Court has personal jurisdiction over it in connection with its promotion, offer of sale, and sale of the Array table in Defendants' Chicago, Illinois showroom. (D.E.. 27, at 4, stating "the United States District Court for the Northern District of Illinois could exercise personal jurisdiction over the Defendant for this dispute.").

48. In addition, this Court has personal jurisdiction over Defendants because Defendants have knowingly and actively engaged in acts that have infringed and will infringe and/or contribute, induce, aid, and/or abet the direct infringement of claims of the U.S. Patent No. D839,638 in this judicial district. It is reasonable and fair to exercise personal jurisdiction over Defendant in this case.

49. Venue is proper pursuant to 28 U.S.C. §§ 1391(c) and 1400 because Defendants have committed acts of infringement in this judicial district and do business in this judicial District.

50. For instance, venue is proper because of the "long-established rule that suits against aliens are wholly outside the operation of all the federal venue laws, general and special." *In re HTC Corp.*, 889 F.3d 1349, 1354 (Fed. Cir. 2018). The "venue laws (as opposed to

requirements of personal jurisdiction) do not restrict the location of suits against alien defendants.” *Id.* at 1357.

51. Further, venue is proper for Defendant Senator International, Inc. as this Defendant maintains a showroom that offers to sell and sells the infringing Array table in this judicial district. (D.E. 24-3, ¶¶5 and 9).

52. The Defendants’ showroom in this judicial district is promoted and advertised by Defendants as being their showroom.

### **FACTUAL BACKGROUND**

53. Knoll develops, sells, markets, and supports furniture, including office furniture. Knoll is famous throughout the world for its design and development of furniture, which includes iconic chairs such as Knoll’s Barcelona chair, the Womb chair, and many other iconic, well known articles of furniture.

54. Knoll owns U.S. Design Patent No. D839,638 (“the ’638 Patent”), which lawfully issued on February 5, 2019.

55. Knoll makes and sells a well-known line of tables known as the PIXEL tables. The C-Leg version of the PIXEL table is covered by the '638 Patent. An illustrative picture of this PIXEL table is shown below:



56. Defendant Senator International Limited is a developer, manufacturer, distributor, and importer of furniture products, including tables and chairs.

57. Defendant Senator International Limited makes, offers to sell, and sells a newly introduced line of Array tables.

58. Senator International, Inc. imports the Array table into the U.S. as components and assembles the Array table in the U.S. for installation in its showrooms to use the Array table, publicly display the Array table, promote the Array table and offer the Array table for sale.

Defendant Senator International Limited provides technical assistance to Senator International, Inc. to facilitate the use of the fabrication and use of the Array table.

59. Defendants' Array tables were included in an exhibit in Defendants' showroom at the trade show referred to as NeoCon that took place in the Chicago Merchandise Mart located in Chicago, Illinois in June of 2019.

60. NeoCon is one of the largest furniture tradeshow in the world. At the NeoCon tradeshow, products are displayed in showrooms, publicized, offered for sale, and sold in the showrooms. There are typically 30,000 or more attendees each day at NeoCon. People from throughout the U.S., including this judicial district, attend the NeoCon event each year.

61. At NeoCon in 2019, the Array table was publicized and offered for sale to potential customers in this judicial district.

62. David Crimmins, who was a VP of Sales and Marketing for The Senator Group in 2019, was quoted in a discussion of The Senator Group's experience at Neocon in a NeoCon2019 Wrap Up public relations release as follows: "We had a terrific Neocon 2019! We felt a strong increase in traffic compared to prior years, driven primarily by award winning product introductions like Kin, our new showroom in The Mart, and overall strong macroeconomic conditions. We found customers engaged, inspired, and actively seeking products with inspired design and immediate availability."

63. Defendant Senator International Limited provided the Array table knowing it would be used in the U.S. and showcased at the NeoCon event in Chicago. Defendant Senator International Limited knew that the Array Table would also be submitted for consideration in the Best of NeoCon award category for publicizing the table to U.S. customers of furniture products.

