

U.S. DISTRICT COURT  
CLERK  
NOV 14 PM 3:55

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

DOCKETED  
NOV 15 2002

FILED-EDS  
SENSIBLE STORAGE, INC.

Plaintiff,

v.

HYLOFT USA, LLC

Defendant.

Case No. 02C 8283

JUDGE PALLMEYER

MAGISTRATE JUDGE NOLAN

COMPLAINT FOR DECLARATORY JUDGMENT

Plaintiff Sensible Storage, Inc. ("SSI"), through its undersigned attorneys, hereby complains against defendant HyLoft USA, LLC ("HyLoft") as follows:

JURISDICTION AND VENUE

1. This is an action for a declaratory judgment that U.S. Patent No. 6,435,105 ("the '105 patent") is invalid and unenforceable and not infringed by SSI, either directly or as an inducing or contributory infringer.

2. This cause of action arises under 35 U.S.C. § 1 et seq, and 28 U.S.C. §§ 2201 and 2202. This Court has jurisdiction of this action pursuant to 28 U.S.C. §§ 1332(a), 1338.

3. This Court has personal jurisdiction over HyLoft by virtue of, among other things, the fact that HyLoft has transacted and continues to transact business in the State of Illinois and has such contacts with the State of Illinois, including this District, so as to submit itself to the jurisdiction and process of this Court.

4. Venue is proper in this District by virtue of 28 U.S.C. §§ 1391(b) and (c), and 1400(b) as HyLoft is subject to personal jurisdiction in this District.

11

**PARTIES**

5. SSI is a corporation incorporated under the laws of the State of Illinois, having its principal place of business at 120 Lakeview Parkway, Vernon Hills, Illinois 60061.

6. Upon information and belief, HyLoft is a limited liability company existing under the laws of the State of Nevada, having its principal place of business at 4815 W. Russell Road, Suite 1-A, Las Vegas Nevada 89118.

**COUNT I**

**Declaratory Judgment Of Patent Invalidity And Noninfringement**

7. On information and belief, United States Letters Patent No. 6,435,105, entitled "Suspended Storage Structure," issued on August 20, 2002. The '105 patent purports to claim an overhead storage system. A true copy of the '105 patent is attached to this Complaint as Exhibit A and is incorporated herein by reference.

8. On information and belief, the '105 patent was assigned to and is presently owned by HyLoft.

9. On information and belief, HyLoft manufactures and sells storage systems, including overhead storage structures that embody the claimed invention of the '105 patent.

10. On information and belief, HyLoft distributes and sells its aforementioned overhead storage systems to distributors and retail outlets in this District, and maintains and operates an Internet web site at "www.hyloft.com," through which it advertises, accepts orders for and sells such overhead storage systems.

11. SSI is in the business of developing, manufacturing and selling storage and display fixtures for home and commercial use. SSI's products include the "Ceiling Storage Shelf," which has been and is currently distributed and sold to retail outlets in this District.

12. In a letter dated November 7, 2002 (attached as Exhibit B), HyLoft, through its attorneys, advised SSI that HyLoft was the assignee of the '105 patent, and explicitly and implicitly accused SSI of infringing "at least claims 5 and 9" of the '105 patent "in violation of U.S. patent laws," through the manufacture and sale of SSI's "Ceiling Storage Shelf." HyLoft further demanded that SSI immediately discontinue the manufacture and sales of the "Ceiling Storage Shelf" and stated that SSI's failure to comply with such demands "will be deemed an admission that Sensible is in fact manufacturing and selling a product, namely the Ceiling Storage Shelf, which infringes the '105 patent."

13. On information and belief, Hyloft has accused SSI's customer, manufacturer and/or supplier with infringement of the '105 patent through the purchase and resale of SSI's "Ceiling Storage Shelf."

14. As a result of the aforementioned letter and Hyloft's accusations against SSI's customer, manufacturer and/or supplier, SSI has a reasonable fear and apprehension that patent infringement litigation will be brought against SSI as a direct, contributory and/or inducing infringer of the '105 patent. An actual and justiciable controversy therefore exists between the parties.

15. On information and belief, the '105 patent is invalid and unenforceable based upon one or more grounds under Title 35, United States Code, including, but not limited to, 35 U.S.C. §§ 102, 103 and 112.

16. SSI has not infringed and is not infringing, either literally or under the doctrine of equivalents, any valid and enforceable claim of the '105 patent, by direct or contributory infringement, and has not induced and is not inducing infringement of any claim of the '105 patent.

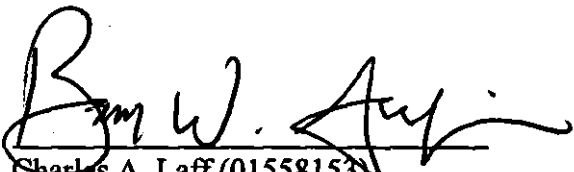
**PRAYER FOR RELIEF**

WHEREFORE, plaintiff Sensible Storage, Inc. prays that this Court enter judgment that:

- A. United States Patent No. 6,435,105 is invalid, unenforceable and not infringed by plaintiff;
- B. defendant HyLoft USA, LLC and all officers, agents, employees, representatives and counsel of defendant, and all persons in active concert or participation with them, directly or indirectly, be enjoined from charging infringement or instituting any action for infringement of United States Patent No. 6,435,105 against plaintiff, its customers, manufacturers or suppliers;
- C. this is an exceptional case, pursuant to 35 U.S.C. § 285 and award plaintiff its reasonable attorney's fees and costs in this action; and
- D. plaintiff be granted such other and further relief as the Court may deem equitable and just.

