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6 Attorneys for Plaintiff  
7 MEYER CORPORATION, U.S.

8  
9 **UNITED STATES DISTRICT COURT**  
10 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

11 MEYER CORPORATION, US, a corporation, ) Case No.  
12 )  
13 Plaintiff, )  
14 v. )  
15 BODUM, Inc., a corporation, doing business ) **COMPLAINT FOR**  
16 as BODUM U.S.A., Inc.; and PI DESIGN AG, ) **DECLARATORY RELIEF**  
17 a foreign corporation, ) **DEMAND FOR JURY TRIAL**  
18 Defendants. )  
19 )  
20 )  
21 )  
22 )

19 For its Complaint herein, Plaintiff MEYER CORPORATION U.S. (hereinafter,  
20 "MEYER") alleges against Defendants BODUM, Inc. d/b/a BODUM USA Inc. (hereinafter,  
21 "BODUM") and PI DESIGN AG (hereinafter, "PI DESIGN") as follows:

22 **STATEMENT OF THE CASE**

23 1. This is an action for declaratory relief of non-infringement of U.S. Patent No.  
24 D486,989 ("989 Patent") by MEYER's BONJOUR® Round teapot. A copy of the '989 Patent  
25 is attached as Exhibit 1.

26 **SUBJECT MATTER JURISDICTION**

27 2. This action arises out of the patent laws of the United States, 35 U.S.C. §§ 101 et  
28 seq., and this Court has subject matter jurisdiction under 28 U.S.C. §§ 1338, and 2201.

1 **PARTIES**

2 **PERSONAL JURISDICTION**

3 3. This court has personal jurisdiction over BODUM and PI DESIGN pursuant to  
4 California Civ. Proc. Code section 410.10

5 **VENUE**

6 4. Venue is proper in the United States District Court for the Eastern District of  
7 California under 28 U.S.C. § 1391.

8 **COMMON ALLEGATIONS**

9 5. MEYER is a Delaware corporation having a place of business at One Meyer  
10 Plaza, Vallejo, CA 94590.

11 6. Upon information and belief, BODUM is a Wisconsin corporation, having a place  
12 of business at New York, N.Y.

13 7. Upon information and belief, PI DESIGN is a Swiss corporation having a place of  
14 business at Kantonsstrasse 100, Postfach 463, CH-5234 Triengen, Switzerland.

15 8. Upon information and belief, PI DESIGN is the owner by assignment of the '989  
16 Patent.

17 9. Upon information and belief, BODUM the exclusive licensee under the '989  
18 Patent.

19 10. Upon information and belief, BODUM licenses its BODUM trademarks from PI  
20 DESIGN.

21 11. MEYER sells its BONJOUR® Round teapot in this District. Photographs of the  
22 BONJOUR® Round teapot are attached as Exhibit 2.

23 12. Upon information and belief, BODUM sells its products via the interactive  
24 website [www.bodumusa.com](http://www.bodumusa.com).

25 13. On or about September 3, 2008, BODUM and PI DESIGN sent a cease and desist  
26 letter to MEYER alleging infringement of the '989 Patent by MEYER's BONJOUR® Round  
27 teapot. A copy of the cease and desist letter is attached as Exhibit 3.

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**WHEREFORE, MEYER CORPORATION, US** prays for judgment against BODUM Inc. and PI DESIGN AG, and each of them, as follows:

As to the FIRST CAUSE OF ACTION for Declaratory Judgment:

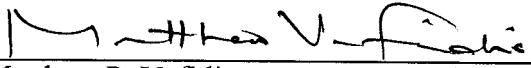
1. That the Court declare the rights and duties of MEYER relating to the promotion, marketing and sale of the BONJOUR® Round teapot;
2. Enter a judgment in favor of MEYER;
3. Declare that MEYER has not infringed, contributively infringed, or induced infringement of U.S. Patent No. D486,989, either literally or under the doctrine of equivalents;
4. Declare that this is an exceptional case under 35 U.S.C. § 285 and award attorneys fees to MEYER;
5. Declare that MEYER be awarded, and award MEYER its costs, expenses and attorneys' fees incurred herein; and,
6. Grant such further relief as the Court deems just and proper.

**DEMAND FOR JURY TRIAL**

Pursuant to Federal Rule of Civil Procedure 38(b), MEYER respectfully demands a trial by jury on all issues so triable.

Dated: September 16, 2008

HOLLAND & KNIGHT LLP

By:   
Matthew P. Vafidis

Attorneys for Plaintiff  
MEYER CORPORATION, US