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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

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13 *Attorneys for Sharper Image Corporation*

14 UNITED STATES DISTRICT COURT
15 FOR THE NORTHERN DISTRICT OF CALIFORNIA

ADR

16 SHARPER IMAGE CORPORATION, a
17 Delaware corporation,

18 Plaintiff,

19 v.

20 FURNACE BROOK, LLC, a New York limited
21 liability corporation,

22 Defendant.

05-01260 JCS

Case No. 05-_____

COMPLAINT FOR DECLARATORY
RELIEF

Demand for Jury Trial

23 Plaintiff Sharper Image Corporation ("Sharper Image"), for its complaint against defendant
24 Furnace Brook LLC ("Furnace Brook"), alleges as follows:
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27 **Jurisdiction**
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1 21. Sharper Image does not infringe the '832 Patent and/or the '832 Patent is invalid or
2 otherwise unenforceable.
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1 11. Upon information and belief, Furnace Brook accused Williams-Sonoma, Inc. of
2 infringing the '832 Patent.

3 12. Upon information and belief, Furnace Brook accused Hammacher-Schlemer of
4 infringing the '832 Patent.

5 13. Upon information and belief, Furnace Brook accused L.L. Bean of infringing the '832
6 Patent.

7 14. In correspondence between the parties, Sharper Image has denied infringing the '832
8 Patent and/or has asserted the '832 Patent is invalid. Nonetheless, Furnace Brook has demanded
9 Sharper Image pay damages, and within certain time constraints.

10 15. These demands have been made with increasing frequency and intensity, suggesting
11 that unless they are met, Sharper Image will be sued.

12 16. On February 25, 2005, Furnace Brook advised counsel for Sharper Image that on
13 April 1, 2005, Furnace Brook "will commence the litigation portion of its efforts to enforce its '832
14 Patent against unauthorized use of the invention of that patent."

15 17. On March 29, 2005, Sharper Image reached a final impasse with Furnace Brook.
16 Accordingly, because it was apparent that further negotiations would be fruitless, Sharper Image
17 communicated to Furnace Brook that it was not infringing the '832 Patent and terminated all
18 settlement discussions.

19 18. By virtue of the totality of the foregoing, because it is unwilling to accede to Furnace
20 Brook's damage demands, and given the threat of imminent litigation, Sharper Image reasonably
21 apprehends being sued by Furnace Brook for infringement of the '832 Patent.

22 19. An actual and justiciable controversy exists between Furnace Brook and Sharper
23 Image concerning whether the '832 Patent is invalid and/or not infringed by Sharper Image. At this
24 time, declaratory relief is appropriate so the parties may ascertain their rights and duties in relation to
25 the '832 Patent.

26 **Count I – Declaratory Relief as to U.S. Patent No. 5,721,832**

27 20. Sharper Image realleges and incorporates by reference the allegations contained in
28 paragraphs 1 through 19.

PRAYER FOR RELIEF

WHEREFORE, Sharper Image prays for relief against Furnace Brook as follows:

A. For a declaration that Sharper Image does not infringe any valid claim of the '832 Patent, and/or the '832 Patent is invalid or otherwise unenforceable;

B. For a declaration that this is an exceptional case under 35 U.S.C. § 285 and for an award to Sharper Image of its attorneys' fees and costs in this action; and

C. Any other relief this Court deems just and proper.

CERTIFICATION OF INTERESTED PARTIES OR PERSONS

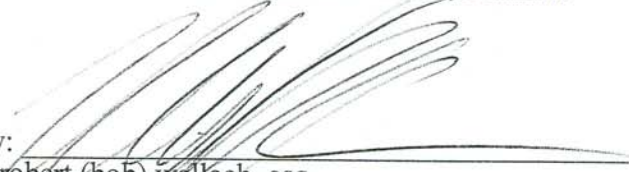
Pursuant to Civil L.R. 3-16, the undersigned certifies that as of this date, other than the named parties, there is no other interest to report.

JURY DEMAND

Plaintiff, Sharper Image Corporation, requests a trial by jury of all claims so triable.

DATED: March 29, 2005.

SHARPER IMAGE CORPORATION, Plaintiff

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