

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

GRACO CHILDREN'S PRODUCTS INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action
	)	No. _____
EVENFLO COMPANY, INC.,	)	
	)	
Defendant.	)	JURY TRIAL DEMANDED

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**COMPLAINT FOR PATENT INFRINGEMENT**

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

**NATURE OF THE ACTION**

1. This is an action for injunctive relief and damages arising out of defendant Evenflo's infringement of a United States patent 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 its principal 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, playards, and cribs.

4. Evenflo is a Delaware corporation with its principal place of business in Vandalia, Ohio. Evenflo sells juvenile products, including strollers, to retailers throughout the United States, including, on information and belief, to retailers in this district.

5. On November 12, 2002, the United States Patent and Trademark Office issued United States Patent No. 6,478,327 entitled “Foldable Stroller” (“the ‘327 Patent”) to inventors Curtis M. Hartenstine and Robert T. Pike, two of Graco’s product development engineers. A copy of the ‘327 Patent is attached hereto as Exhibit A.

6. Graco owns all right, title, and interest in the ‘327 Patent.

7. Evenflo makes, uses, sells, and offers for sale strollers, including the Journey™ Premier Stroller, that infringe one or more claims of the ‘327 Patent.

8. On information and belief, Evenflo sells and offers for sale strollers, including the Journey™ Premier Stroller, in this district.

#### **COUNT I—PATENT INFRINGEMENT**

9. Graco incorporates by reference each of the allegations of paragraphs 1-8 as if fully stated herein.

10. Evenflo makes, uses, sells, and offers for sale strollers, including the Journey™ Premier Stroller, that infringe one or more claims of the ‘327 Patent.

11. Graco has been injured by Evenflo’s infringement of the ‘327 Patent.

12. Graco will continue to be injured by Evenflo’s infringement of the ‘327 Patent unless enjoined from infringing by the Court.

13. Graco’s injuries are irreparable.

14. Graco’s future injuries will be irreparable.

**PRAYER FOR RELIEF**

WHEREFORE, Graco prays that this honorable Court:

- (A) Enter judgment against Evenflo for infringement of the '327 Patent;
- (B) Issue an Order preliminarily enjoining Evenflo, its officers, agents, servants, employees, attorneys, and all those persons in active concert or participation therewith, from infringing the '327 Patent;
- (C) Issue an Order permanently enjoining Evenflo, its officers, agents, servants, employees, attorneys, and all those persons in active concert or participation therewith, from infringing the '327 Patent;
- (D) Award Graco damages adequate to compensate Graco for Evenflo'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.

**DEMAND FOR JURY TRIAL**

Graco respectfully demands trial by jury of all issues properly so triable under applicable law.

Respectfully submitted,

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