

FILED

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF INDIANA  
EASTERN DIVISION**

2008 APR -3 PM 1:05  
STEFAN LUDWIG  
U.S. DISTRICT COURT  
FOR THE NORTHERN DISTRICT  
OF INDIANA

Sailrite Enterprises, Inc. )  
An Indiana corporation, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
Consolidated Sewing Machine Corp., )  
A New Jersey corporation, )  
 )  
Defendant. )

Case No. **1:08CV00083PS**

District Judge:

JURY TRIAL DEMANDED

**COMPLAINT**

Plaintiff, for its complaint against Defendant, states and alleges the following:

**THE PARTIES**

1. This is an action by Sailrite Enterprises, Inc. (hereinafter "Sailrite"), against Consolidated Sewing Machine Corp., a New Jersey Corporation (hereinafter "Consew"), for infringement of U.S. Patent No. 6,499,415 entitled ZIGZAG SEWING MACHINE, issued December 31, 2002.

2. Plaintiff Sailrite is an Indiana corporation having its principal place of business at 4506 S. State Rd. 9-57, Churubusco, Indiana.

3. Upon information and belief, Defendant Consew is a New Jersey corporation having its corporate headquarters at 400 Veterans Blvd., Carlstadt, NJ 07072.

4. Upon information and belief, Defendant Consew is operating an internet website, www.consew.com. A screenshot of the www.consew.com home page is attached as Exhibit A.

**JURISDICTION AND VENUE**

5. This action arises and is brought under the patent laws of the United States, 35 USC §100 *et seq.*

6. This action is based on patent infringement.

7. This Court has subject matter jurisdiction by virtue of 28 U.S.C. §§1331, and 1338.

8. Upon information and belief, Consew is doing business and committing acts of patent infringement within this judicial district, including delivering infringing products into this judicial district, placing the infringing products into the stream of commerce with the expectation of exploiting business in this judicial district, and by an interactive web site, subjecting it to jurisdiction within this judicial district, and making venue proper in this district pursuant to 28 U.S.C. §§1391 and 1400.

**COUNT I**

**PATENT INFRINGEMENT BY DEFENDANT**

9. Sailrite repeats and realleges the allegations contained in paragraphs 1 through 8 of this Complaint.

10. Sailrite, by assignment, is the owner of United States Patent No. 6,499,415 that was duly and legally issued on December 31, 2002 for ZIGZAG SEWING MACHINE, which patent is referred to hereafter as the Patent in Suit. A copy of the Patent in Suit is attached to this Complaint as Exhibit B. Said Patent in Suit remains in full force and effect.

11. On information and belief, Consew has been and is infringing the patent in suit by making, selling, using, or importing, sewing machines, namely at least Model CP146R,

embodying one or more of the patented inventions claimed in the patent in suit. Such a machine is shown in Exhibit C.

12. On information and belief Consew has engaged in their infringing conduct willfully in disregard of Sailrite's rights and interests.

13. As a result of the infringing acts of Consew, Sailrite has been damaged.

#### **PRAYER FOR RELIEF**

WHEREFORE, Sailrite prays as follows:

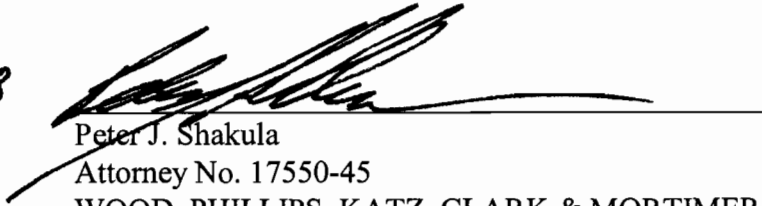
- A. That this Court adjudge that Defendant Consew has infringed one or more claims of U.S. Patent No. 6,499,415;
- B. That Plaintiff is awarded its damages, resulting from Defendant's infringement of U.S. Patent No. 6499,415;
- C. That this Court enjoin Consew from continued patent infringement;
- D. That Defendant's acts of patent infringement be found to be willful and that Plaintiff's damages be increased pursuant to 35 U.S.C. §284;
- E. That Plaintiff is awarded pre-judgment and post-judgment interest;
- F. That this Court require Consew to pay the costs of this Action together with the Plaintiff's reasonable attorney's fees and disbursements incurred therein;
- G. That this case be declared to be an "exceptional" case pursuant to 35 U.S.C. §285;  
and
- H. For such other and further relief as the Court may deem just and proper and as is warranted by the evidence.

**JURY DEMAND**

Plaintiff demands a trial by jury for any and all issues triable of right by a jury.

Dated:

2 April 2008



Peter J. Shakula

Attorney No. 17550-45

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