64. Defendant Senator International Limited issued a press release (Exhibit E) that promoted its Array table and told consumers the table would be shown at Defendants' Chicago showroom at NeoCon in 2019. In this press release, Defendant Senator International Limited told its customers and potential customers to contact its UK based personnel about the Array table including "Gemma Vaughan" at her phone number "(+44) 1282 725455." (Exhibit E). Gemma Vaughan is Senator International Limited's head of marketing and works in the UK.

65. Defendants' personnel attended the NeoCon event. Defendants' personnel also provided assistance for the use of the Array Table at the NeoCon event. Defendants also provided instructions that explained how the Array table could be configured for use in the NeoCon showroom and how the table could be used and promoted in the showroom.

66. At the NeoCon showroom in Chicago, customers and potential customers who entered Defendants' showroom had their badges scanned. Information about these customers associated with their scanned badges was then provided to Defendants and Defendants' affiliates for use in follow-up marketing, promotion, and sales efforts.

67. Defendants also publicized the Array table winning Best of NeoCon Silver award via their website as well as via their email marketing efforts that included use of Mailchimp platform as well as the information obtained from the badges scanned during NeoCon. (*See e.g.* D.E. 19, "Array wins silver at Best of NeoCon" press release included at Defendants' website).

68. Defendants' personnel and/or affiliates worked to promote and offer the Array table for sale to customers located throughout the U.S. at NeoCon. Personnel who work in this judicial district, Illinois, Pennsylvania, and other states, entered Defendants' NeoCon showroom during NeoCon, saw the Array table, and understood that the Senator Group was offering to sell

and selling the Array table during the NeoCon tradeshow to potential customers located throughout the United States and the world.

69. Below is an image of an Array table shown, offered for sale, and promoted at this NeoCon tradeshow:


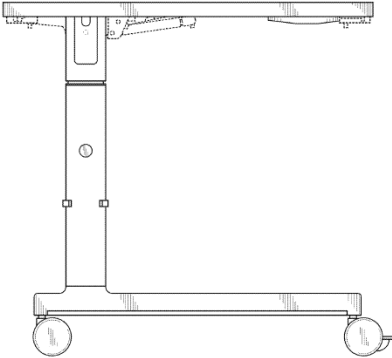

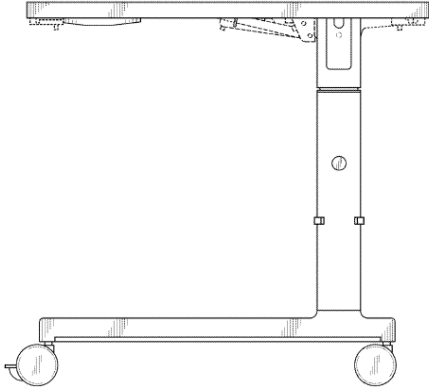




70. The Array table looks almost identical to Knoll's PIXEL table, as can be appreciated from the below comparisons:

Defendant's Array Table	Knoll PIXEL Table
	
	



71. The below table provides a non-limiting exemplary comparison of the Array table and the ornamental appearance of the Knoll design protected by the '638 Patent:

Defendant's Array Table	U.S. Design Pat. No. D839,638
	 <p>FIG. 6</p>
	 <p>FIG. 7</p>

Defendant's Array Table	U.S. Design Pat. No. D839,638
	

72. Defendants' Array table has an ornamental appearance that is almost identical to the ornamental appearance of the design shown, described and claimed in the '638 Patent.

73. Consumers of tables are likely to be confused into thinking that the Array table is the table shown, described, and claimed in the '638 Patent.

74. An ordinary observer, familiar with prior art to the '638 Patent, would be deceived into thinking that the Array table was the same as the patented design claimed in the '638 Patent. *Egyptian Goddess, Inc. v. Swisa, Inc.* 543 F.3d 665, 677-78 (Fed. Cir. 2008).

75. The Array table is advertised, marketed, and offered for sale by Defendants in Illinois, this judicial district and throughout the United States. (*See e.g.* <http://www.thesenatorgroup.com/americas/>, <http://www.thesenatorgroup.com/uk/news/array-by-senator/>). (*See also* Notice providing screenshots of these web pages at D.E. 19).

