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Attorneys for Plaintiffs

NorthPole LLC and

NorthPole, Limited

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA**

NORTHPOLE LLC, a Delaware Limited)	Civil Case No.: C02 – 00836 CRB
Liability Company, NORTHPOLE,)	
LIMITED, a Hong Kong corporation,)	
)	COMPLAINT FOR DECLARATORY
Plaintiffs,)	RELIEF REGARDING VALIDITY AND
)	INFRINGEMENT OF UNITED STATES
vs.)	UTILITY PATENT NOS. 6,112,674,
)	5,536,552, D414,626, AND D419,332
LIFETIME PRODUCTS, INC., a Utah)	
corporation, and Does 1 through 10)	
inclusive,)	DEMAND FOR JURY TRIAL
)	
Defendants.)	

Plaintiffs NorthPole LLC and NorthPole, Limited (collectively “NorthPole”) allege, based on information and belief, as set forth below:

Preliminary Common Allegations

1. Plaintiff NorthPole LLC is a limited liability company organized under the laws of the state of Delaware.

2. Plaintiff NorthPole, Limited is a Hong Kong corporation.

3. NorthPole is informed and believes that Defendant Lifetime Products, Inc. (“Lifetime”) is a Utah corporation, with its principal place of business in Clearfield, Utah. Lifetime Products, Inc. and its shareholders, directors, officers, employees, agents, attorneys, subsidiary, affiliations, parents, or others doing business for or on behalf of Lifetime Products, Inc. are hereinafter collectively referred to as “Lifetime” and/or also referred to as “Defendant.”

4. This is a complaint for, among other matters, declaratory relief. Subject matter jurisdiction over these matters is conferred under 28 U.S.C. Sections 1338(a), 1367(a) and 2201.

5. Venue is proper in the Northern District of California pursuant to 28 U.S.C. Section 1391, as a substantial part of the acts or omissions giving rise to this Complaint occurred in the Northern District of California.

6. Lifetime has communicated with NorthPole’s customers alleging that NorthPole’s products infringe its patents, including U.S. Patent Numbers 6,112,674, 5,536,552, D414,626, and D419,332.

7. NorthPole has sold or offered for sale products which Lifetime contends infringe one or more of Lifetime’s patents, including U.S. Patent Numbers 6,112,674, 5,536,552, D414,626, and D419,332.

8. NorthPole is informed and believes that on January 11, 1999, Carl R. Stanford filed patent application number 09/228,326 with the United States Patent Office. NorthPole is

informed and believes that this patent application was issued as United States Patent Number 6,112,674, entitled “Portable Folding Utility Table with Center Support Assembly.” (“the ‘674 Patent”). NorthPole is informed and believes that the ‘674 Patent was assigned to Lifetime.

9. NorthPole is informed and believes that on August 8, 1994, Ronald L. Scripsick filed patent application number 287,245 with the United States Patent Office. NorthPole is informed and believes that this patent application was issued as United States Patent Number 5,536,552, entitled “Plank for a Bench or the Like.” (“the ‘552 Patent”). NorthPole is informed and believes Lifetime claims that the ‘552 Patent was assigned to it.

10. NorthPole is informed and believes that on October 21, 1998, Michael T. Collins, et al. filed patent application number 29/095,372 with the United States Patent Office. NorthPole is informed and believes that this patent application was issued as United States Patent Number D414,626, entitled “Utility Table” (“the ‘626 Patent”). NorthPole is informed and believes that the ‘626 Patent was assigned to Lifetime.

11. NorthPole is informed and believes that on May 17, 1999, Michael T. Collins, et al. filed patent application number 29/105,094 with the United States Patent Office. NorthPole is informed and believes that this patent application was issued as United States Patent Number D419,332, entitled “Utility Table” (“the ‘332 Patent”). NorthPole is informed and believes that the ‘332 Patent was assigned to Lifetime.

**For Declaratory Relief of Invalidity,
Unenforceability and Non-Infringement
(Against Lifetime)**

12. NorthPole hereby incorporates by reference all prior allegations.

13. NorthPole contends that the claims of the ‘674 Patent, the ‘552 Patent, the ‘626 Patent, and the ‘332 Patent are valid, enforceable and infringed. As a result, an actual controversy has arisen and now exists between the parties with regard to the ‘552 Patent, the ‘626

Patent, and the '332 Patent. NorthPole contends that all of the claims of the '552 Patent, the '626 Patent, and the '332 Patent are invalid, unenforceable and are not infringed, and NorthPole seeks declarations of invalidity, unenforceability and non-infringement.

14. Wherefore NorthPole prays for relief as set forth below.

PRAYER FOR RELIEF

WHEREFORE, NorthPole prays that:

1. The Court declare that United States Patent Numbers 6,112,674, 5,536,552, D414,626, and D419,332 are invalid;
2. The Court declare that United States Patent Numbers 6,112,674, 5,536,552, D414,626, and D419,332 are not infringed by Plaintiff;
3. NorthPole be awarded its costs of suit herein; and
4. NorthPole be awarded such other and further relief as the Court deems just and proper.

Dated: February 19, 2002

By: /s/ Lara Hodgson
Daniel S. Mount
Lara J. Hodgson
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Attorneys for Plaintiffs
NorthPole LLC and
NorthPole, Limited

JURY TRIAL

NorthPole hereby demands a trial by jury for all issues which are so triable.

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