DATE: 11/14, 2002

By:



Charles A. Laff (01558153)  
Martin L. Stern (02727307)  
Barry W. Sufrin (02765314)  
Brian J. Lum (06256315)  
MICHAEL BEST & FRIEDRICH LLC  
401 N. Michigan Ave., Suite 1900  
Chicago, IL 60611  
Telephone: (312) 222-0800

Attorneys for Plaintiff  
SENSIBLE STORAGE, INC.



US006435105B1

(12) **United States Patent**  
Mikich et al.

(10) Patent No.: **US 6,435,105 B1**  
(45) Date of Patent: **Aug. 20, 2002**

(54) **SUSPENDED STORAGE STRUCTURE**

(75) Inventors: **Michael J. Mikich; Timothy M. Matthias; Mark C. Torosian; Dwayne Dunsheath**, all of Las Vegas, NV (US)

(73) Assignee: **Hylott USA, LLC**, Las Vegas, NV (US)

(\*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 37 days.

(21) Appl. No.: **09/690,654**

(22) Filed: **Oct. 17, 2000**

(51) Int. Cl.<sup>7</sup> ..... **A47B 23/00**

(52) U.S. Cl. .... **108/42; 211/113**

(58) Field of Search ..... **108/42, 186; 211/113, 211/118, 117, 119; 52/39**

(56) **References Cited**

**U.S. PATENT DOCUMENTS**

1,566,551 A	• 12/1925	Ghrand	108/186
3,938,666 A	• 2/1976	Castleberry	211/113 X
4,167,908 A	• 9/1979	Jones et al.	108/186
4,289,392 A	• 9/1981	Kobori et al.	
4,374,498 A	• 2/1983	Yellin	108/42 X
4,441,583 A	• 4/1984	Vaught	211/113 X
5,011,239 A	• 4/1991	Guerin	
5,056,878 A	• 10/1991	Givens	

5,199,843 A	• 4/1993	Sferra	
5,203,619 A	• 4/1993	Welsch et al.	
5,215,366 A	• 6/1993	Givens	
5,242,219 A	• 9/1993	Tomaka	
5,727,700 A	• 3/1998	Digney	
D416,152 S	• 11/1999	Payne et al.	
6,145,678 A	• 11/2000	Morrison	211/113
6,286,691 B1	• 9/2001	Oberhaus et al.	211/113 X
6,311,626 B1	• 11/2001	Roberts	108/42

**FOREIGN PATENT DOCUMENTS**

FR 2526648 • 11/1983

\* cited by examiner

Primary Examiner—Jose V. Chen

(74) Attorney, Agent, or Firm—Quirk & Tratos

(57) **ABSTRACT**

An overhead storage assembly, vendable as a kit, includes a plurality of panels each of a rectangular planform having dimensions that are integer multiples of conventional structural spacing. The panels may be joined to each other to form a common support surface resting on a plurality of transverse support pieces connected at the ends to hanger assemblies that are attached to the overhead structure of a building. Each panel, moreover, may include off-set elements to increase the sectional stiffness of the panel and the hanger assemblies may comprise matching upper and lower straps that are secured to each other at selected suspension lengths.