76. In connection with its promotion and sale of the Array table in the U.S., Defendants work to guarantee the best performance of their product by executing the installation of the product as an extension of its manufacturing process to ensure that its products are installed with care and attention to detail by skilled personnel. Defendants also work to make sure that its aftersales service is provided to customers of its products in accordance with Defendant Senator International Limited's service standards.

77. This support provided by Senator International Limited and Senator International, Inc. includes providing dedicated support by telephone as well as other support in accordance with a 4-step aftersales program.

**THE '638 PATENT AND DEFENDANT'S KNOWLEDGE OF THIS PATENT**

78. On February 5, 2019, the '638 Patent entitled "TABLE" was duly and legally issued by the United States Patent and Trademark Office.

79. A true and correct copy of the '638 Patent is attached as Exhibit A to this Complaint.

80. Knoll is the assignee and owner of the right, title, and interest in and to the '638 Patent.

81. The '638 Patent has a single claim that says "The ornamental design for a table, as shown and described" and includes a description that states "The broken lines shown in the drawing Figures form no part of the claimed design."

82. Knoll practices the claimed invention of the '638 Patent by making and selling its C-Leg version of its PIXEL tables.

83. Defendants were provided with actual notice of the '638 Patent on July 8, 2019. (Exhibit C).

84. Defendants have had actual knowledge of the '638 Patent since at least as early as July 17, 2019 (Exhibit D).

85. Defendants' Array table mimics the ornamental appearance of Knoll's C-Leg version of Knoll's PIXEL table.

86. On information and belief, Defendants knew the '638 Patent protected Knoll's PIXEL table before the Array table was included in an exhibit at the NeoCon tradeshow in June of 2019.

87. On information and belief, Defendants also had actual knowledge of the '638 Patent during development of the Array table.

88. Defendants have had actual knowledge of the '638 Patent during its ongoing sales of the Array table, promotion of this table, and the importation and sale of the Array table in the U.S. Defendants know that their continued sale of its Array table, which mimics the ornamental appearance of Knoll's C-Leg version of the PIXEL table, infringes the '638 patent and has continued to offer to sell, sell, and promote this table in disregard of this knowledge. Defendants have also taken steps to facilitate importation of the Array table into the U.S. after having actual knowledge of the '638 patent and Defendants' infringement of this patent in willful disregard of Knoll's patent rights.

89. On information and belief, Defendant Senator International Limited designed its Array table to mimic the design of Knoll's PIXEL table, with a goal to develop, make, and sell a table that would compete with the PIXEL table so that Defendant's Array table would have the same look as Knoll's PIXEL table but would have a lower price point for competition with the Knoll's PIXEL table. On information and belief, these actions were done to try to take

market share away from Knoll's PIXEL table with a table that had substantially the same ornamental appearance as Knoll's PIXEL table.

90. Defendants have continued to offer to sell, make and sell its Array table knowing that this table infringes the '638 Patent. Defendants sell its infringing Array table to its customers knowing the product will be imported into the U.S. in infringement of the '638 patent and used, offered for sale, and sold in the U.S. in infringement of the '638 Patent.

91. For example, Defendant Senator International Limited knowingly sells and offers to sell the Array table to Senator International, Inc. for import, use, promotion, and sale in the U.S. Defendant Senator International Limited knows that its Array table products will enter the U.S. and be sold in the U.S. in infringement of the '638 Patent when it sells its Array table to its U.S. customers. This sales activity is done with the specific intent to induce Defendant's U.S. based customers to infringe the '638 Patent by importing the Array table into the U.S. and offering to sell, selling, and otherwise using the Array table in the U.S.

92. Defendant Senator International Limited ships the Array table to its customers as components for assembly on-site at a delivery location. Defendant Senator International Limited also provides assistance for assembly and installation of the Array tables. This assistance includes instructions to facilitate the assembly, installation, use, and maintenance of the Array table in the U.S. This activity is done with the specific intent to induce Senator International Limited's U.S. based customers to infringe the '638 Patent in the U.S. Senator International Limited takes such active steps with the specific intent for its customers and potential customers to acquire the Array table and use the Array table in the U.S. in infringement of the '638 Patent.

