

The Parties

2. Plaintiff Belnick, Inc. is a Georgia corporation having its principal place of business at 1325 Chastain Road, Suite 400, Kennesaw, GA 30144

3. Upon information and belief, Defendant The Ultimate Back Store, Inc. d/b/a/ Home Office Solutions maintains its principal place of business at 1498 Waukegan Road, Glenview, Illinois 60025. Home Office's duly registered agent for service of process is Jeffrey M Brickman, who may be served at 208 S. LaSalle Street, Suite 1860, Chicago, IL 60604.

Jurisdiction and Venue

4. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a); and pursuant to the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202;

5. This Court has personal jurisdiction over Defendant pursuant to the laws of the State of Georgia, including the Georgia long-arm statute, O.C.G.A. § 9-10-91. Upon information and belief, Defendant has conducted business within this judicial district and within the State of Georgia. Defendant further holds itself out as a corporation that indiscriminately does business with citizens of all States, including Georgia, through its website www.homeofficesolutions.com in which it and its telephonically available sales representatives offer to ship and, upon information and belief do ship, its products into any state in which the customer resides. Defendant is therefore subject to personal jurisdiction in the State of Georgia and the jurisdiction of this Court.

6. Venue is proper in this Court pursuant to 28 U.S.C. § 1391.

Facts Giving Rise To This Complaint

7. U.S. Patent No. 6,804,938 was filed on October 31, 2001, and issued on October 19, 2004. U.S. Patent No. 9,652,907 was filed on September 2, 2004, and issued on October 11, 2005. Rights to both of these patents were assigned to The Ultimate Back Store, Inc. of Glenview, IL. Both patents disclose a method for packaging a certain type of office chair into a shipping container.

8. On March 16, 2007, Home Office, by and through its attorneys, sent a letter to Belnick alleging that Belnick was offering for sale and selling office chairs in a manner that infringes both the '938 patent and the '907 patent. Home Office demanded that Belnick cease and desist from offering for sale or selling any chairs in an infringing configuration, or in the alternative to negotiate a licensing fee. Home Office further demanded that Belnick provide Home Office with a complete list of chairs that have been sold in an allegedly infringing configuration, along with sales records dating back to October 31, 2001. A true and correct copy of this letter is attached hereto as Exhibit "C"

9. The products that Belnick sells do not infringe any valid and/or enforceable claims of the '938 patent and do not infringe any valid and/or enforceable claims of the '907 patent. Nor does Belnick make, use, sell, or import into the United States any product or method that infringes any valid and/or enforceable claims in the '938 patent or the '907 patent.

10. A case or controversy exists between Belnick and Home Office as to infringement, validity, and enforceability of the '938 patent and the '907 patent.

Count I – Declaration of Non-Infringement

11. Plaintiff incorporates and realleges paragraphs 1-10, as if fully set forth here in full.

12. Belnick has not and does not infringe any valid and/or enforceable claims of either the '938 or '907 patent through its products, processes, systems, or activities alone or in connection with any other products, processes, systems, or activities.

13. Belnick has not and does not contribute to the infringement of any valid and/or enforceable claim of either the '938 or '907 patent. Nor has or does Belnick induce infringement of either the '938 or '907 patent, either literally or under the doctrine of equivalents, through its products, processes, systems, or activities or in connection with the products, processes, systems, or activities of others.

Count II – Declaration of Invalidity

14. Plaintiff incorporates and realleges paragraphs 1-13, as if fully set forth here in full.

15. One or more claims of the '938 patent are invalid and/or unenforceable because of their failure to meet the conditions of patentability and to comply with the requirements of Title 35 of the United States Code, including 35 U.S.C. §§ 101, 102, 103 and/or 112.

16. One or more claims of the '907 patent are invalid and/or unenforceable because of their failure to meet the conditions of patentability and to comply with the requirements of Title 35 of the United States Code, including 35 U.S.C. §§ 101, 102, 103 and/or 112.

Jury Demand

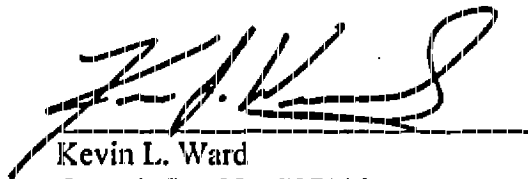
17. Plaintiff demands trial by jury of all issues raised in this Complaint

PRAYER FOR RELIEF

WHEREFORE, Belnick respectfully prays that this Court enter such orders and judgments as are necessary to provide the following relief:

- (A) A final judgment in favor of Plaintiff on all counts in this Complaint;
- (B) A final judgment declaring that Plaintiff has not infringed any valid claims of the '938 patent;
- (C) A final judgment declaring that Plaintiff has not infringed any valid claims of the '907 patent;
- (D) A final judgment declaring that one or more claims of the '938 patent are invalid and/or unenforceable;
- (E) A final judgment declaring that one or more claims of the '907 patent are invalid and/or unenforceable;
- (F) A final judgment declaring that this case is exceptional under 35 U.S.C. § 285 and awarding Plaintiff all reasonable attorney's fees and costs in bringing this action; and
- (G) An order granting Plaintiff such further and other relief that this Court deems just and proper.

Respectfully submitted, this 30th day of April, 2007

A handwritten signature in black ink, appearing to read 'K.L. Ward', is written over a horizontal line.

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