**11 Claims, 4 Drawing Sheets**

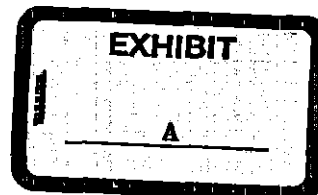
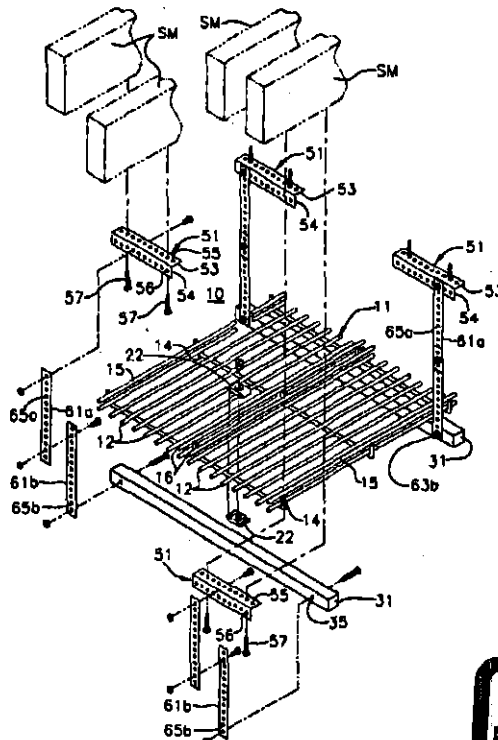
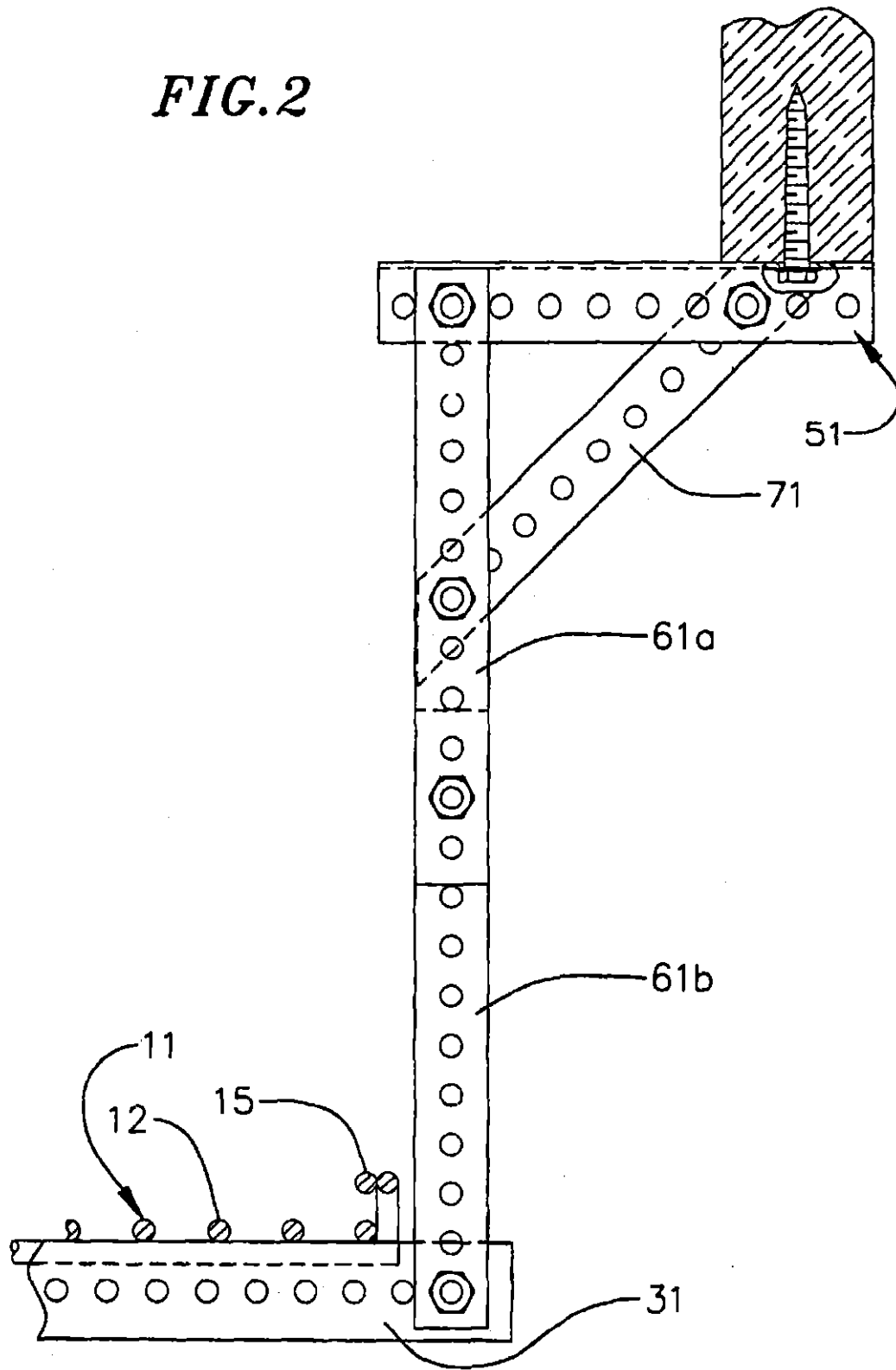




