

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF IOWA  
EASTERN DIVISION

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BURLINGTON BASKET COMPANY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Law No.
	)	
FISHER-PRICE, INC.	)	<b><u>COMPLAINT</u></b>
	)	
and	)	
	)	
DOREL JUVENILE GROUP, INC.	)	
	)	
Defendants.	)	

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COMES NOW Burlington Basket Company (“Burlington”) and for its Complaint against Defendants Fisher-Price, Inc. (“Fisher-Price”) and Dorel Juvenile Group, Inc. (“Dorel”) states as follows:

**Introduction**

1. This action arises from Fisher-Price’s infringement and Dorel’s infringement of Burlington’s patent relating to vibrating baby monitors.

**The Parties**

2. Burlington is an Iowa corporation with its principal place of business at 922 Bluff Road, Burlington, Iowa 52601.

3. On information and belief, Fisher-Price is a Delaware corporation with its principal place of business at 636 Girard Avenue, East Aurora, New York 14052.

4. On information and belief, Dorel is a Massachusetts corporation with its principal place of business at 2525 State St, Columbus, Indiana 47201.

#### **Jurisdiction And Venue**

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

6. Upon information and belief, Defendants have each committed acts of infringement in the State of Iowa and within this district. The jurisdiction of this Court is proper under 35 U.S.C. § 271, *et. seq.*, and 28 U.S.C. §§ 1331 and 1338.

7. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 28 U.S.C. § 1400(b).

#### **Infringement Of U.S. Patent No. 7,009,520 Under 35 U.S.C. § 271**

8. On March 7, 2006, the United States Patent and Trademark Office issued U.S. Patent No. 7,009,520 (the "Thompson Patent") to the inventor Rick L. Thompson. Thompson assigned his patent to Burlington Basket Company. The Thompson Patent is entitled "Method, Apparatus and System for Remote Baby Monitoring with Additional Functions." A true and accurate copy of the Thompson Patent is attached hereto as Exhibit A.

9. Fisher-Price has in the past and, continues to, make, use, offer to sell, sell and/or import into the United States vibrating baby monitors, including but not limited to, the 900MHz Long Range Monitor, Model #B1474, (the "Fisher-Price Monitors"). The Fisher-Price Monitors and their use are covered by one or more claims of the Thompson Patent.

10. Thus, Fisher-Price infringes, contributes to the infringement of, and/or induces the infringement of the Thompson Patent by making, using, selling, and/or offering to sell, in this

judicial district and elsewhere in the United States, products covered by one or more of the claims in the Thompson Patent.

11. Dorel has in the past and, continues to, make, use, offer to sell, sell and/or import into the United States vibrating baby monitors, including but not limited to, the Safety 1<sup>st</sup> Quick Connection Two-Way Monitor, Model #08041, (the “Dorel Monitors”). The Dorel Monitors and their use are covered by one or more claims of the Thompson Patent.

12. Thus, Dorel infringes, contributes to the infringement of, and/or induces the infringement of the Thompson Patent by making, using, selling, and/or offering to sell, in this judicial district and elsewhere in the United States, products covered by one or more of the claims in the Thompson Patent.

13. Fisher-Price had actual notice of the patent application which resulted in the Thompson Patent based on a combination of communications with Burlington or its counsel and publicly available resources.

14. Fisher-Price’s infringement and Dorel’s infringement of the Thompson Patent have caused damage to Burlington in an amount to be proved at trial.

12. In addition, Fisher-Price’s infringement and Dorel’s infringement have caused and will continue to cause Burlington irreparable injury for which it has no adequate remedy at law unless Fisher-Price and Dorel are enjoined from infringing the Thompson Patent.

13. Fisher-Price’s and Dorel’s wrongful actions were conducted without authorization or license to do so, and will continue unless enjoined by this Court.

### **Prayer For Relief**

WHEREFORE, Plaintiff Burlington Basket Company prays for judgment as follows:

- a. That Defendant Fisher-Price and Defendant Dorel have directly, indirectly, contributorily and by inducement infringed United States Letters Patent No. 7,009,520;
- b. That Defendant Fisher-Price and Defendant Dorel and their respective agents, servants, officers, directors, employees and all persons acting in concert with them, directly or indirectly, be enjoined from infringing, inducing others to infringe, or contributing to the infringement of United States Letters Patent No. 7,009,520;
- c. That Defendant Fisher-Price and Defendant Dorel be ordered to account for and pay to Plaintiff all damages, including prejudgment interest, to which Plaintiff is entitled under 35 U.S.C. §§ 154(d) and 284;
- d. That Plaintiff be awarded its costs and attorneys' fees herein in accordance with 35 U.S.C. § 285; and
- e. That Plaintiff be awarded such other and further relief as the Court may deem just and equitable.

**Demand For Jury Trial**

Plaintiff demands a jury trial on all issues so triable.

Respectfully Submitted,

FINLEY, ALT, SMITH, SCHARNBERG, CRAIG,  
HILMES & GAFFNEY, P.C.

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