1	The Honorable
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9	IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE
11	CHEF'N CORPORATION, a Washington)
12	corporation, Civil Action No.
13	Plaintiff,) COMPLAINT FOR PATENT
14) INFRINGEMENT v.
15 16	TRUDEAU CORPORATION, a Canadian) corporation,)
17 18	Defendant.
19	Plaintiff, Chef'n Corporation, for its complaint herein, alleges as follows:
20	NATURE OF ACTION
21 22	1. This action is based on the Patent Laws of the United States, 35 U.S.C. § 100 et
23	seq.
24	THE PARTIES
25	2. Chef'n Corporation ("Chef'n") is a Washington corporation with a place of
26	business at 1520 Fourth Avenue, Third Floor, Seattle, Washington 98101.

COMPLAINT FOR PATENT INFRINGEMENT......1

SEED INTELLECTUAL PROPERTY LAW GROUP PLLC 701 FIFTH AVENUE, SUITE 5400 SEATTLE, WASHINGTON 98104 (206) 622-4900

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3. Upon information and belief, Defendant Trudeau Corporation ("Trudeau") is a Canadian corporation with a principal place of business in Boucherville, Canada, and a place of business in Woodridge, Illinois.

JURISDICTION AND VENUE

- 4. This action arises under the Patent Act, 35 U.S.C. § 271 et seq. The Court has original jurisdiction of such claims pursuant to 28 U.S.C. §§ 1331 and 1338(a).
- 5. Venue in this judicial district is proper under 28 U.S.C. §§ 1391(b), (c) and/or 1400(b) in that Defendant has done business in this district and has committed and continued to acts of patent infringement in this district.
- 6. Defendant has promoted and sold its products in this district and has purposefully availed itself of the benefits of conducting business within this district. Moreover, a substantial part of Defendant's actions and the events giving rise to the claims occurred in this district, and a substantial part of the injury to Chef'n's property that is the subject of this action occurs in this district. The actions of Defendant occurring in this district were expressly aimed at this judicial district and at Plaintiff, and Defendant took such actions with knowledge of Plaintiff's principal location and incorporation in Washington State and of Plaintiff's asserted patent rights.

PATENT INFRINGEMENT UNDER

35 U.S.C. § 271 et seq.

- 7. Chef'n repeats and realleges each of the allegations contained in paragraphs 1-6 of this Complaint as if fully set forth herein.
- 8. Chef'n is an industry leader in the design, manufacture, and marketing of kitchen equipment, including steamers. The sale of Chef'n steamers constitutes a substantial part of Chef'n's business.
- 9. On December 4, 2007, the U.S. Patent and Trademark Office issued United States Design Patent No. D556503 (hereinafter "the '503 patent"), entitled "Steamer." Chef'n

is the assignee and sole owner of the '503 patent, a copy of which is attached hereto as Exhibit A. The '503 patent is valid, enforceable, and subsisting.

- 10. Upon information and belief, Defendant has been, and is, infringing one or more claims of the '503 patent by its manufacture and/or sale of certain vegetable steamers in the United States and in this judicial district. A document showing a comparison between the claimed design of the '503 patent and Trudeau's vegetable steamer ("Trudeau Steamer") is attached hereto as Exhibit B.
- 11. Defendant is infringing one or more claims of the '503 patent in violation of 35 U.S.C. §§ 271(a), (b), (c) and/or (f), literally or under the doctrine of equivalents, by performing one or more of the following actions: (a) making, using, importing into the United States, offering to sell, or selling the Trudeau Steamer in this district and elsewhere in the United States, (b) importing the Trudeau Steamer into the United States, (c) inducing the infringement of one or more claims of the '503 patent, and/or (d) contributing to infringement of one or more claims of the '503 patent.
- 12. Upon information and belief, Defendant had actual and constructive notice of Chef'n's rights respecting the '503 patent, before the sale of the Trudeau Steamer.
- 13. In or around April 2008, prior to Trudeau's first sale of the Trudeau Steamer in this district, Chef'n became aware of Trudeau's plans to begin offering the Trudeau Steamer for sale in this district and other places in the United States.
- 14. On April 17, 2008, Chef'n sent a cease-and-desist letter to Trudeau demanding that it stop selling the infringing Trudeau Steamer. A copy of the April 17, 2008 demand letter is attached as Exhibit C. Trudeau refused to cease offering and selling the Trudeau Steamer.
- 15. Chef'n sent another demand letter on May 1, 2008 giving a detailed analysis of why the Trudeau Steamer's design infringes the '503 patent and stating that further infringement by Trudeau could be deemed willful, intentional and knowing infringement. A copy of the April 17, 2008 demand letter is attached as Exhibit D.

