

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION**

NEWELL OPERATING COMPANY,

Plaintiff,

-v-

**ADVANCED AFFILIATES, INC. d/b/a
DECORITE HARDWARE,**

Defendant.

No. 05 CV **05 C 5 0 0 8 4**

COMPLAINT

Plaintiff **NEWELL OPERATING COMPANY** ("Newell"), by its attorneys, as and for its Complaint herein against defendant **ADVANCED AFFILIATES, INC. d/b/a DECORITE HARDWARE** ("Decorite"), states as follows:

Nature of the Lawsuit

1. By these claims, Newell seeks to redress Decorite's infringement of Newell's patent rights. In particular, Decorite has unlawfully used Newell's inventions for various designs of pulls and knobs, in violation of Newell's rights.

The Parties

2. Plaintiff Newell is a Delaware corporation located in the Northern District of Illinois. Newell owns the patents in suit being infringed by Defendant.

3. Upon information and belief, Defendant Decorite is a New York corporation who is doing business in the State of Illinois and this judicial district, including the marketing and sale of the products that infringe Newell's patent rights.

Jurisdiction and Venue

4. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338.

5. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b)-(c) and 1400(b).

Decorite's Infringement of Newell's Patents

6. On August 29, 1995, the United States Patent and Trademark Office duly and legally issued United States Patent No. D361,707 (the "'707 patent"), called "Pull," a copy of which is attached as Exhibit A. Newell is the assignee and owner of the '707 Patent, which relates to an ornamental design for a pull.

7. On October 19, 1999, the United States Patent and Trademark Office duly and legally issued United States Patent No. D415,405 (the "'405 patent"), called "Knob," a copy of which is attached as Exhibit B. Newell is the assignee and owner of the '405 Patent, which patent relates to an ornamental design for a knob.

8. On February 6, 2001, the United States Patent and Trademark Office duly and legally issued United States Patent No. D437,202 (the "'202 patent"), called "Pull," a copy of which is attached as Exhibit C. Newell is the assignee and owner of the '202 Patent, which relates to an ornamental design for a pull.

9. On July 6, 1999, the United States Patent and Trademark Office duly and legally issued United States Patent No. D411,795 (the "'795 patent"), called "Knob," a copy of which is attached as Exhibit D. Newell is the assignee and owner of the '795 Patent, which relates to an ornamental design for a knob.

10. On August 31, 1999, the United States Patent and Trademark Office duly and legally issued United States Patent No. D413,248 (the "'248 patent"), called "Pull," a copy of which is attached as Exhibit E. Newell is the assignee and owner of the '248 Patent, which relates to an ornamental design for a pull.

11. On January 4, 2000, the United States Patent and Trademark Office duly and legally issued United States Patent No. D418,387 (the "'387 patent"), called "Knob," a copy of

which is attached as Exhibit F. Newell is the assignee and owner of the '387 Patent, which relates to an ornamental design for a knob.

12. On January 4, 2000, the United States Patent and Trademark Office duly and legally issued United States Patent No. D418,388 (the "'388 patent"), called "Pull," a copy of which is attached as Exhibit G. Newell is the assignee and owner of the '388 Patent, which relates to an ornamental design for a pull.

13. In violation of Newell's exclusive rights under the patent laws of the United States, Decorite has infringed and continues to infringe the '707, '405, '202, '795, '248, '387, and '388 Patents by using, making, offering for sale, and selling numerous knobs and pulls that embody the designs described and shown in the '707, '405, '202, '795, '248, '387, and '388 Patents, including without limitation Decorite model numbers 3030, 6464, 6954, and 6117.

14. By reason of Decorite's infringing activities, Newell has suffered, and will continue to suffer, substantial damages, in an amount to be proven at trial.

15. Decorite's conduct also has caused, and will continue to cause, Newell irreparable harm. Decorite's conduct is likely to continue unless it is enjoined from such conduct by this Court.

16. Decorite has had notice of Newell's patents, and Decorite's infringement of Newell's patents is willful and deliberate.

17. This is an exceptional case under 35 U.S.C. § 285.

PRAYER FOR RELIEF

WHEREFORE, as a result of the unlawful acts of Decorite set forth herein, Newell prays for:

A. the entry of judgment that Newell is the owner of the '707, '405, '202, '795, '248, '387, and '388 Patents;

B. the entry of judgment that Decorite has infringed, and continues to infringe, the '707, '405, '202, '795, '248, '387, and '388 Patents;

C. an injunction prohibiting Decorite, and all persons in concert and participation with it, from using, making, importing, using, offering for sale, and selling knobs and pulls that embody the designs described and shown in the '707, '405, '202, '795, '248, '387, and '388 Patents;

D. an award of damages adequate to compensate Newell for Decorite's infringement of the '707, '405, '202, '795, '248, '387, and '388 Patents, including disgorgement of Decorite's profits;

E. an award that trebles the amount of actual damages assessed against Decorite and in favor of Newell pursuant to 35 U.S.C. § 284;

F. an award of reasonable attorney fees and costs pursuant to 35 U.S.C. § 285; and

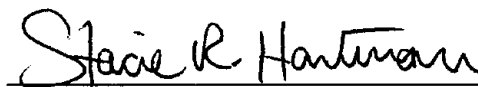
G. such other and further relief as the Court may deem just and proper.

JURY DEMAND

Newell respectfully requests a trial by jury as to all issues so triable.

Dated: April 29, 2005

By:


One of its attorneys

Richard J. Hoskins
Stacie R. Hartman
SCHIFF HARDIN LLP
6600 Sears Tower
Chicago, Illinois 60606
Telephone: (312) 258-5500
Facsimile: (312) 258-5700



US00D361707S

United States Patent [19]**Chieda**[11] **Patent Number: Des. 361,707**[45] **Date of Patent: ** Aug. 29, 1995**[54] **PULL**[75] **Inventor: Robert Chieda, Wheaton, Ill.**[73] **Assignee: Newell Operating Company, Freeport, Ill.**[*] **Notice:** The portion of the term of this patent subsequent to Apr. 11, 2009 has been disclaimed.[**] **Term: 14 Years**[21] **Appl. No.: 11,365**[22] **Filed: Aug. 3, 1993**[52] **U.S. Cl. D8/305; D8/317**[58] **Field of Search D8/315-320, D8/305; 16/110 R, 111 R, 104**[56] **References Cited****U.S. PATENT DOCUMENTS**

D. 189,236	11/1960	Kjellgren	.....	D8/319
D. 189,526	1/1961	Clayton	.....	D8/318
D. 196,036	8/1963	Louis	.....	D8/319
D. 199,965	1/1965	Loeb	.....	D8/319
D. 326,991	6/1992	Bishop	.....	D8/317

OTHER PUBLICATIONS

Belwith International, Ltd; Cat. 278; ©1978; p. 6; pull 235.