93. Defendant Senator International Limited also provides technical assistance and other sale related assistance that is directed to the U.S. market to facilitate sales activity in the

U.S. and further support customers who acquire the Array table in the U.S. This support includes, for example, providing technical and other post-sale support that customers who buy the Array table in accordance with Senator International Limited's 4-step aftersales program. Senator International Limited takes such active steps with the specific intent for its customers and potential customers to acquire the Array table and use the Array table in the U.S. in infringement of the '638 Patent.

94. Senator International Limited's U.S. subsidiary, Senator International, Inc. imports the array table into the U.S. as components of the table and subsequently assembles the Array tables in the U.S. using the Array table components and instructions it receives from Senator International Limited.

95. Senator International Inc. also stores some shipped Array table components and subsequently delivers them to other U.S. customers. After and/or during delivery, Senator International, Inc. provides assembly and installation assistance to ensure the components sold and shipped by Senator International, Inc. are properly assembled into the Array table at their customers' location for use by their customers. This assistance includes helping to ensure that sufficiently trained personnel can perform the assembly and installation of the Array table products.

96. Defendants have willfully, deliberately, and intentionally continued to infringe the claim of the '638 Patent and induce others to infringe the claim of the '638 Patent at least by using, offering to sell, selling, distributing, offering to distribute, supporting sales of the Array table, providing technical assistance to customers of the Array table, making the Array table, using the Array table and actively facilitating others' use of the Array table in the U.S. in reckless disregard of the claim of the '638 Patent.

97. Defendants' infringement of the '638 Patent has caused irreparable injury to Knoll.

**COUNT I: INFRINGEMENT OF THE '638 PATENT  
BY SENATOR INTERNATIONAL LIMITED**


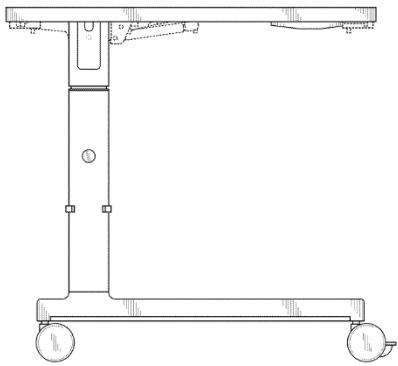

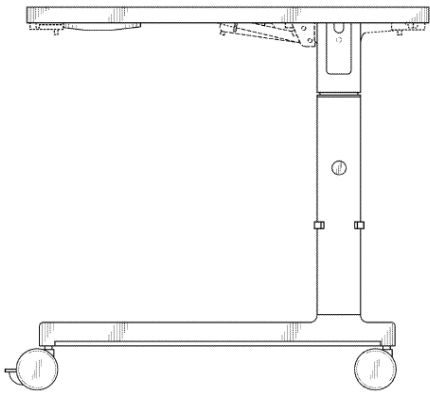


98. Knoll restates and realleges the foregoing allegations as if fully stated herein.

99. In violation of 35 U.S.C. § 271(a), Defendant Senator International Limited has directly infringed and continues to directly infringe, both literally and under the doctrine of equivalents, the claim of the '638 Patent by making, using, offering for sale, selling, distributing and/or importing the tables that practice and therefore infringe the subject matter in the claim of the '638 Patent throughout the United States and within this judicial district without authority of Knoll.

100. In violation of 35 U.S.C. § 271(b) and (c) Defendant Senator International Limited has indirectly infringed and continues to indirectly infringe the claim of the '638 Patent, within this judicial district and throughout the United States without authority of Knoll by actively inducing its customers' infringement of the '638 Patent with knowledge of the '638 Patent and by contributing to the infringement of that patent by selling at least the Array table to customers for their possession and use in the U.S. Defendant Senator International Limited takes active steps to instruct others in the U.S. how to fabricate, install, use, arrange, and maintain the Array table in infringement of the '638 Patent.