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- 16. In or around July 2008, despite being on notice that (i) Chef'n is a Washington company doing business in this district, (ii) Chef'n owns the '503 patent, and (iii) the sale of Chef'n's patented steamers constitutes a substantial part of Chef'n's business, Trudeau began selling its Trudeau Steamer in this judicial district. A photograph of a Trudeau Steamer purchased in this judicial district together with the receipt from that purchase is attached as Exhibit E.
 - 17. Upon information and belief, Defendant's infringement has been willful.
- 18. Chef'n has been, and will continue to be, damaged by such infringement in an amount to be proven at trial and in a manner and amount that cannot be fully measured or compensated in economic terms and for which there is no adequate remedy at law. The actions of Defendant have damaged, and will continue to damage, Chef'n's business, market, reputation, and goodwill unless the acts of Defendant complained of herein are enjoined.

PRAYER FOR RELIEF

WHEREFORE, Chef'n respectfully demands judgment:

- 1. That Defendant, its officers, directors, agents, servants, employees, attorneys, confederates, affiliates, and all persons acting for, with, by, through, or under it or any of them be enjoined by a preliminary injunction and permanent injunction:
 - (a) From infringing the '503 patent, either directly, or contributorily; and
 - (b) From advertising or promotion of the infringing products; and
 - (c) From inducing others to infringe the '503 patent.
- 2. That Defendant be required to recover from its distributors and customers all infringing products and all promotional literature illustrating or referring to the infringing products.
- 3. That Defendant be required to deliver up to the Court the following items in Defendant's possession, custody or control: any and all products which infringe the '503

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patent and parts thereof and all machinery, tooling, and dies and any other equipment used in the manufacture, finishing or refinement of any of the above items or products and all documents or information used to produce the infringing products.

- 4. That Defendant be required to prepare and deliver to the Court a complete list of entities from whom Defendant purchased, and to whom it distributed or sold, products that infringe the '503 patent, and to serve a copy of such list on Chef'n's attorneys.
- 5. That Defendant be required to deliver to the Court any and all documents reflecting or relating to the purchase or sale of any products which infringe the '503 patent.
- 6. That Defendant, within thirty (30) days after service of judgment, with notice of entry thereof upon it, be required to file with the Court and serve upon Chef'n's counsel a written report under oath setting forth in detail the manner in which Defendant has complied with the injunction.
- 7. That Defendant account for and pay over to Chef'n damages sustained by Chef'n by reason of Defendant's unlawful acts of patent infringement herein alleged, together with pre-judgment and post-judgment interest, and that the amount of recovery be increased under 35 U.S.C. § 284 or as otherwise provided by law.
- 8. That Defendant account for and pay over to Chef'n the profits sustained by Defendant by reason of its unlawful acts of patent infringement herein alleged as provided by 35 U.S.C. § 289 or as otherwise provided by law.
- 9. That Defendant' infringement of Chef'n's patent be found willful and that treble damages, together with interest and costs, be awarded under 35 U.S.C. § 284 or as otherwise provided by law.
- 10. That the present case be found exceptional and that attorney fees be awarded to Chef'n under 35 U.S.C. § 285 or as otherwise permitted by law.
 - 11. That Chef'n have such other and further relief as the Court may deem equitable.

1 **DEMAND FOR JURY TRIAL** 2 Plaintiff demands a trial by jury as to all issues so triable. 3 DATED this 29th day of July, 2008. 4 Respectfully submitted, 5 SEED IP Law Group FLLC 6 7 8 Kevin S. Costanza, WSBA #25,153 701 Fifth Avenue, Suite 5400 9 Seattle, Washington 98104 Telephone: (206) 622-4900 10 Attorneys for Plaintiffs 11 CHEF'N CORPORATION 12 1193541_1.DOC 13 14 15 16 17 18 19 20 21 22 23 24 25 26