Item F on p. 11 of a catalog published by Alno, Inc. (publication date unknown).

Primary Examiner—B. J. Bullock*Attorney, Agent, or Firm*—Leydig, Voit & Mayer, Ltd.

[57]

CLAIM

The ornamental design for a pull, as shown and described.

DESCRIPTION

FIG. 1 is a perspective view of a pull showing my new design;

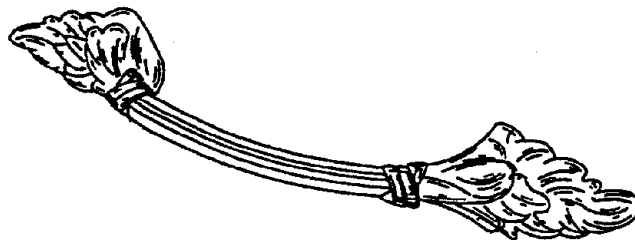
FIG. 2 is an enlarged front view thereof;

FIG. 3 is an enlarged bottom view thereof, the top being substantially a mirror image;

FIG. 4 is an enlarged rear view thereof;

FIG. 5 is an enlarged left end view thereof, the right end being substantially a mirror image; and,

FIG. 6 is an enlarged sectional view taken in the direction of the arrows on line 6—6 of FIG. 3.



U.S. Patent

Aug. 29, 1995

Des. 361,707

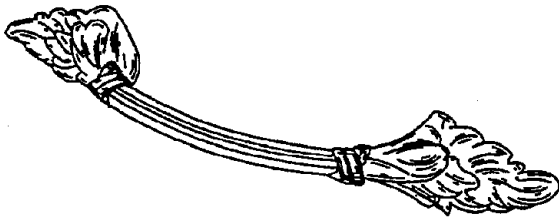


FIG. 1

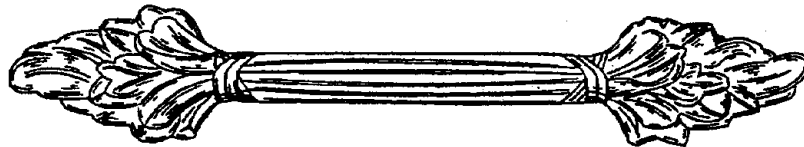


FIG. 2



FIG. 5

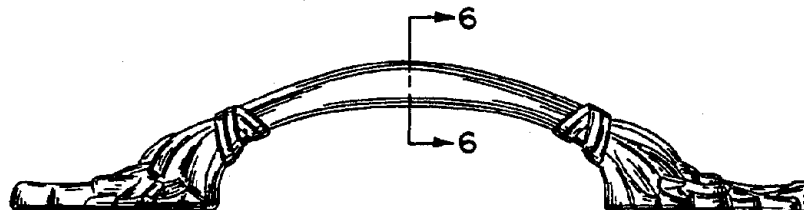


FIG. 3



FIG. 6

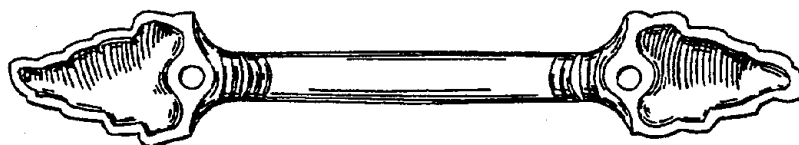


FIG. 4



United States Patent [19]
O'Neil

[11] **Patent Number:** Des. 415,405
[45] **Date of Patent:** ** Oct. 19, 1999

[54] **KNOB**

[75] Inventor: **Robert A. O'Neil**, Glen Ellyn, Ill.

[73] Assignee: **Newell Operating Company, Freeport, Ill.**

[**] Term: 14 Years

[21] Appl. No.: 29/089,586

[22] Filed: Jun. 18, 1998

[51] LOC (6) Cl. 08-06

[52] U.S. Cl. D8/305; D8/310

[58] **Field of Search** D8/300, 305, 307,
D8/310, 312; 16/110 R, 121; D11/37, 38,
63

[56] **References Cited**

U.S. PATENT DOCUMENTS

D. 213,901 4/1969 Beringer .
D. 219,422 12/1970 Tegner .

D. 368,638	4/1996	Sonnenleiter	D8/310
D. 396,179	7/1998	Burns et al.	D8/310
D. 401,834	12/1998	Burns et al.	D8/310

Primary Examiner—B. J. Bullock
Attorney, Agent, or Firm—Foley & Lardner

[57] **CLAIM**

The ornamental design for a knob, as shown and described.

DESCRIPTION

FIG. 1 is a top perspective view of a knob showing the new design.

FIG. 2 is a top plan view of the design.

FIG. 3 is a front elevation view of the design. The rear elevation view is substantially identical thereto, and, FIG. 4 is a bottom plan view of the design.

The right side and left side elevation views are substantially identical to the front elevation view.

The broken line disclosure in the FIGURES is for illustrative purposes only and forms no part of the claimed design.