101. The Array table infringes the claim of the '638 Patent. This table is made, marketed, distributed, sold and/or offered for sale by Defendant Senator International Limited throughout the United States and in this judicial district. The Array table includes each and every feature of the claim of the '638 Patent.

102. For example, the below table provides a non-limiting comparison of the Array table and the ornamental appearance of the Knoll design protected by the '638 Patent:

Defendant's Array Table	U.S. Design Pat. No. D839,638
	 <p>FIG. 6</p>
	 <p>FIG. 7</p>
	 <p>FIG. 2</p>



103. The Array table has an ornamental appearance that is almost identical to the ornamental appearance of the table design shown, described and claimed in the '638 Patent.

104. Consumers of tables are likely to be confused into thinking that the Array table is the table shown, described, and claimed in the '638 Patent.

105. An ordinary observer, familiar with prior art to the '638 Patent, would be deceived into thinking that the Array table was the same as the patented design claimed in the '638 Patent. *Egyptian Goddess, Inc. v. Swisa, Inc.* 543 F.3d 665, 677-78 (Fed. Cir. 2008).

106. Defendant Senator International Limited also actively works to facilitate importation of the Array table in the U.S. and support the offer of sale and sale of the Array table in the U.S. Defendant Senator International Limited offers to provide and does provide support services including after sales support services and technical support services to customers who purchase the Array table in the U.S. This assistance includes facilitating shipment of components of the Array tables into the U.S. and providing instructions and other technical assistance for assembly and/or installation of the Array tables at customer locations in the U.S. by using the components of the Array table shipped into the U.S. This activity is engaged in knowing the Array table infringes the '638 Patent and induces others (e.g. including without limitation Senator International, Inc.) in the U.S. to infringe the '638 Patent.

107. Knoll has been, and continues to be, damaged and irreparably harmed by Defendant Senator International Limited's infringement, which will continue unless the Court enjoins that infringement and for which there is no adequate remedy at law.

108. Knoll under 35 U.S.C. §§ 284 and/or 289, is entitled to recover damages adequate to compensate for Defendant Senator International Limited's infringement.

109. The infringement of the '638 Patent by Defendant Senator International Limited has been, and continues to be, deliberate, willful, and knowing.

110. The Court should declare this an exceptional case under 35 § U.S.C. 285, entitling Knoll to recover treble damages and attorneys' fees.

111. Pursuant to 35 U.S.C. § 287, the filing of this action constitutes notice to Defendant Senator International Limited of its infringement of the '638 Patent.

**COUNT II: INFRINGEMENT OF THE '638 PATENT  
BY SENATOR INTERNATIONAL, INC.**

112. In violation of 35 U.S.C. § 271(a), Defendant Senator International, Inc. has directly infringed and continues to directly infringe, both literally and under the doctrine of equivalents, the claim of the '638 Patent by making, using, offering for sale, selling, distributing and/or importing the tables that practice and therefore infringe the subject matter in the claim of the '638 Patent throughout the United States and within this judicial district without authority of Knoll.

113. In violation of 35 U.S.C. § 271(b) and (c) Defendant Senator International, Inc. has indirectly infringed and continues to indirectly infringe the claim of the '638 Patent, within this judicial district and throughout the United States without authority of Knoll by actively inducing its customers' infringement of the '638 Patent with knowledge of the '638 Patent and by contributing to the infringement of that patent by selling at least the Array table to customers for their possession and use in the U.S.

114. Defendant Senator International, Inc. takes active steps to instruct others in the U.S. how to assemble, install, use, arrange, and maintain the Array table in infringement of the '638 Patent. These active steps include providing components of the Array tables to its

customers and helping its customers form the Array table and user the Array table after its customers receive the shipped components.

115. The Array table has an ornamental appearance that is almost identical to the ornamental appearance of the table design shown, described and claimed in the '638 Patent.

116. Consumers of tables are likely to be confused into thinking that the Array table is the table shown, described, and claimed in the '638 Patent.

