

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

McKlein Company LLC,)	
)	
Plaintiff,)	
)	
vs.)	Case No.
)	
Swany America Corp.,)	
)	
Defendant.)	

COMPLAINT

McKlein Company LLC (“McKlein”) complains of Swany America Corp. (“Swany”) as follows:

THE PARTIES

1. Plaintiff McKlein Company LLC (“McKlein”) is a limited liability company formed and existing under the laws of Illinois, with a principal place of business located at 5412 West Roosevelt Road, Chicago, Illinois 60644.

2. Upon information and belief, Swany is a New York corporation with corporate headquarters at 115 Corporate Drive, Johnstown, New York, 12095.

JURISDICTION AND VENUE

3. This is a civil action for patent infringement seeking injunctive relief and damages arising under the United States Patent Act, 35 U.S.C. §§ 1, *et seq.*

4. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. Upon information and belief, Swany sells the accused products at issue in this lawsuit in this judicial district. Swany is subject to personal jurisdiction in this Court

and is amenable to service of process pursuant to the Illinois long-arm statute, 735 ILCS 5/2-209, and Rules 4(e) and 4(h) of the Federal Rules of Civil Procedure.

6. Venue lies in this judicial district pursuant to 28 U.S.C. §§ 1391(b) and (c), and 1400(b). Swany resides in this jurisdiction under 28 U.S.C. § 1391(c).

GENERAL ALLEGATIONS

7. McKlein distributes business cases, luggage, and accessories.

8. McKlein owns all right, title, and interest in United States Patent No. 6,595,334 (the “`334 patent”), entitled “Business Case with Removable Handle and Wheel Assembly,” issued on July 22, 2003.

9. The `334 patent is presumed valid. A true and correct copy of the `334 patent is attached hereto as Exhibit A.

10. McKlein has designed and sold cases, bags, and luggage embodying the invention of the `334 patent.

11. Upon information and belief, Swany has and continues to import, make, use, sell, and/or offer for sale the accused products, branded as the “Walkin’Bag,” including in this judicial district.

CLAIM FOR PATENT INFRINGEMENT

12. Plaintiff hereby incorporates paragraphs 1 through 10 inclusive herein by reference.

13. McKlein, as owner of the `334 patent, maintains the right to sue thereon and the right to recover for past and ongoing infringement thereof.

14. The Walkin’Bag products infringe at least claim 1 of the `334 patent.

15. By importing, making, using, selling, and/or offering for sale the Walkin’Bag products, Swany has infringed the `334 patent.

16. Upon information and belief, Swany will continue to infringe the `334 patent by importing, making, using, selling, and/or offering for sale the Walkin'Bag product and will continue to do so unless enjoined by this Court.

JURY DEMAND

Plaintiff hereby demands a trial by jury for all matters so triable.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff McKlien Company LLC prays for Judgment against Swany America Corp. as follows and for the following relief:

1. That Defendant Swany be held to have infringed the `334 patent.
2. That Defendant Swany, its subsidiaries, affiliates, parents, successors, assigns, officers, agents, servants, employees, attorneys, and all persons acting in concert or in participation with them, or any of them, be permanently enjoined from infringing, contributing to the infringement of, and inducing infringement of the `334 patent, and specifically from directly or indirectly importing, making, using, selling, or offering for sale, any products or services embodying the invention of the `334 patent during the life of its claims, absent written permission from McKlein.
3. That Defendant Swany be directed to fully compensate McKlein for all damages attributable to its infringement of the `334 patent in an amount according to proof at trial.
4. That Defendant Swany be ordered to deliver to McKlein, for destruction at McKlein's option, all products that infringe the `334 patent.
5. That Defendant Swany be required to account for all gains, profits, advantages, and unjust enrichment derived from its violations of law.

6. That McKlein be awarded reasonable attorney's fees.
7. That McKlein be awarded the costs of suit and an assessment of interest.
8. That McKlein have such other, further, and different relief as the court deems proper under the circumstances.

Dated July 12, 2011

Respectfully submitted,
McKlein Company LLC

By: /s/ Todd H. Flaming
One of Its Attorneys

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