1 Claim, 1 Drawing Sheet

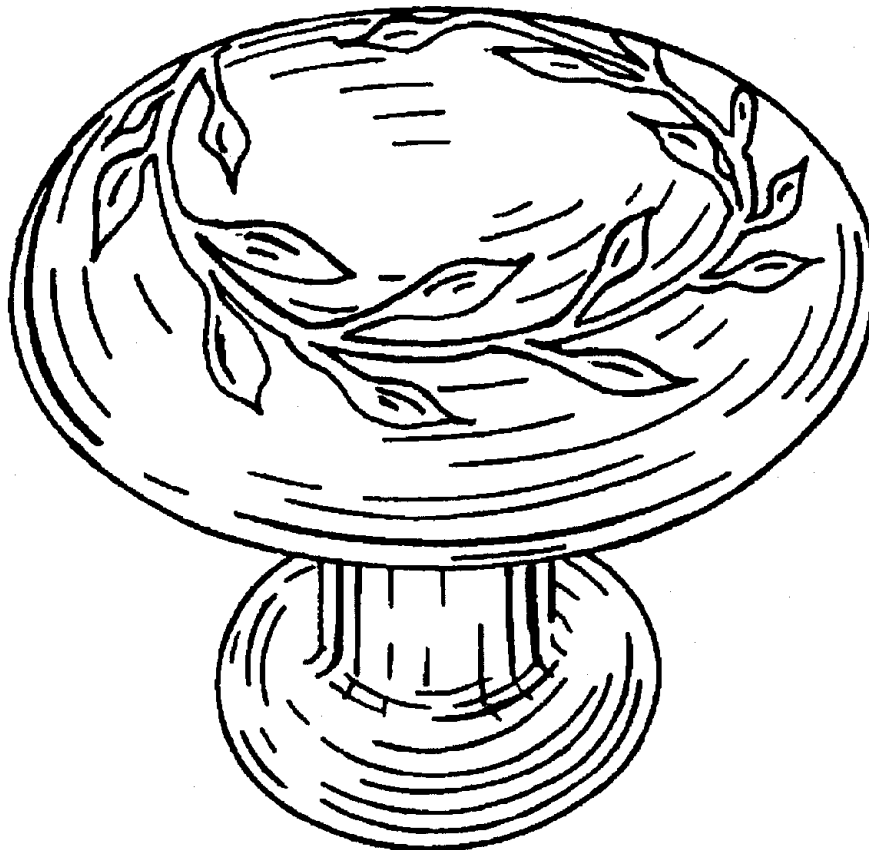


EXHIBIT B

U.S. Patent

Oct. 19, 1999

Des. 415,405

FIG. 1

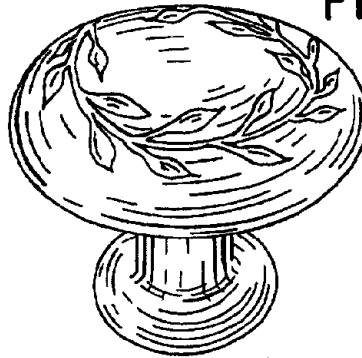


FIG. 2



FIG. 3

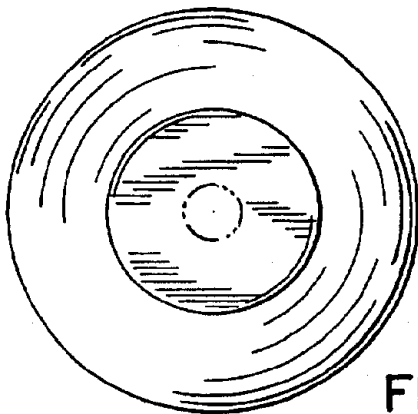
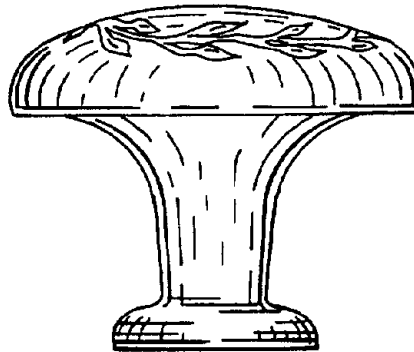


FIG. 4



US00D437202S

(12) **United States Design Patent** (10) **Patent No.:** **US D437,202 S**
O'Neil (45) **Date of Patent:** **** *Feb. 6, 2001**

(54) **PULL**

(75) **Inventor:** **Robert A. O'Neil, Glen Ellyn, IL (US)**

(73) **Assignee:** **Newell Operating Company, Freeport, IL (US)**

(*) **Notice:** This patent is subject to a terminal disclaimer.

(**) **Term:** **14 Years**

(21) **Appl. No.:** **29/112,529**

(22) **Filed:** **Oct. 18, 1999**

Related U.S. Application Data

(63) Continuation of application No. 29/089,597, filed on Jun. 18, 1998, now abandoned.

(51) **LOC (7) Cl.** **08-06**

(52) **U.S. Cl.** **D8/317**

(58) **Field of Search** **D8/300-302, 305, D8/315-320; 16/110 R, 111 R; D3/276, 279, 282, 291**

(56) **References Cited**

U.S. PATENT DOCUMENTS

D. 246,426 * 11/1977 Ridgway et al. D8/318
D. 411,794 * 7/1999 O'Neil D8/305

OTHER PUBLICATIONS

Allison Cabinet Hardware; p. 4; pull 252PB, ©1991.*
National Lock Decorative Hardware; p. 12, pull C6298-4L, Aug. 11, 1987.*

Promotional materials titled "Cabinet Hardware Collections 1999-2000" (Form No. 150) by Amerock Corporation (bearing a designation "© 1999 Amerock Corporation").
Promotional materials titled "Inspirations" (Form No. 262) by Amerock Corporation (bearing a designation "© 1998 Amerock Corporation").

Photographs of a pull sold by Allison Cabinet Hardware and given Part No. 252PB ("Allison pull 252PB") (12 photographs, 12 sheets).

Sample of Allison pull 252PB.

Sample of Part No. C-1590-1 available from Amerock Corporation.

* cited by examiner

Primary Examiner—B. J. Bullock

(74) *Attorney, Agent, or Firm*—Foley & Lardner

(57) **CLAIM**

The ornamental design for a pull, as shown and described.

DESCRIPTION

FIG. 1 is a top perspective view of a pull showing the new design.

FIG. 2 is a top plan view of the design.

FIG. 3 is a front elevation view of the design. The rear elevation view is identical thereto.

FIG. 4 is a bottom plan view of the design; and,

FIG. 5 is a right side elevation view of the design. The left side elevation view is identical thereto.

