

1 JON MICHAELSON (SBN 83815)
 2 jon.michaelson@klgates.com
 3 JEFFREY M. RATINOFF (SBN 197241)
 4 jeffrey.ratinoff@klgates.com
 5 MICHAEL E. ZELIGER (*pro hac vice* pending)
 6 michael.zeliger@klgates.com
 7 JACKSON HO (*pro hac vice* pending)
 8 jackson.ho@klgates.com
 9 K&L GATES LLP
 630 Hansen Way
 Palo Alto, CA 94304
 Telephone: (650) 798-6700
 Facsimile: (650) 798-6701

10 Attorney for Plaintiff
 TRUE INNOVATIONS, LLC.

11 **UNITED STATES DISTRICT COURT**
 12 **NORTHERN DISTRICT OF CALIFORNIA**

13 True Innovations, LLC,
 14 Plaintiff,
 15 vs.
 16 Marco Group, Inc. and Zhejiang Qianglong Chair
 Industry Co., Ltd.,
 17 Defendants.

Case: 10-cv-02499-WHA

**AMENDED COMPLAINT FOR PATENT
 INFRINGEMENT**

DEMAND FOR JURY TRIAL

18
 19 Plaintiff True Innovations, LLC (“True Innovations”), by its undersigned attorneys, allege in
 20 this Complaint against Marco Group, Inc. and Zhejiang Qianglong Chair Industry Co., Ltd.
 21 (collectively “Defendants”) as follows:

22 **PARTIES**

23 1. Plaintiff True Innovations, LLC is a Mauritius company, formerly known as True
 24 Seating Concepts, LLC, with its principal place of business at Level 3 Alexander House, 35
 25 Cybercity, Ebene, Mauritius.

26 2. Upon information and belief, Defendant Marco Group, Inc. is a corporation
 27 organized and existing under the laws of the State of Missouri with its principal place of business at
 28 5400 Doniphan Rd, Neosho, MO 64850.

1 3. Upon information and belief, Defendant Zhejiang Qianglong Chair Industry Co.,
2 Ltd. is a Chinese company with its principal place of business at South of Huangshu, Dipu Town
3 Industrial Development Zone, Anji County, Zhejiang, PRC 313300.

4 **JURISDICTION AND VENUE**

5 4. This action is for patent infringement arising under the Patent Laws of the United
6 States, Title 35, United States Code, §271 *et seq.*

7 5. This Court has subject matter jurisdiction over this dispute under 28 U.S.C.
8 §1338(a).

9 6. This Court has personal jurisdiction over Defendants because, upon information and
10 belief, defendants have committed acts of patent infringement alleged herein within the State of
11 California and, more particularly, within this Judicial District. Moreover, upon information and
12 belief, Defendants have purposefully and voluntarily placed its infringing products into the stream
13 of commerce with the expectation that those products will be purchased by consumers in this
14 Judicial District. Upon information and belief, these infringing products have been and continue to
15 be purchased by consumers in this Judicial District. Accordingly, venue is proper in this Court
16 under 28 U.S.C. §§1391(b) and (d).

17 **INTRADISTRICT ASSIGNMENT**

18 7. Because this action concerns claims for patent infringement, this case is not subject
19 to assignment to a particular location or division of this Court under Local Rule 3-2(c).

20 **DESIGN PATENT INFRINGEMENT**

21 8. True Innovations is the owner of all right, title and interest in and to United States
22 Design Patent No. D494,791 S entitled “Chair Arm Support,” duly issued on August 24, 2004 by
23 the United States Patent and Trademark Office, a true copy of which is attached as Exhibit A.

24 9. On information and belief, Defendants have offered to sell, sold, and used in this
25 Judicial District; offered to sell and sold to others in the United States; and imported into the United
26 States, chairs (including but not limited to professional office chair model 801-20-239) with chair
27 arm supports that fall within the scope of the claim of Patent No D494,791 S, all in violation of 35
28 U.S.C. §271, *et seq.*

1 10. On information and belief, Defendants have caused irreparable damage to Plaintiff
2 True Innovations by their acts of infringement as described above and will continue said acts of
3 infringement unless permanently enjoined by this Court.

4 **JURY DEMAND**

5 True Innovations hereby demands a jury trial on all issues so triable.

6 **PRAYER**

7 WHEREFORE, True Innovations prays for relief against Defendants as follows:

- 8 a. A judgment that U.S. Design Patent No. D494,791 S is valid and enforceable;
- 9 b. A judgment that Defendants have infringed U.S. Design Patent No. D494,791 S;
- 10 c. A permanent injunction enjoining Defendants, its officers, agents, servants,
11 employees, representatives, licensees, successors, assigns, and those persons in active concert or
12 participation with any of them, from making, using, selling, offering to sell, and importing products
13 that infringe U.S. Design Patent No. D494,791 S;
- 14 d. An award of damages to True Innovations adequate to compensate for the
15 infringement by Defendants, but in no event less than a reasonable royalty for the use made of the
16 design by Defendants, under 35 U.S.C. § 284;
- 17 e. An award of pre-judgment and post-judgment interest on the damages assessed;
- 18 f. Such other and further relief as the Court deems proper and just.

19
20 K&L GATES LLP

21
22 Dated: June 29, 2010

23 By: /s/ Jon Michaelson
24 Jon Michaelson
25 Attorney for True Innovations
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