FIG. 2



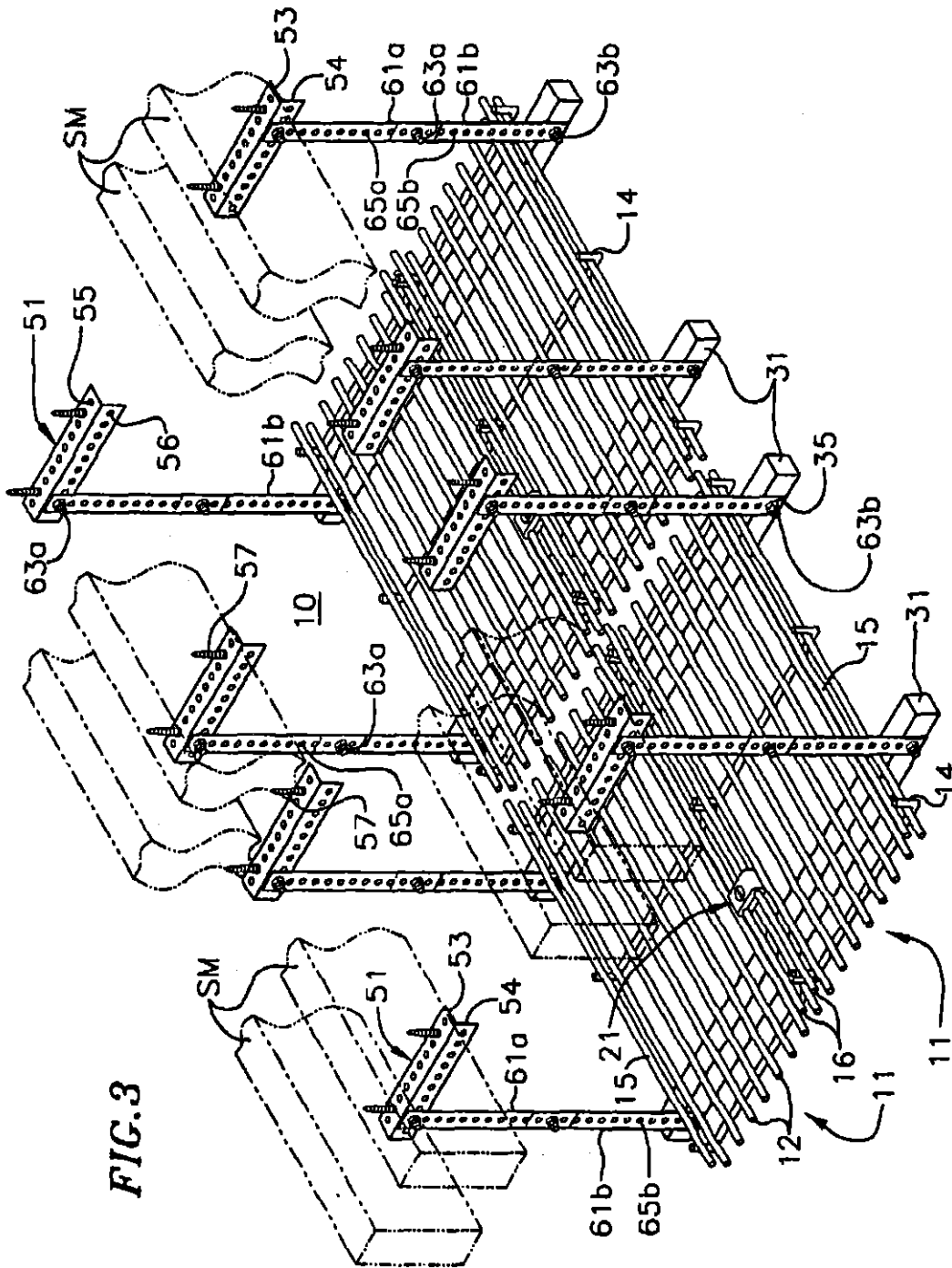
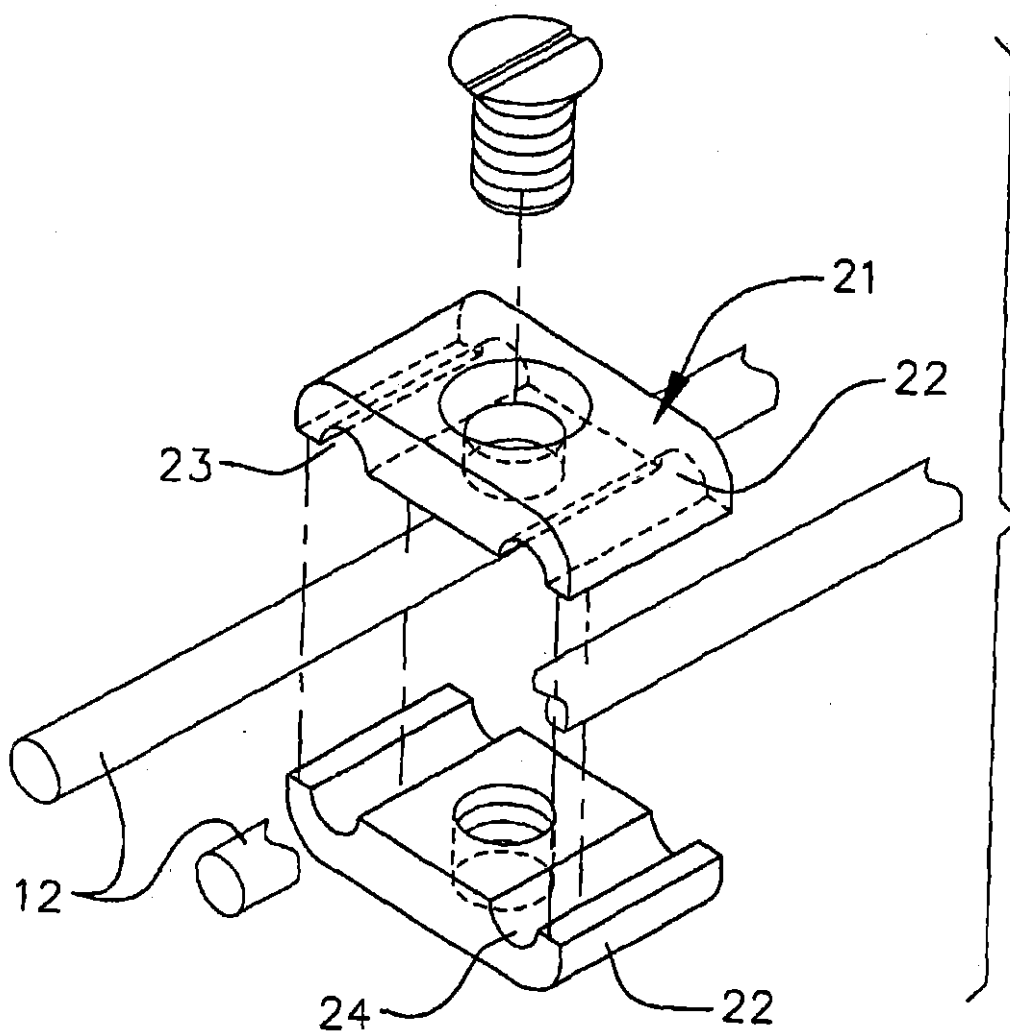


FIG. 3



*FIG. 4*



US 6,435,105 B1

1

**SUSPENDED STORAGE STRUCTURE****BACKGROUND OF THE INVENTION****1. Field of the Invention**

The present invention relates to storage structures, and more particularly to overhead storage structures conformed for suspended attachment.

**2. Description of the Prior Art**

Overhead storage structures have been known in the past. Typically the cost and maintenance of storage space are directly related to floor space. As a consequence storage of personal articles is associated with the costs of the housing structure, and the hobbyist, artist, or collector is often forced with the hard choice between cost of storage and artistic pursuit. Similarly, artisans, mechanics and those engaged in business are always exchanging tool or merchandise inventory against the cost of its storage. Accessible storage is therefore uniformly sought.

In the past various storage structures have been devised which in one way or another are deployed overhead. Amongst these are structures associated with lifting mechanisms for raising and lowering the storage assembly, as exemplified in U.S. Pat. No. 5,203,619 to Welsch et al and U.S. Pat. No. 5,199,843 to Sferra. Each of the foregoing, while suitable for the purposes intended, describes a fairly complex structure that is devoted to lift, and store substantial overhead weights.