The broken line disclosure in the FIGURES is for illustrative purposes only and forms no part of the claimed design.

1 Claim, 1 Drawing Sheet

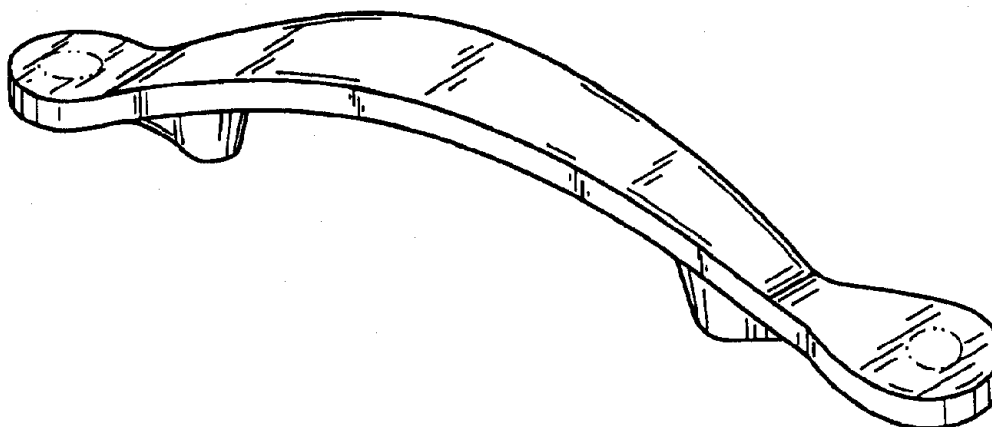


EXHIBIT C

U.S. Patent

Feb. 6, 2001

US D437,202 S

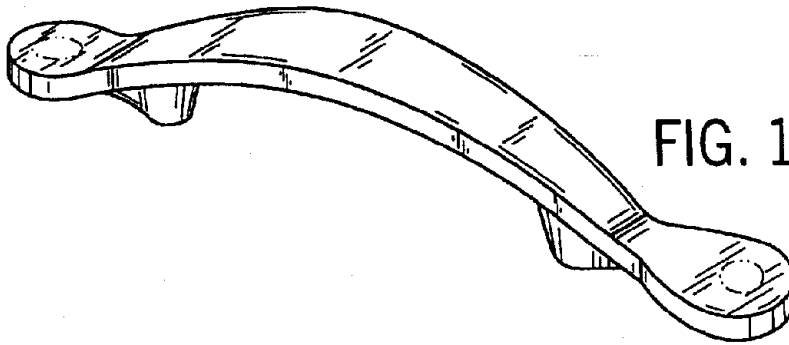


FIG. 1

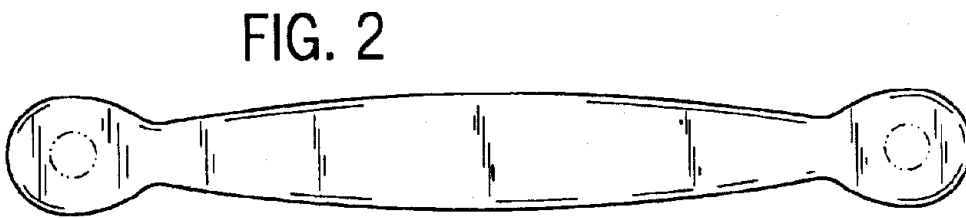


FIG. 2

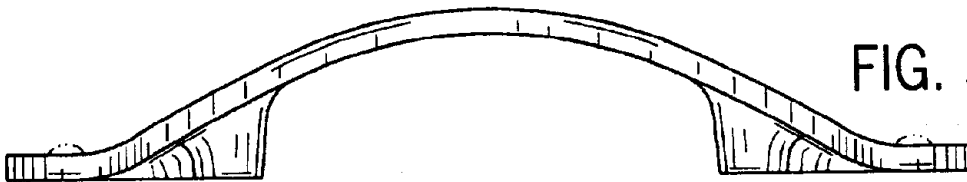


FIG. 3



FIG. 4



FIG. 5



US00D411795S

United States Patent [19]
O'Neil

[11] **Patent Number: Des. 411,795**
[45] **Date of Patent: ** Jul. 6, 1999**

[54] **KNOB**
[75] **Inventor: Robert A. O'Neil, Glen Ellyn, Ill.**
[73] **Assignee: Newell Operating Company, Freeport, Ill.**
[**] **Term: 14 Years**

D. 312,497 11/1990 Paul D23/254
D. 387,265 12/1997 Mattson D8/316
1,720,545 7/1929 Dickey .

Primary Examiner—B. J. Bullock
Attorney, Agent, or Firm—Foley & Lardner

[57] **CLAIM**

The ornamental design for a knob, as shown and described.

DESCRIPTION

FIG. 1 is a top perspective view of a knob showing the new design.

FIG. 2 is a top plan view of the design.

FIG. 3 is a right side elevation view of the design.

FIG. 4 is a front elevation view of the design. The rear elevation view is a mirror image thereof.

FIG. 5 is a left side elevation view of the design; and, FIG. 6 is a bottom plan view of the design.

The broken line disclosure in the FIGURES is for illustrative purposes only and forms no part of the claimed design.

