

**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
URBANA DIVISION**

FILED

OCT 25 2004

JOHN M. WATERS, Clerk
U.S. DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS
URBANA, IL

QUICKIE MANUFACTURING CORPORATION,)
)
)
Plaintiff,)
)
)
v.)
)
THE LIBMAN COMPANY,)
)
)
)
Defendant.)

Case No. 04-2229

Judge _____

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff, Quickie Manufacturing Corporation, for its Complaint against Defendant, The Libman Company, states as follows:

PARTIES

1. Quickie is a corporation organized and existing under the laws of New Jersey with its principal place of business at 1150 Taylors Lane, Cinnaminson, New Jersey 08077.
2. Libman is a corporation organized and existing under the laws of Illinois, with its principal place of business at 220 N. Sheldon Arcola, Illinois 61910.
3. Libman is presently involved in the manufacture, sale, and/or distribution of, *inter alia*, mops, brooms and related goods.
4. Libman does business in the United States and in this judicial District, has engaged in a persistent course of conduct in the United States and in this judicial District, and derives substantial revenue from products sold in the United States and in this judicial District.

JURISDICTION AND VENUE

5. Jurisdiction in this Court is proper under 28 U.S.C. §§ 1331 and 1338(a) in that this suit is brought under the Patent Laws of the United States, 35 U.S.C. § 100, et seq.

6. Venue properly lies in this Court pursuant to 28 U.S.C. §§ 1391(c) and 1400.

BACKGROUND

7. On April 4, 2000, U.S. Pat. No. Re. 36,635, entitled “Sponge Mop Attachment” (the “‘635 patent”) issued. Quickie is the owner by assignment of all right, title, and interest in the ‘635 patent. A copy of the ‘635 patent is attached as Exhibit A.

8. The ‘635 patent is valid and enforceable.

9. Quickie has sold and currently sells, in the United States, certain products covered by the claims of the ‘635 patent.

COUNT I: PATENT INFRINGEMENT

10. Quickie incorporates by reference each and every allegation of paragraphs 1-9, as if fully set forth herein.

11. Libman has infringed and continues to infringe the ‘635 patent through acts of direct, induced, and/or contributory infringement under 35 U.S.C. §§ 271(a)-(c), by making, using, selling and/or offering for sale certain butterfly mops and mop attachments in this district and elsewhere in the United States. These products include, without limitation, Libman’s GATOR MOP.

12. At least as early as September 20, 2004, Libman had knowledge of Quickie’s rights under the ‘635 patent.

13. Despite Libman's knowledge of Quickie's patent rights, Libman has willfully, wantonly and deliberately infringed upon the '635 patent.

14. Libman's willful infringement entitles Quickie to treble damages under 35 U.S.C. § 284.

15. Quickie has been damaged and irreparably injured by these infringing acts and will continue to be damaged and irreparably injured unless Libman's infringing acts are enjoined by this Court.

RELIEF REQUESTED

WHEREFORE, Quickie requests that this Court enter judgment in favor of Quickie and against Libman:

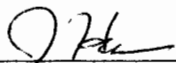
- A. That Libman has infringed and/or currently infringes the '635 patent;
- B. That Libman be permanently enjoined from infringing the '635 patent, including, but not limited to, a permanent injunction against the further sale, manufacture, or offer for sale of the GATOR MOP;
- C. That Quickie be awarded damages in an amount adequate to compensate it for Libman's infringement of the '635 patent, together with interest and costs as fixed by this Court;
- D. That Quickie's damage award against Libman be trebled on account of Libman's willful infringement of the '635 patent;
- E. That Quickie be awarded its attorneys' fees pursuant to 35 U.S.C. § 285; and
- F. That Quickie be awarded such other and further relief as the Court deems just and proper.

JURY DEMAND

Quickie demands a trial by jury on all claims so triable.

Respectfully submitted,

QUICKIE MANUFACTURING COMPANY

By:  _____
One of its attorneys

Daniel P. Wurl
Dobbins, Fraker, Tennant, Joy & Perlstein, PC
215 N. Neil Street
Champaign, IL 61820
T: (217) 356-7233
F: (217) 356-3548

John S. Letchinger
Jonathan A. Harris
Wildman, Harrold, Allen & Dixon
225 West Wacker Drive
30th Floor
Chicago, Illinois 60606
T: (312) 201-2000
F: (312) 201-2555
1438264

JS 44
(Rev. 3/85)

04-2229

CIVIL COVER SHEET

The JS - 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

<p>I.(a) PLAINTIFFS</p> <p style="text-align: center;">QUICKIE MANUFACTURING CORPORATION</p>	<p>DEFENDANTS</p> <p style="text-align: center;">THE LIBMAN COMPANY</p>
<p>(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF (EXCEPT IN U.S. PLAINTIFF CASES)</p>	<p>COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT <u>Douglas</u> (IN U.S. PLAINTIFF CASES ONLY)</p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED</p>
<p>(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)</p> <p style="text-align: center;">SEE ATTACHMENT</p>	<p>ATTORNEYS (IF KNOWN)</p>

<p>II. BASIS OF JURISDICTION (PLACE AN "X" IN ONE BOX ONLY)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)</p> <p>(For Diversity Cases Only)</p> <table style="width:100%;"> <tr> <td style="width:33%;">Citizen of This State</td> <td style="width:33%;">PTF DEF <input type="checkbox"/> 1 <input type="checkbox"/> 1</td> <td style="width:33%;">Incorporated or Principal Place of Business in This State</td> <td style="width:33%;">PTF DEF <input type="checkbox"/> 4 <input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2 <input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td><input type="checkbox"/> 5 <input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3 <input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6 <input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF DEF <input type="checkbox"/> 1 <input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	PTF DEF <input type="checkbox"/> 4 <input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2 <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5 <input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6										

IV. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	<p>PERSONAL INJURY</p> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<p>PERSONAL INJURY</p> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <p>PERSONAL PROPERTY</p> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <p style="text-align: center;">PROPERTY RIGHTS</p> <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commercial/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
<p>REAL PROPERTY</p> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<p>CIVIL RIGHTS</p> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<p>PRISONER</p> <input type="checkbox"/> 510 Motions to Vacate Sentence <p>HABES CORPUS:</p> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<p style="text-align: center;">LABOR</p> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<p style="text-align: center;">SOCIAL SECURITY</p> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<p style="text-align: center;">FEDERAL TAX SUITS</p> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609

V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

1 Original Proceeding
 2 Removed from State Court
 3 Remanded from Appellate Court
 4 Reinstated or Reopened
 5 Transferred from another district (specify) _____
 6 Multidistrict Litigation
 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

35 U.S.C. Section 1 et seq., 271, 281 - Patent Infringement Claim

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$** Unknown **CHECK YES only if demanded in complaint: JURY DEMAND:** YES NO

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE _____ DOCKET NUMBER _____

DATE _____ SIGNATURE OF ATTORNEY OF RECORD _____

ATTORNEYS FOR PLAINTIFF

John S. Letchinger (Lead Counsel)
Jonathan A. Harris
Wildman, Harrold, Allen & Dixon
225 West Wacker Drive
30th Floor
Chicago, Illinois 60606
Telephone: (312) 201-2000
Facsimile: (312) 201-2555

Daniel P. Wurl
Dobbins, Fraker, Tennant
Joy & Perlstein, P.C.
215 North Neil Street
Champaign, Illinois 61820
Telephone: (217) 356-7233
Facsimile: (217) 356-3548