Alternatively, other passive or manually articulated overhead storage arrangements have been devised as exemplified in U.S. Pat. No. 5,011,239 to Guerin and U.S. Pat. Nos. 5,215,366 and 5,056,878 to Givens. Again, while suitable for the purposes intended, each of the foregoing entails substantial structural elements which often extend from the ceiling to the floor or present a formidable visual mass that creates the appearance of crowding.

In the recent past, U.S. Pat. No. Des. 416,152 has been issued to Sidney Thomas Payne describing an ornamental welded wire constructed storage structure suspended on spaced welded wire supports tied to a ceiling. While the welded wire structural implementation provides a somewhat less visually encumbered appearance, further improvements are possible both in the nature of the accommodation thereof to the available spaces and in the manner in achieving positive suspension engagement directly to structural elements and beams. It is these improvements that are disclosed herein.

**SUMMARY OF THE INVENTION**

Accordingly, it is the general purpose and object of the present invention to provide an overhead storage structure variously formed from standardized welded wire segments.

Other objects of the invention are to provide welded wire modular components that are combined to form overhead storage.

Yet further objects of the invention are to provide a light weight overhead storage assembly that is conveniently suspended from overhead beams.

Briefly, these and other objects are accomplished within the present invention by providing a standardized welded wire module each defined by a welded wire panel reinforced along both longitudinal edges by a spaced and offset wire element. Several of these modules can then be joined to each other to form a support surface stiffened at the common longitudinal sides by the above described offset wire element.

2

To provide transverse stiffness, the joined modules are supported by spaced transverse pieces each fixed at the ends to a corresponding lower end of a paired set of support straps, which, at the upper end each strap is then attached to an adapter which is secured to a ceiling beam or other structural member. Each of the straps, in turn, comprises an upper end and a lower overlapping segment fastened to each other by known fasteners such as a nut and a bolt. To allow for fine vertical length adjustment of each of the straps, the respective upper and lower segments may each include a series of evenly spaced bolt openings for fastening the straps to each other at the correct height deployment.

At the upper end, the upper strap segment is again secured by a bolt to a selected opening in the vertical surface of an L-sectioned adapter which, at the horizontal surface, is securable by a screw or bolt directly to the structure of an overhead beam. The several fastening openings in both the vertical and horizontal surfaces of the adapter allow for a substantial offset between the attachment of the strap and the beam fastening, thereby accommodating a fairly wide scope of choices for the deployment of the inventive storage assembly.

In those instances where a fairly large offset is required between the beam attachment and the attachment of the suspension strap triangulation links may be utilized to limit any adapter loading in cantilever or bending. Again, the links may be pierced with fastener openings at several intervals relative the piercings in the strap segments to accommodate variations in the resulting geometry.

Preferably each of the welded wire modules is dimensioned in integer multiples of standard structural beam spacing and the offset allowable in each adapter is a fraction thereof. In consequence the inventive storage structure can be variously positioned along walls or in other alignments that minimize its optical bulk.

**BRIEF DESCRIPTION OF THE DRAWINGS**

FIG. 1 a perspective illustration, separated by parts of the inventive overhead storage structure;

FIG. 2 is a perspective detail of one suspension substructure in accordance with the present invention;

FIG. 3 is another perspective illustration of the inventive storage structure in its assembled form; and

FIG. 4 is a perspective detail view illustrating a fastener arrangement useful with the present invention.

**DESCRIPTION OF THE PREFERRED EMBODIMENT**

As shown in FIGS. 1-4 the inventive storage assembly, generally designated by the numeral 10, includes a horizontal storage platform formed by forming a plurality of welded wire panels 11. Each of the panels is defined by a set of parallel rods 12 welded to transverse edge and intermediate members 14 to form a welded wire surface element of a platform dimension in integer multiples of conventional structural beam spacing. Along both the longitudinal edges of the panel the transverse members 14 are bent orthogonally relative the panel plane to support off-set edge elements 15 and 16. In this manner both longitudinal edges of panel 11 are reinforced against bending.

Panels 11 may be joined at their edges to other adjacent panels to form a common storage surface, the joining being effected by fasteners 21 each comprising opposed clamping pieces 22 which together form parallel openings 23 and 24 that are clamped around the rods 12 or elements 14 of the

## US 6,435,105 B1

3

adjacent panels. The joined panels 11 that form the common surface are then supported by several transverse pieces 31, each in the form of a square tube sectioned structural member provided with a set of drillings 35 at each end that are useful for fastening to a suspension structure further described below.

Those in the art will appreciate that the longitudinal dimension of pieces 31 will be in integer multiples of the width of panels 11. Thus, the length of pieces 31 is preferably either one or two widths of panel 11 resulting in an inventive overhead storage structure that allows for storage widths that are either one or two times the width of the panel. Furthermore, current construction practices, regulations and conventions have resulted in preferred spacing intervals of structural members that form a commercial or residential structure. Since these then define the hard points from which the stored articles can be suspended, the preference is to dimension the width and length of each panel 11 in integer multiples of this spacing interval. In this manner the resulting assembly is conveniently accommodated for direct attachment to structural elements.

The example illustrated herein provides transverse pieces 31 of a length that is equal to two (double) widths of panel 11. Thus the adjacent edge elements 15 or 16 of each panel align proximate the middle of each piece 31, and in order to fix this adjoining relationship the edge elements of each panel are joined to each other, between the pieces 31, by the clamping fasteners 21. In the manner panel 11, transverse pieces 31 and the clamping fasteners 21 combine to form a relatively rigid storage surface which can then be suspended at the end drillings 35.

Those in the art will appreciate further that while the structural spacing intervals are predetermined, the interior walls that separate the structure into forms or divisions do not always align with this structural spacing. As a result most of the prior art overhead storage systems either do not engage structural members or are deployed away from the walls. Accordingly, either the suspension strength suffers or the overhead storage is suspended in a manner that creates optical and physical incursion.