[21] **Appl. No.: 29/089,612**
[22] **Filed: Jun. 18, 1998**
[51] **LOC (6) Cl. 08-06**
[52] **U.S. Cl. D8/307; D8/310**
[58] **Field of Search D8/300, 307, 310,**
D8/312, 378, 379; D23/250, 251, 254;
D26/154; D3/12, 16; D7/393, 395; D25/135;
16/110 R, 121

[56] **References Cited**
U.S. PATENT DOCUMENTS

D. 205,611 8/1966 Bottom .

1 Claim, 1 Drawing Sheet

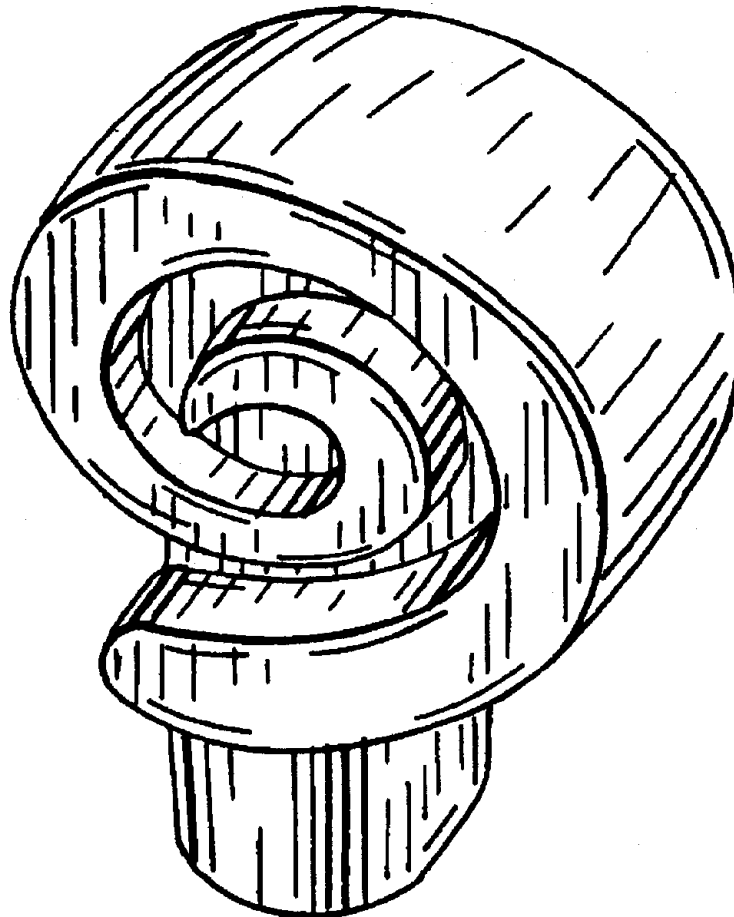


EXHIBIT D

U.S. Patent

Jul. 6, 1999

Des. 411,795



FIG. 2

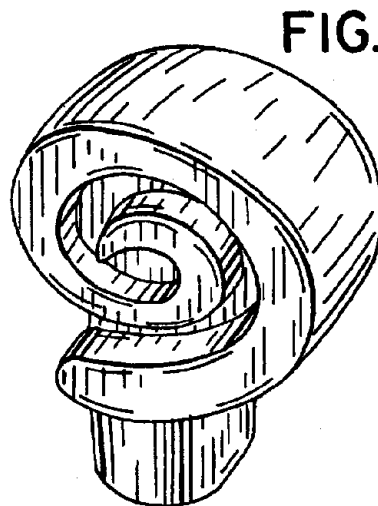


FIG. 1

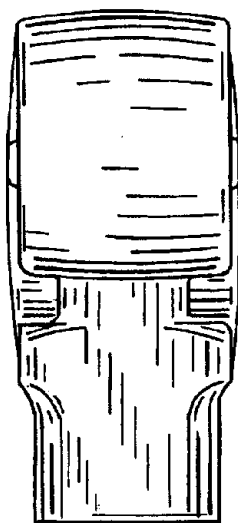


FIG. 3



FIG. 4

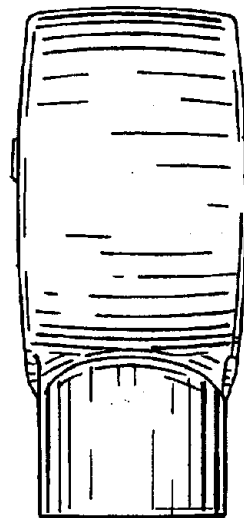


FIG. 5

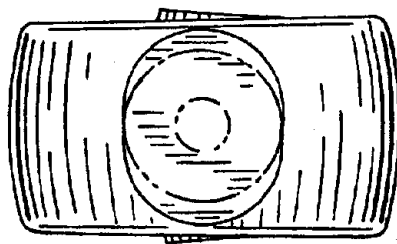


FIG. 6



US00D413248S

United States Patent [19]
O'Neil

[11] **Patent Number: Des. 413,248**
[45] **Date of Patent: ** Aug. 31, 1999**

[54] **PULL**

D. 387,265 12/1997 Mattson et al. D8/316

[75] **Inventor: Robert A. O'Neil, Glen Ellyn, Ill.**

OTHER PUBLICATIONS

Modern Plastics Encyclopedia 1948; p. 1417; Pull H.

[73] **Assignee: Newell Operating Company, Freeport, Ill.**

Primary Examiner—B. J. Bullock
Attorney, Agent, or Firm—Foley & Lardner

[**] **Term: 14 Years**

[57] **CLAIM**

The ornamental design for a pull, as shown and described.

[21] **Appl. No.: 29/089,608**

[22] **Filed: Jun. 18, 1998**

DESCRIPTION

[51] **LOC (6) Cl. 08-06**

FIG. 1 is a top perspective view of a pull showing the new design.

[52] **U.S. Cl. D8/317**

FIG. 2 is a top plan view of the design.

[58] **Field of Search D8/300-302, 315-320;**
D3/276, 279, 281, 282, 291; 16/100 R,
111 R

FIG. 3 is a front elevation view of the design. The rear elevation view is identical thereto.

FIG. 4 is a bottom plan view of the design; and,
FIG. 5 is a right side elevation view of the design. The left side elevation view is identical thereto.

