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U.S. DISTRICT COURT
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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

ROHO, INC., ROBERT H. GRAEBE, AND THE
ROBERT H. GRAEBE REVOCABLE TRUST
(dated July 14, 1997),
Plaintiffs

CIVIL ACTION

NO. **03-2261**

SECTION: " " ()

VERSUS

MAGISTRATE JUDGE

SKIL-CARE CORPORATION
Defendant

JURY TRIAL DEMANDED

SECT. A MAG. 3

COMPLAINT WITH DEMAND FOR JURY TRIAL

NOW INTO COURT, through undersigned counsel, come plaintiffs, ROHO, Inc. ("ROHO"), Robert H. Graebe ("Graebe"), individually and as trustee of The Robert H. Graebe Revocable Trust (dated July 14, 1997), and The Robert H. Graebe Revocable Trust (dated July 14, 1997) ("The Graebe Trust"), and for their Complaint represent as follows:

Parties, Jurisdiction and Venue

1. Plaintiff ROHO is a corporation organized and existing under the laws of the State of Delaware and having its principal place of business in Illinois. ROHO does business under the name The ROHO Group.

2. Plaintiff Graebe is a person of the full age of majority and is a citizen of the State of Illinois.

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3. Plaintiff The Graebe Trust is a trust formed under and existing under the laws of Illinois and having its situs in Illinois.

4. Made defendant herein is Skil-Care Corporation (“Skil-Care”) which, upon information and belief, is a corporation organized and existing under the laws of New York and having its principal place of business in New York.

5. This Court has jurisdiction under 28 U.S.C. §§1331 and 1338, because plaintiffs’ civil action arises under the United States patent laws, 35 U.S.C. §1, et seq.

6. Venue is proper in the United States District Court for the Eastern District of Louisiana under 28 U.S.C. §1391(c) and §1400(b), because Skil-Care is subject to personal jurisdiction in this judicial district (including at the time of the commencement of this action) and because a substantial part of the events or omissions giving rise to plaintiffs’ claims occurred in this judicial district.

Count 1

Patent Infringement Under 35 U.S.C. §271

7. On September 17, 1985, United States Letters Patent No. 4,541,136 (“the Patent”) were duly and legally issued to plaintiff Graebe for an invention entitled “Multicell Cushion.”

8. On or about March 8, 1985, plaintiff ROHO became a licensee of Patent Application Serial No. 528,616, which application later matured into the Patent.

9. On or about December 15, 1997, plaintiff Graebe assigned the Patent to The Graebe Trust.

10. The required statutory notice has been placed on all multicell cushions manufactured and sold by or for the benefit of the plaintiffs, and each of them, under the Patent.

11. Defendant Skil-Care has been and still is infringing Patent No. 4,541,136 by making, using, offering to sell, and selling multicell cushions embodying the patented invention and will continue to do so unless enjoined by this Court. Skil-Care has also actively induced infringement of Patent No. 4,541,136.

12. The actions of defendant Skil-Care have caused damage to plaintiffs.

Count 2

Willful Patent Infringement Under 35 U.S.C. § 284

13. Plaintiffs restate, as if copied herein in extenso, the averments of Paragraph 1 through 12 above.

14. On or about October 29, 2002, the plaintiffs herein, through their attorney, notified Skil-Care Corporation of the existence of the Patent; provided to Skil-Care Corporation a copy of the default judgment, entered on April 12, 2002, enjoining Clearview Healthcare Products, Inc., Kim Yong Chul, and all other persons in active concert or participation with either of them, from infringing the Patent and from making, using, offering to sell, and selling cushions embodying the patented invention; and demanded that Skil-Care Corporation immediately cease and desist all infringing activities and that Skil-Care provide an accounting of all revenues received from the sale of infringing products. A copy of the notice letter is annexed hereto as Exhibit 1.

15. After Skil-Care Corporation received the above-described notice letter (Exhibit 1) via email and facsimile on October 29, 2002 and via United States mail on November 1, 2002, Skil-Care Corporation sold and delivered two infringing cushions within this judicial district, thereby making its infringement willful. In particular, Skil-Care Corporation offered for sale, sold, and delivered, within this judicial district, multicell cushions covered by the claims of the Patent, the cushions being identified as air wheelchair cushions Catalog Nos. 751550 and 751560. (See Invoice No. 00012853 dated November 13, 2002, annexed hereto as Exhibit 2.)

Count 3

Civil Contempt

16. Plaintiffs restate, as if copied herein in extenso, the averments of Paragraphs 1 through 15 above.

17. After Skil-Care Corporation received actual notice of the injunction (see Paragraph 14) contained in the default judgment, Skil-Care violated the judgment by selling wheelchair cushions that it obtained from Clearview Healthcare Products, Inc. Although Clearview Healthcare Products, Inc. removed all identifying indicia from the cushions themselves, accompanying each wheelchair cushion sold by Skil-Care Corporation is an air pump prominently displaying the name "Clearview Healthcare Products, Inc.," thereby demonstrating that Skil-Care Corporation violated the injunction by infringing the Patent in active concert or participation with Clearview Healthcare Product, Inc.

Jury Demand

18. Plaintiffs respectfully demand a trial by jury as to all issues so triable raised by this Complaint.

Prayer for Relief

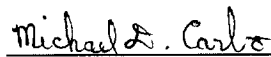
WHEREFORE, plaintiffs, ROHO, Inc., Robert H. Graebe, and The Robert H. Graebe Revocable Trust, pray that after due proceedings are had, including trial by jury as to all issues so triable, there be judgment in their favor and against defendant, Skil-Care Corporation, as follows:

1. Adjudging the claims of Patent No. 4,541,136 to be valid and enforceable;
2. Adjudging that the defendant, Skil-Care, infringed the claims of Patent No. 4,541,136 under 35 U.S.C. §271(a);
3. Adjudging that the defendant, Skil-Care, actively induced infringement of the claims of Patent No. 4,541,136 under 35 U.S.C. §271(b);
4. Ordering an accounting for damages resulting from defendant's infringement, and assessing reasonable royalties;
5. Ordering that damages be trebled because of defendant's willful infringement;
6. Ordering an assessment of interest, including prejudgment interest, to be paid to plaintiffs on the damages so computed;
7. Ordering Skil-Care Corporation held in contempt of court for violation of this Court's previous judgment and order;

8. Ordering an award of plaintiffs' costs in this action;
9. Ordering an award of plaintiffs' attorneys' fees in this action; and
10. Granting any other such and further relief as this Court deems just and equitable in the premises.

Respectfully submitted,

MICHAEL D. CARBO, PLC



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Revocable Trust*