To avoid the foregoing disadvantages a set of adapters 51 can be provided, each again formed as an L-sectioned structural member defined by a horizontal surface 53 and a vertical surface 54. A set of drillings or holes 55 and 56 is provided respectively in the horizontal and vertical surfaces 53 and 54, and a fastener 57 is passed through the opening 55 that aligns subjacent a beam or structural member SM, to form a direct attachment thereto. Once so fastened the drillings 56 in the vertical surface are then useful in suspending the storage surface.

More precisely an upper strap 61 a provided with a row of holes 65a is fastened by a bolt and nut assembly 63a to a selected one of the drillings 56. A second, lower strap 61b provided with a row of openings 65b is then connected to the openings 35 in the ends of each transverse piece 31 by a nut and bolt assembly 63b. Once in position each strap 61a and 61b are then aligned relative each other and one or more of the openings 65a that align with the openings 65b are secured to each other by a further fastener set 67, connecting straps 61 a and 61 b together. Accordingly, adjustments can be made in the length of each suspension accommodating any height variation in the structural beams.

In those instances where substantial bending loads are created in the adapter 51, as a result of the mismatch in the suspension and beam geometry, triangulation straps 71 can be utilized. Once again each triangulation strap 71 is pro-

4

vided with a row of drillings or holes 75 along its length with the upper hole then fastened by a fastener set 76 to the opening 56 that is in most proximate alignment relative the beam. One of the other holes 75 can then be fastened to a selected hole 65b, resolving the bending moment. In this manner a light, conveniently assembled storage structure is formed that is directly engaged to the structural elements of a building.

While reference is made to welded structures, such are exemplary only. The foregoing assembly may be implemented in various material structures, and components thereof may be variously fabricated in all known material combinations. Moreover, while the foregoing description illustrates even hole spacing in the suspension elements unequal spacing may be utilized to provide further height adjustment convenience.

Obviously many modifications and variations can be effected without departing from the spirit of the invention set out herein. It is therefore intended that the scope of the invention be determined solely by the claims appended hereto.

We claim:

1. A storage assembly conformed for attachment to an overhead structure of a building, comprising:

a planar panel structure defined by a plurality of elongate elements aligned in parallel relative each other, said panel structure includes one or more individual panels comprising said elongate elements;

an attachment clamp conformed to engage one outermost of said elongate elements in one of said panels to an adjacent one of said elements in another said panel;

a plurality of transverse support pieces aligned subjacent said panel structure in transverse alignment relative said elongate elements, each said support piece projecting beyond said panel structure at both ends thereof, said transverse support pieces are each of a length that is an integer multiple of the transverse dimension of said panel;

a corresponding plurality of suspension assemblies each defined by an upper and a lower end and each releasably secured at said lower end thereof to a corresponding end of said transverse support pieces and operatively attached at said upper end to said overhead structure, each of said suspension assemblies includes an upper and a lower strap respectively defining said upper and lower ends, each said strap including a plurality of spaced openings, and fastening means conformed to engage a selected one of said openings in said upper strap to an opening in said lower strap; and adaptor means interposed between said upper ends of each said suspension assembly and said overhead structure for transferring load therebetween.

2. Apparatus according to claim 1, wherein:

each said outermost element of each said panel is fixed in an off-set, spaced alignment relative the plane of said panel.

3. Apparatus according to claim 2, wherein: said transverse support piece is of a hollow, square section.

4. Apparatus according to claim 1, further comprising:

a triangulation member connected between said suspension and said adaptor for controlling the bending deflections therebetween.

5. A storage assembly conformed for attachment to an overhead structure of a building, comprising:

a planar support surface including a plurality of generally planar panels each defined by a plurality of elongate

US 6,435,105 B1

5

elements aligned in parallel relative each other, outermost elements of each said panel being fixed in an off-set, spaced alignment relative the plane of said panel, each said panel being secured to an adjacent panel;

5 a plurality of transverse support pieces aligned subjacent said support surface in transverse alignment relative said elongate elements, each said support piece projecting beyond said support surface at both ends thereof;

10 a corresponding plurality of suspension assemblies each defined by an upper and a lower end and each secured at said lower end thereof to a corresponding end of said transverse support pieces and operatively attached at said upper end to said overhead structure; and

15 adaptor means interposed between said upper ends of each said suspension assembly and said overhead structure for transferring load therebetween.

6. Apparatus according to claim 5, wherein:

20 said panels are secured to each other by an attachment clamp conformed to engage said outermost one of said elongate elements in one of said panels to an adjacent one of said elements in another said panel.

7. Apparatus according to claim 6, wherein:

25 each said support member includes an upper and a lower strap respectively defining said upper and lower ends, each said strap including a plurality of spaced openings, and fastening means conformed to engage a selected one of said openings in said upper strap to an opening in said lower strap.

8. Apparatus according to claim 7, further comprising:

30 a triangulation member connected between said suspension and said adaptor for controlling the bending deflections therebetween.

35 9. An overhead storage structure useful in providing selectively erected overhead storage suspended from an overhead structure, comprising:

6

a planar support surface structure defined by a plurality of panels each including elongate elements aligned in parallel relative each other, said panels are secured to each other by an attachment clamp conformed to engage said outermost one of said elongate elements in one of said panels to an adjacent one of said elements in another said panel;

a plurality of transverse support pieces aligned subjacent said support surface in transverse alignment relative said elongate elements, each said support piece projecting beyond said support surface at both ends thereof;

a corresponding plurality of suspension assemblies each defined by an upper and a lower end and each releasably secured at said lower end thereof to a corresponding end of said transverse support pieces and operatively attached at said upper end to said overhead structure; and

adaptor means interposed between said upper ends of each said suspension assembly and said overhead structure for transferring load therebetween.