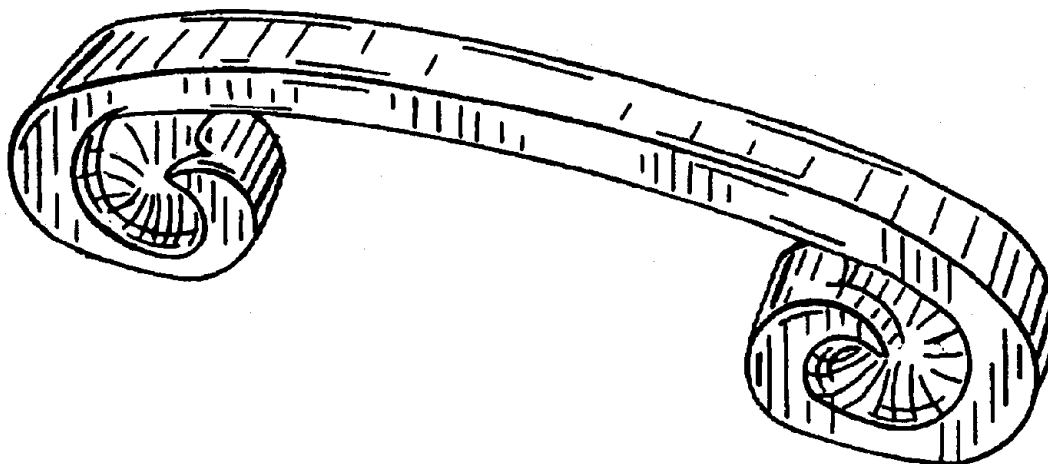
The broken line disclosure in the FIGURES is for illustrative purposes only and forms no part of the claimed design.

[56] **References Cited**

U.S. PATENT DOCUMENTS

D. 196,710 10/1963 Morgan .
D. 205,611 8/1966 Bottom .
D. 360,526 7/1995 Roncato D3/276

1 Claim, 1 Drawing Sheet



U.S. Patent

Aug. 31, 1999

Des. 413,248

FIG. 1

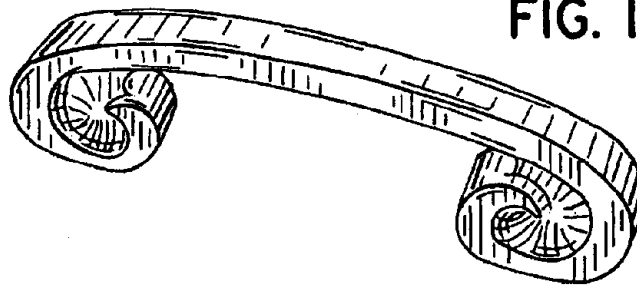


FIG. 2



FIG. 3



FIG. 4

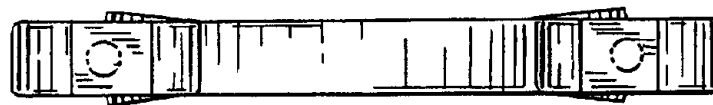


FIG. 5



US00D418387S

United States Patent [19]
O'Neil

[11] **Patent Number: Des. 418,387**[45] **Date of Patent: ** Jan. 4, 2000**[54] **KNOB**[75] **Inventor: Robert A. O'Neil, Glen Ellyn, Ill.**[73] **Assignee: Newell Operating Co., Ill.**[**] **Term: 14 Years**[21] **Appl. No.: 29/089,600**[22] **Filed: Jun. 18, 1998**[51] **LOC (7) Cl. 08-06**[52] **U.S. Cl. D8/310**[58] **Field of Search D8/300-302, 307,
D8/310, 312, 378, 379; 16/110 R, 121;
D26/154; D7/393, 395; D23/250, 251, 254**[56] **References Cited****U.S. PATENT DOCUMENTS**

D. 263,554 3/1982 Wasbrough et al. D8/301
329,321 10/1885 Leger et al. .
D. 401,834 12/1998 Burns et al. D8/310

OTHER PUBLICATIONS

Allison Cabinet Hardware; p. 8; Knob 847LB ©1991.
Allison Cabinet Hardware; p. 9; Knob 69163 ©1991
Allison Cabinet Hardware; p. 2; Knob 546 ©1991.

Primary Examiner—B. J. Bullock
Attorney, Agent, or Firm—Foley & Lardner

[57]

CLAIM

The ornamental design for a knob, as shown and described.

DESCRIPTION

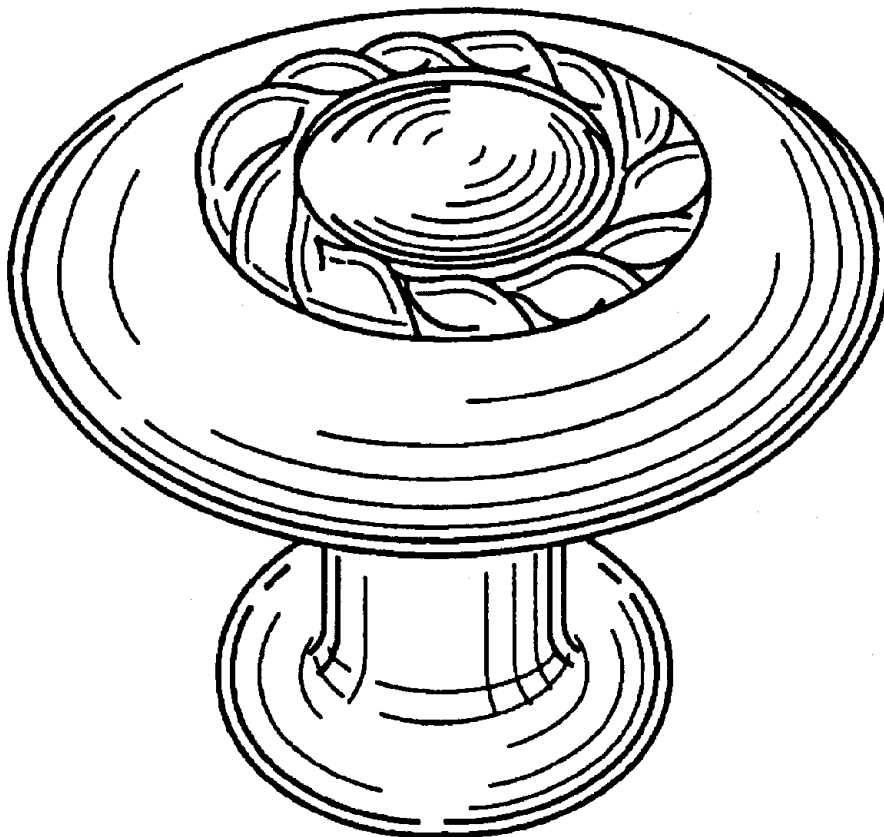
FIG. 1 is a top perspective view of a knob showing the new design.

