

5. This Court has personal jurisdiction over Defendant at least because Defendant has committed acts of infringement in this District and within the State of Illinois, regularly solicits business in this District and within the State of Illinois, knew or should have known that acts of infringement were occurring in this District and within the State of Illinois based on the sale of infringing products which originated from Defendant into the District and into the State of Illinois, and/or derives substantial revenue from the sale of goods, including Defendant's infringing goods, in this District, and within the State of Illinois.

6. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) and (c) and/or § 1400(b) because Defendant is subject to personal jurisdiction in this judicial District.

INFRINGEMENT OF U.S. PATENT NO. 5,159,560

7. On June 7, 1988, the United States Patent and Trademark Office ("USPTO") granted U.S. Patent No. 4,748,690 ("the '690 Patent"). A true and correct copy of the '690 Patent is attached hereto as Exhibit A.

8. Charles H. Webster Revocable Trust is the current assignee of the '690 Patent and owns all rights, title and interest in the '690 Patent.

9. Palmgard was and is the exclusive licensee of the '690 Patent, having all substantial rights therein, including but not limited to the right to collect for infringement damages.

10. In violation of 35 U.S.C. § 271, H&B has directly and/or indirectly infringed the '690 Patent by making, using, offering for sale, selling and/or marketing the BIONIC® Inner Gloves in the United States and/or its territories.

11. As a direct and proximate result of H&B's infringement of the '690 Patent, Palmgard has been and will continue to suffer damages for which Palmgard is entitled to relief.

12. Prior to and after the inception of the infringing conduct alleged herein, H&B had knowledge of an objectively high likelihood that its actions would infringe the '690 Patent. As a result, H&B's infringement of the '690 Patent is willful.

13. This is an exceptional case within the meaning of 35 U.S.C. § 285, which warrants Defendant paying an amount equal to the time and expense incurred by Palmgard and its attorneys in this matter.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Palmgard requests that:

- A. Judgment be entered that H&B has infringed one or more claims of the '690 Patent directly, either literally or under the doctrine of equivalents, and/or indirectly;
- B. Judgment be entered pursuant to 35 U.S.C. § 284 awarding Palmgard damages adequate to compensate Palmgard for H&B's infringement of the '690 Patent in an amount no less than a reasonable royalty;
- C. Judgment be entered pursuant to 35 U.S.C. § 284 trebling all damages awarded to Palmgard based on H&B's willful infringement of the '690 Patent;
- D. Palmgard be awarded its pre-judgment and post-judgment interest and costs pursuant to 35 U.S.C. § 284;
- E. Judgment be entered that this case is an exceptional case under 35 U.S.C. § 285;
- F. Palmgard be awarded amount equal to the time and expense incurred by Palmgard and its attorneys in this matter; and
- G. Palmgard be granted such other and further relief as the Court may deem just and proper.

JURY DEMAND

Plaintiff Palmgard hereby demands a trial by jury of all issues so triable pursuant to Rule 38 of the Federal Rules of Civil Procedure.

Dated: March 3, 2009

Respectfully submitted,

/s/ James P. Muraff
James P. Muraff, Esq.
Robert E. Browne, Esq.
NEAL GERBER & EISENBERG, LLP
2 N. LaSalle, Suite 1700
Chicago, Illinois 60602
(312) 269-8000

Attorneys for Plaintiff