10. Apparatus according to claim 9, wherein:

each said suspension assembly includes an upper and a lower strap respectively defining said upper and lower ends, each said strap including a plurality of spaced openings, and fastening means conformed to engage a selected one of said openings in said upper strap to an opening in said lower strap.

11. Apparatus according to claim 10, further comprising:

a triangulation member connected between each said suspension assembly and each said adaptor for controlling the bending deflections therebetween.

\* \* \* \* \*

MARK G. TRATOS\*  
EDWARD J. QUIRK  
MICHAEL J. McCUE  
ROB L. PHILLIPS†  
NANCY RAMIREZ AYALA\*  
W. WEST ALLEN  
JOHN L. KRIEGER\*  
LAURI S. THOMPSON\*  
DANA B. ROBINSON\*  
JENNA F. KARAOBIL\*  
CARRIE E. PETERMAN†

**QUIRK  TRATOS**  
INTELLECTUAL PROPERTY • INTERNET • ENTERTAINMENT LAW

3773 HOWARD HUGHES PKWY  
SUITE 500 NORTH  
LAS VEGAS, NEVADA 89109  
Telephone: (702) 792-3773  
FAX: (702) 792-9002

QUIRK & TRATOS LOS ANGELES  
8560 SUNSET BLVD., 10TH FLOOR  
WEST HOLLYWOOD, CA 90067  
Telephone: (310) 854-0059  
FAX: (702) 792-9002

November 7, 2002

OF COUNSEL:  
R. RICHARD COSTELLO†  
SARAH BARONE SCHWARTZ†

CALIFORNIA ONLY:  
PAMELA PARKER

REGISTERED PATENT ATTORNEY  
NEVADA AND CALIFORNIA BAR  
CALIFORNIA BAR ONLY

WEB SITE: [www.quirkandtratos.com](http://www.quirkandtratos.com)  
E-MAIL: [q&t@quirkandtratos.com](mailto:q&t@quirkandtratos.com)

**BY FEDEX**

Keith Jaffee  
President  
Sensible Storage, Inc.  
c/o Focus Products Group  
120 Lake View Parkway  
Vernon Hills, Illinois 60061

Re: **U.S. Patent No. 6,435,105 B1**  
**Our Ref.: 6198.00006**

Dear Mr. Jaffee:

This office represents HyLoft USA, LLC, ("HyLoft"), with its intellectual property matters. It has come to our attention that Sensible Storage, Inc. ("Sensible") is causing to be manufactured, and selling, overhead storage shelves which infringe HyLoft's U.S. patent. More particularly, your Ceiling Storage Shelf (assembly instructions included) infringes U.S. Patent No. 6,435,105 B1 ("the '105 Patent") assigned to our client (copy enclosed).

A review of the '105 Patent reveals that at least claims 5 and 9 thereof cover your Ceiling Storage Shelf. Equally troubling is the fact that Sensible is promoting the lessor-priced and inferior product at Home Depot, Inc., and other current HyLoft retailers. Undoubtedly, Sensible is aware that HyLoft currently sells in Home Depot locations. Moreover, the two products are normally placed adjacent one another in the Home Depot locations since such placements are determined by product type. Such placement of the infringing and lessor-priced Ceiling Storage Shelf facilitates Sensible's improper sales and reduces HyLoft's sales accordingly.

The sale and importation of said infringing Ceiling Storage Shelves is in violation of U.S. patent laws. It should be noted that our client has a patent pending in China as well. Upon issuance thereof, your manufacture of the Ceiling Storage Shelves in China will violate Chinese patent laws also.

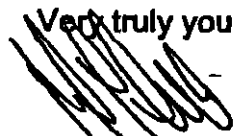


able Storage, Inc.  
ember 7, 2002  
ge 2

Pursuant to the '105 Patent, we must insist that importation and sales of the Ceiling Storage Shelf be immediately discontinued. Moreover, any and all Ceiling Storage Shelves located on the shelves of retailers must be removed. We also request that a report be prepared detailing the actual number of Ceiling Storage Shelves purchased by consumers to date. We insist that Sensible take and complete the foregoing actions within one week of receipt of this letter. Our office must also be notified of that said actions have been completed. Failure to complete each of the foregoing actions and to notify our office within the allotted time will be deemed an admission that Sensible is in fact manufacturing and selling a product, namely the Ceiling Storage Shelf, which infringes the '105 Patent.

We thank you in advance for your prompt attention.

Very truly yours,



Rob L. Phillips

Enclosures: U.S. Pat. No. 6,435,105 B1  
Assembly Instructions Re: Ceiling Storage Shelf

cc: HyLoft USA, LLC  
Home Depot, Inc. (sent by FedEx with enclosures)  
c/o Scott Manning - Merchandising Vice President  
Mike Mullinax - Global Product Merchant  
Susan Fattig - Legal Department

G:\RPhillips\HyLoft\cases\enddesist.sensible.wpd

JS 44  
(Rev. 11/95)

# 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.)

**DOCKETED**  
NOV 15 2002

**I. (a) PLAINTIFFS**  
SENSIBLE STORAGE, INC.

**DEFENDANTS**  
HYLOFT USA, LLC

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Lake Co., IL  
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT \_\_\_\_\_  
(IN U.S. PLAINTIFF CASES ONLY)

**02C 8283** JUDGE PALLMEYER

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)  
Charles A. Laff, Martin L. Stern,  
Barry W. Sufirin, Brian J. Lum  
Michael Best & Friedrich LLC  
401 N. Michigan Ave. - Ste 1900  
Chicago, IL 60611 312-661-2100