FIG. 2 is a top plan view of the design.

FIG. 3 is a front elevation view of the design. The rear elevation view is identical thereto; and, FIG. 4 is a bottom plan view of the design.

The right side and the left side elevation views are identical to the front elevation view.

The broken line disclosure in the Figures is for illustrative purposes only and forms no part of the claimed design.

1 Claim, 1 Drawing Sheet

U.S. Patent

Jan. 4, 2000

Des. 418,387

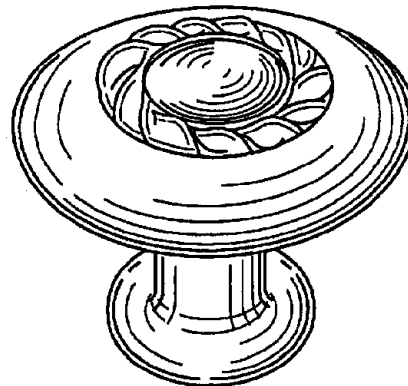


FIG. 1

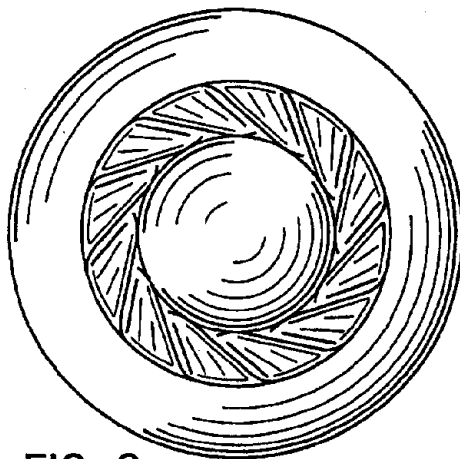


FIG. 2

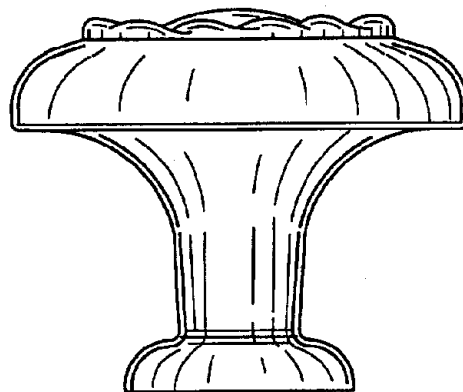


FIG. 3

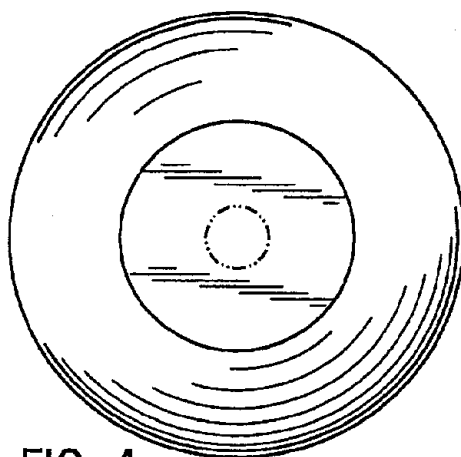


FIG. 4



US00D418388S

United States Patent [19]

O'Neil

[11] **Patent Number:** Des. 418,388
 [45] **Date of Patent:** ** Jan. 4, 2000

[54] **KNOB**

[75] **Inventor:** Robert A. O'Neil, Glen Ellyn, Ill.
 [73] **Assignee:** Newell Operating Company, Illinois
 [**] **Term:** 14 Years

[21] **Appl. No.:** 29/089,611[22] **Filed:** Jun. 18, 1998[51] **LOC (7) Cl.** 08-06[52] **U.S. Cl.** D8/312; D8/310

[58] **Field of Search** D8/300, 301, 302,
 D8/307, 310, 312, 378, 379; 16/110 R,
 121; D26/154; D7/393, 395; D23/250, 251,
 254

[56] **References Cited****U.S. PATENT DOCUMENTS**

D. 206,521 12/1966 Bottom .
 D. 319,771 9/1991 Reid et al. D8/312
 D. 384,572 10/1997 Ongaro D8/312
 2,295,468 9/1942 Haley .

OTHER PUBLICATIONS

Allison Cabinet Hardware; p. 5; Knob 94/CH, ©1991.
 Jaybee Solid Brass Collection; pp. 3 +4; Knob B855-03-01,
 Rec'd Aug. 11, 1997.

Primary Examiner—B. J. Bullock
Attorney, Agent, or Firm—Foley & Lardner

[57] **CLAIM**

The ornamental design for a knob, as shown and described.

DESCRIPTION

FIG. 1 is a top perspective view of a knob showing the new design.

FIG. 2 is a front elevation view of the design.

FIG. 3 is a right side elevation view of the design.

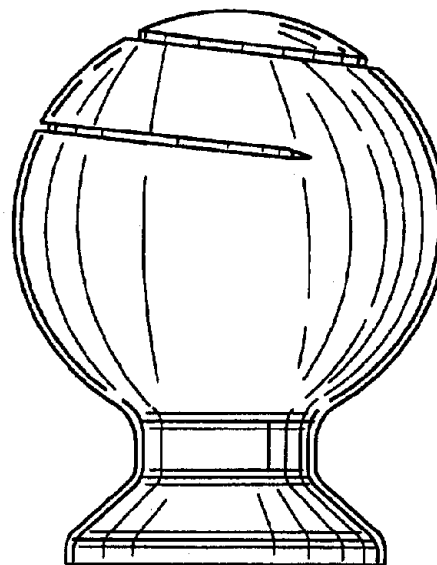
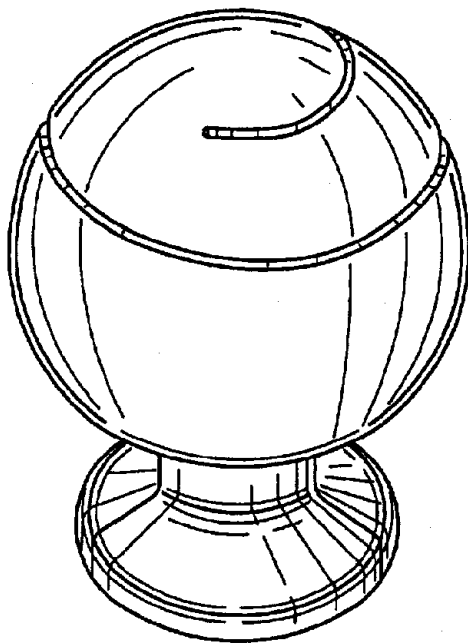
FIG. 4 is a rear elevation view of the design.