117. An ordinary observer, familiar with prior art to the '638 Patent, would be deceived into thinking that the Array table was the same as the patented design claimed in the '638 Patent. *Egyptian Goddess, Inc. v. Swisa, Inc.* 543 F.3d 665, 677-78 (Fed. Cir. 2008).

118. Defendant Senator International, Inc. also actively works to facilitate importation of the Array table in the U.S. and support the offer of sale and sale of the Array table in the U.S. Defendant Senator International, Inc. offers to provide and does provide support services including after sales support services and technical support services to customers who purchase the Array table in the U.S.

119. This assistance includes facilitating shipment of components of the Array tables within the U.S. and providing instructions and other technical assistance for assembly and/or installation of the Array tables at customer locations in the U.S. by using the shipped components of the Array table. This activity is engaged in knowing the Array table infringes the '638 Patent and induces others (e.g. including without limitation Senator International, Inc.'s customers) in the U.S. to infringe the '638 Patent.

120. Knoll has been, and continues to be, damaged and irreparably harmed by Defendant Senator International, Inc.'s infringement, which will continue unless the Court enjoins that infringement and for which there is no adequate remedy at law.

121. Knoll under 35 U.S.C. §§ 284 and/or 289, is entitled to recover damages adequate to compensate for Defendant Senator International, Inc.'s infringement.

122. The infringement of the '638 Patent by Defendant has been, and continues to be, deliberate, willful, and knowing.

123. The Court should declare this an exceptional case under 35 § U.S.C. 285, entitling Knoll to recover treble damages and attorneys' fees.

124. Pursuant to 35 U.S.C. § 287, the filing of this action constitutes notice to Defendant Senator International, Inc. of its infringement of the '638 Patent.

#### **DEMAND FOR JURY TRIAL**

125. Knoll demands a trial by jury under Rules 38 and 39 of the Federal Rules of Civil Procedure for all issues triable by jury.

#### **PRAYER FOR RELIEF**

WHEREFORE, Knoll requests that the Court grant the relief requested in the Prayer for Relief below.

(a) That Defendants be adjudged to have infringed, contributed to, and/or induced the infringement of the claim of the '638 Patent;

(b) That Defendants be adjudged to have engaged in willful infringement of the '638 Patent;

(c) That Knoll be awarded damages for infringement of the '638 Patent, including damages adequate to compensate Knoll for Defendants' past infringement of the '638 Patent including lost profits, Defendants' profits, a reasonable royalty, or other monetary relief available under 35 U.S.C. §§ 284 and/or 289 and for any continuing or future infringement through the date such judgment is entered, including interest, costs, expenses, and an

accounting of all infringing acts including, but not limited to, those not presented at trial (35 U.S.C. §§ 284 and 289);

- (d) That Defendants pay an ongoing royalty in an amount to be determined for any continued infringement of the '638 Patent after the date the judgment is ordered;
- (e) That this case be declared an exceptional case under 35 U.S.C. § 285;
- (f) That Knoll's damages be trebled pursuant to 35 U.S.C. § 284;
- (g) That Knoll be awarded its attorneys' fees and costs pursuant to 35 U.S.C. § 285;
- (h) That this Court permanently enjoin Defendants, its officers, directors, principals, agents, servants, employees, successors, assigns, affiliates, and all that are in active concert or participation with Defendants, or any of them, from further infringement of the '638 Patent and that Defendants be permanently enjoined from infringing the '638 Patent and from making, using, selling, offering to sell, or distributing the Defendants' infringing tables;
- (i) That Knoll be awarded pre- and post-judgment interest on all damages;
- (j) That Knoll be awarded all its costs and expenses in this action; and
- (k) That Knoll be awarded such further and other relief as the Court may deem just and proper.

Respectfully submitted,

By: /s/Ralph G. Fischer

Dated: May 20, 2020

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**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that on May 21, 2020, true and correct copies of the foregoing were served, upon the individuals listed below, in the following manner:

*Via ECF and Email*

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By: /s/Peter J. Shakula  
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