

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA

GRACO CHILDREN'S PRODUCTS, INC.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action
)	No. 04-cv-2609
BABY TREND, INC.,)	
)	
Defendant.)	

AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Graco Children's Products, Inc. ("Graco") complains of defendant Baby Trend, Inc. ("Baby Trend") as follows:

NATURE OF THE ACTION

1. This is an action for injunctive relief and damages arising out of defendant Baby Trend's infringement of four United States patents owned by Graco.

JURISDICTION

2. This action arises under the patent laws of the United States, 35 U.S.C. § 101 *et seq.* This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

PARTIES

3. Graco is a Delaware corporation with a place of business in Exton, Pennsylvania. Graco is a leading manufacturer of juvenile products, including strollers, baby swings, infant car seats and carriers, high chairs, mobiles, playards, and cribs.

4. On information and belief, Baby Trend is a California corporation with its principal place of business in Ontario, California. Baby Trend sells juvenile products, including strollers, playards, and child swings with a mobile to retailers throughout the United States, including, on information and belief, to retailers in this District.

5. On December 23, 2003, the United States Patent and Trademark Office issued United States Patent No. 6,666,473 entitled "Foldable Stroller With Passenger Support Base" ("the '473 Patent") to inventors Curtis M. Hartenstein and Peter Tuckey. A copy of the '473 Patent is attached hereto as Exhibit A.

6. At all relevant times, Graco has owned all right, title, and interest in the '473 Patent.

7. Baby Trend makes, uses, sells, and offers for sale strollers, including the "Tahoe Travel System," that infringe one or more claims of the '473 Patent.

8. On information and belief, Baby Trend sells and offers for sale strollers, including the "Tahoe Travel System" in this District.

9. On December 30, 2003, the United States Patent and Trademark Office issued United States Patent No. 6,669,225 entitled "Infant Retention Member For A Stroller" ("the '225 Patent") to inventors Jeff G. Greger and Jesslyn E. Tankel. A copy of the '225 Patent is attached hereto as Exhibit B.

10. At all relevant times, Graco has owned all right, title, and interest in the '225 Patent.

11. Baby Trend makes, uses, sells, and offers for sale strollers, including the "Tahoe Travel System," that infringe one or more claims of the '225 Patent.

12. On information and belief, Baby Trend sells and offers for sale strollers, including the "Tahoe Travel System" in this District.

13. On March 16, 2004, the United States Patent and Trademark Office issued United States Patent No. 6,705,950 entitled "Non-Motorized Object Hanger" ("the '950 Patent") to inventors Steve Wood, Dennis Stauffer, and Jesslyn E. Tankel. A copy of the '950 Patent is attached hereto as Exhibit C.

14. At all relevant times, Graco has owned all right, title, and interest in the '950 Patent.

15. Baby Trend makes, uses, sells, and offers for sale child swings with a mobile, including the "Tahoe Trendvista Mobile Swing," that infringe one or more claims of the '950 Patent.

16. On information and belief, Baby Trend sells and offers for sale child swings with a mobile, including the "Tahoe Trendvista Mobile Swing" in this District.

17. On May 18, 2004, the United States Patent and Trademark Office issued United States Patent No. 6,735,796 entitled "Combination Folding Play Pen with Changing Table and Bassinet" ("the '796 Patent") to inventors Robert J. Warner and Richard Essex. A copy of the '796 Patent is attached hereto as Exhibit D.

18. At all relevant times, Graco has owned all right, title, and interest in the '796 Patent.

19. Baby Trend makes, uses, sells, and offers for sale child play pens, including the "Tahoe Nursery Care Center & Playard LX1," that infringe one or more claims of the '796 Patent.

20. On information and belief, Baby Trend sells and offers for sale play pens, including the "Tahoe Nursery Care Center & Playard LX1" in this District.

COUNT I—PATENT INFRINGEMENT
The '473 Patent

21. Graco incorporates by reference each of the allegations of the foregoing paragraphs as if fully stated herein.

22. Baby Trend makes, uses, sells, and offers for sale strollers, including the Tahoe Travel System that infringe one or more claims of the '473 Patent.

23. Graco has been injured by Baby Trend's infringement of the '473 Patent.

24. Graco will continue to be injured by Baby Trend's infringement of the '473 Patent unless enjoined from infringing by the Court.

25. Graco's injuries are irreparable.

26. Graco's future injuries will be irreparable.

COUNT II – PATENT INFRINGEMENT
The '225 Patent

27. Graco incorporates by reference each of the allegations of the foregoing paragraphs as if fully stated herein.

28. Baby Trend makes, uses, sells, and offers for sale strollers, including the Tahoe Travel System that infringe one or more claims of the '225 Patent.

29. Graco has been injured by Baby Trend's infringement of the '225 Patent.

30. Graco will continue to be injured by Baby Trend's infringement of the '225 Patent unless enjoined from infringing by the Court.

31. Graco's injuries are irreparable.

32. Graco's future injuries will be irreparable.

COUNT III – PATENT INFRINGEMENT
The '950 Patent

33. Graco incorporates by reference each of the allegations of the foregoing paragraphs as if fully stated herein.

34. Baby Trend makes, uses, sells, and offers for sale child swings with a mobile, including the Tahoe Trendvista Mobile Swing that infringe one or more claims of the '950 Patent.

35. Graco has been injured by Baby Trend's infringement of the '950 Patent.

36. Graco will continue to be injured by Baby Trend's infringement of the '950 Patent unless enjoined from infringing by the Court.

37. Graco's injuries are irreparable.

38. Graco's future injuries will be irreparable.

COUNT IV – PATENT INFRINGEMENT
The ‘796 Patent

39. Graco incorporates by reference each of the allegations of the foregoing paragraphs as if fully stated herein.

40. Baby Trend makes, uses, sells, and offers for sale child play pens, including the Tahoe Nursery Care Center & Playard LX1 that infringe one or more claims of the ‘796 Patent.

41. Graco has been injured by Baby Trend’s infringement of the ‘796 Patent.

42. Graco will continue to be injured by Baby Trend’s infringement of the ‘796 Patent unless enjoined from infringing by the Court.

43. Graco’s injuries are irreparable.

44. Graco’s future injuries will be irreparable.

PRAYER FOR RELIEF

WHEREFORE, Graco prays that this honorable Court:

(A) Enter judgment against Baby Trend for infringement of the ‘473, ‘225, ‘950, and ‘796 Patents;

(B) Issue an Order preliminarily enjoining Baby Trend, its officers, agents, servants, employees, attorneys, and all those persons in active concert or participation therewith, from infringing the ‘473, ‘225, ‘950, and ‘796 Patents;

(C) Issue an Order permanently enjoining Baby Trend, its officers, agents, servants, employees, attorneys, and all those persons in active concert or participation therewith, from infringing the ‘473, ‘225, ‘950, and ‘796 Patents;

(D) Award Graco damages adequate to compensate Graco for Baby Trend's infringement, together with interest and costs as fixed by the Court; and

(E) Grant Graco such further relief as this Court deems just under the circumstances.

Dated: June 17, 2004

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