FIG. 5 is a top plan view of the design.

FIG. 6 is a left side elevation view of the design; and,

FIG. 7 is a bottom plan view of the design.

The broken line disclosure in the figures is for illustrative purposes only and forms no part of the claimed design.

1 Claim, 2 Drawing Sheets

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Des. 418,388

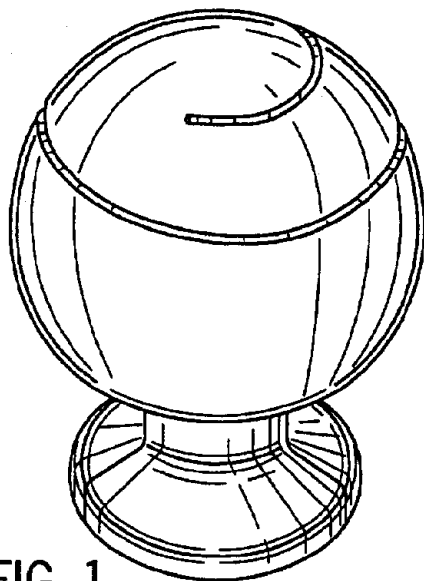


FIG. 1

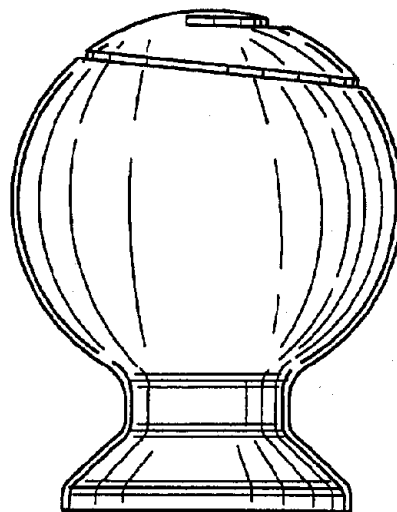


FIG. 2

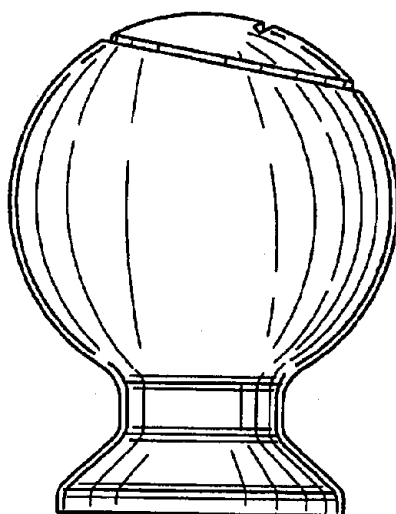


FIG. 3

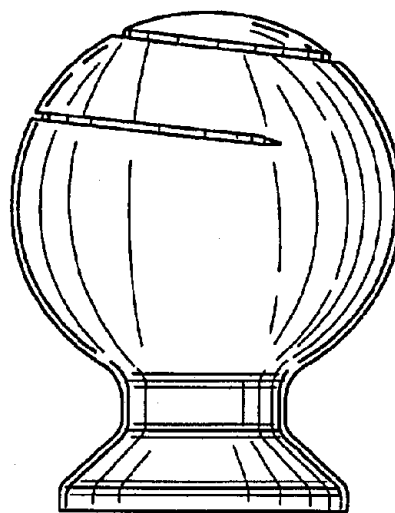


FIG. 4

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Des. 418,388

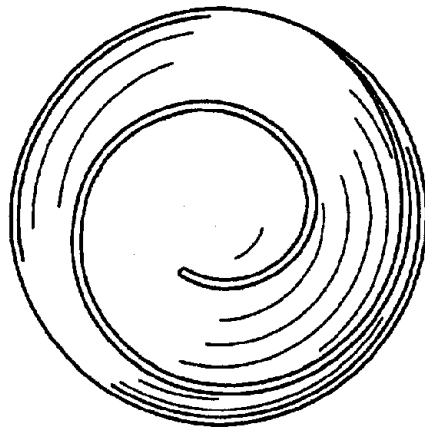


FIG. 5

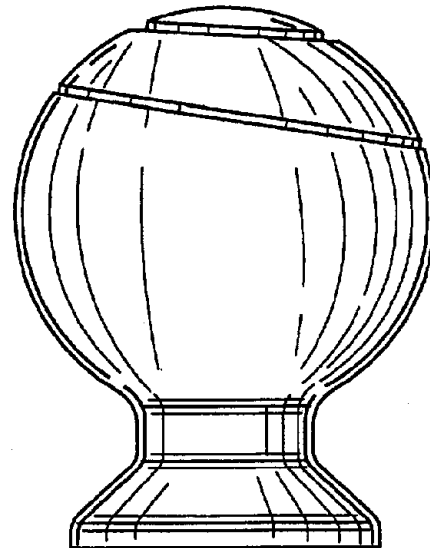


FIG. 6

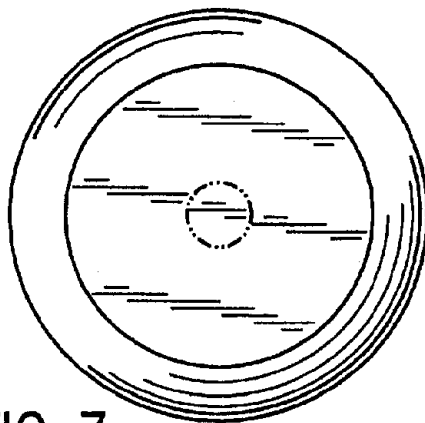


FIG. 7