ATTORNEYS (IF KNOWN) Rob L. Phillips  
Quirk-Tratos  
3773 Howard Hughes Pkwy.-Ste 500  
Las Vegas, NV 89109  
702-792-3773

**II. BASIS OF JURISDICTION** (PLACE AN "X" IN ONE BOX ONLY)  
 1 U.S. Government Plaintiff  
 2 U.S. Government Defendant  
 3 Federal Question (U.S. Government Not a Party)  
 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)  
(For Diversity Cases Only)  
Citizen of This State PTF DEF  1  1 Incorporated or Principal Place of Business in This State  4  4  
Citizen of Another State  2  2 Incorporated and Principal Place of Business in Another State  5  5  
Citizen or Subject of a Foreign Country  3  3 Foreign Nation  6  6

**IV. 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  
 7 Appeal to District Judge from Magistrate Judgment

**V. 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 Instruments <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"/> 160 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 180 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	<b>PERSONAL INJURY</b> <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	<b>PERSONAL INJURY</b> <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 <b>PERSONAL PROPERTY</b> <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 861 <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 <b>LABOR</b> <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"/> 750 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 881 HIA (1305f) <input type="checkbox"/> 882 Black Lung (923) <input type="checkbox"/> 883 DWC/DWW (405(g)) <input type="checkbox"/> 884 SSD Title XVI <input type="checkbox"/> 885 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7809	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commercial/CC 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"/> 881 Agricultural Acts <input type="checkbox"/> 882 Economic Stabilization Act <input type="checkbox"/> 883 Environmental Matters <input type="checkbox"/> 884 Energy Allocation Act <input type="checkbox"/> 885 Freedom of Information Act <input type="checkbox"/> 886 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 990 Other Statutory Actions
<b>REAL PROPERTY</b> <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	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 446 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 610 Motions to Vacate Sentence <input type="checkbox"/> 630 Habeas Corpus General <input type="checkbox"/> 635 Death Penalty <input type="checkbox"/> 640 Mandamus & Other <input type="checkbox"/> 650 Civil Rights			

**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.)  
Declaratory Judgment action that U.S. Patent No. 6,435,105 is invalid and unenforceable and not infringed by plaintiff

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

**VIII. RELATED CASE(S) IF ANY** (See instructions): JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE 11/14/02 SIGNATURE OF ATTORNEY OF RECORD [Signature]

FOR OFFICE USE ONLY  
RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

FILED-EP5  
NOV 15 2002  
PH: 55  
CLERK  
U.S. DISTRICT COURT

7-2

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS

BOCKETED  
NOV 15 2002

Eastern Division

In the Matter of

SENSIBLE STORAGE, INC.,  
Plaintiff,

v.

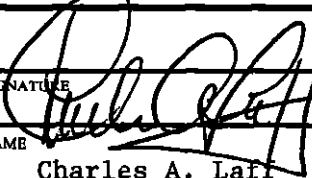
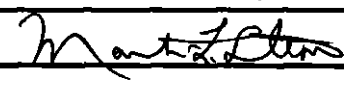
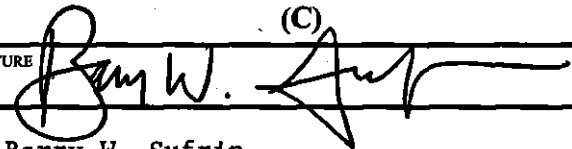
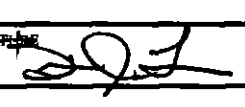
HYLOFT USA, LLC,  
Defendant.

Case Number: **02C 8283**

APPEARANCES ARE HEREBY FILED BY THE UNDERSIGNED AS ATTORNEY(S) FOR:

SENSIBLE STORAGE, INC.

JUDGE PALLMEYER  
MAGISTRATE JUDGE NOLAN

(A)		(B)	
SIGNATURE 		SIGNATURE 	
NAME Charles A. Laff		NAME Martin L. Stern	
FIRM Michael Best & Friedrich LLC		FIRM Michael Best & Friedrich LLC	
STREET ADDRESS 401 N. Michigan Ave. - Suite 1900		STREET ADDRESS 401 N. Michigan Ave. - Suite 1900	
CITY/STATE/ZIP Chicago, IL 60611		CITY/STATE/ZIP Chicago, IL 60611	
TELEPHONE NUMBER 312-661-2140		TELEPHONE NUMBER 312-661-2121	
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) 01558153		IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) 02727307	
MEMBER OF TRIAL BAR?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	MEMBER OF TRIAL BAR?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
TRIAL ATTORNEY?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	TRIAL ATTORNEY?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
		DESIGNATED AS LOCAL COUNSEL?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
(C)		(D)	
SIGNATURE 		SIGNATURE 	
NAME Barry W. Sufrin		NAME Brian J. Lum	
FIRM Michael Best & Friedrich LLC		FIRM Michael Best & Friedrich LLC	
STREET ADDRESS 401 N. Michigan Ave. - Suite 1900		STREET ADDRESS 401 N. Michigan Ave. - Suite 1900	
CITY/STATE/ZIP Chicago, IL 60611		CITY/STATE/ZIP Chicago, IL 60611	
TELEPHONE NUMBER 312-661-7314		TELEPHONE NUMBER 312-661-7313	
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) 02765314		IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) 06256315	
MEMBER OF TRIAL BAR?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	MEMBER OF TRIAL BAR?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
TRIAL ATTORNEY?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	TRIAL ATTORNEY?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
DESIGNATED AS LOCAL COUNSEL?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	DESIGNATED AS LOCAL COUNSEL?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>

FILED - EDS  
02 NOV 14 PM 3:55  
CLERK  
U.S. DISTRICT COURT

13