

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

GLJ, LLC d/b/a O2-COOL,	)	
	)	
Plaintiff,	)	Civil Action No.
	)	
v.	)	FILED: DECEMBER 12, 2008
	)	08 CV 7137
	)	JUDGE LINDBERG
LANCO CORPORATION,	)	MAGISTRATE JUDGE KEYS
STARLINE USA, INC.,	)	AO
CALIBRE INTERNATIONAL,	)	
365 WHOLESALE, ACE PRODUCTS,	)	
GETAGADGET, INC. and	)	
FUN EXPRESS, INC.,	)	
	)	
Defendants.	)	

COMPLAINT

Plaintiff, GLJ, LLC, for its complaint against defendants Lanco Corporation, Starline USA, Inc., Calibre International, 365 Wholesale, Ace Products, Getagadget, Inc. and Fun Express, Inc. alleges:

1. This is an action for infringement of United States Letters Patent No. 5,843,344 under 35 U.S.C. §§ 271 and 281. Jurisdiction is vested in this Court pursuant to 28 U.S.C. § 1338(a) and venue lies in this district by virtue of 28 U.S.C. §§ 1391 and 1400(b).

2. Plaintiff GLJ, LLC ("GLJ"), doing business as O2-Cool, is a limited liability company organized and existing under the laws of the State of Illinois and has a principal place of business at 1415 N. Dayton Street, Suite 2S, Chicago, Illinois 60622.

3. Defendant, Lanco Corporation ("Lanco"), is, on information and belief, an entity doing business under the laws of the state of New York. It has a principal place of business at 350 Wireless Boulevard, Hauppauge, New York 11788. On information and belief, Lanco is doing business within this district.

4. Defendant, Starline USA, Inc. ("Starline"), is, on information and belief, an entity doing business under the laws of the state of New York. It has a principal place of business at 3036 Alt Boulevard, Grand Island, New York 14072. On information and belief, Starline is doing business within this district.

5. Defendant, Calibre International ("Calibre"), is, on information and belief, an entity doing business under the laws of the state of California. It has a principal place of business at 6250 N. Irwindale Avenue, Irwindale, California 91702. On information and belief, Calibre is doing business within this district.

6. Defendant, 365 Wholesale ("365"), is, on information and belief, an entity doing business under the laws of the state of New York. It has a

principal place of business at 60 South 2<sup>nd</sup> Street, Suite K, Deer Park, New York 11729. On information and belief, 365 is doing business within this district.

7. Defendant, Ace Products ("Ace"), is, on information and belief, an entity doing business under the laws of the state of California. It has a principal place of business at 1405 North Hancock Street, Anaheim, California 92807. On information and belief, Ace is doing business within this district.

8. Defendant, Getagadget, Inc. ("Getagadget"), is, on information and belief, an entity doing business under the laws of the state of Texas. It has a principal place of business at 2101 E. St. Elmo, Suite 347, Austin, Texas 78744. On information and belief, Getagadget is doing business within this district.

9. Defendant, Fun Express, Inc. ("Fun Express"), is, on information and belief, an entity doing business under the laws of the state of Nebraska. It has a principal place of business in Omaha, Nebraska with a mailing address of P.O. Box 2389, Omaha, Nebraska 68103-2389. On information and belief, Fun Express is doing business within this district.

10. On December 1, 1998, United States Letters Patent No. 5,843,344 ("the '344 patent") was duly and legally issued by the United States Patent and Trademark Office for an invention entitled "Portable Fan and

Combination Fan and Spray Misting Device". A true and correct copy of the '344 Patent is attached as Exhibit A hereto. GLJ is the owner of the entire right, title and interest in the '344 patent, and has the right to bring suit for infringement thereon.

11. Lanco has, on information and belief, unlawfully and intentionally infringed the '344 patent in this district and elsewhere by making, having made, using, offering for sale and/or selling portable fans with spray misters embodying the invention of the '344 patent, including the product identified by the item number PEY 1200BLR. On information and belief, Lanco has induced infringement and/or has contributed to the infringement of the '344 patent in this district and elsewhere.

12. Starline has, on information and belief, unlawfully and intentionally infringed the '344 patent in this district and elsewhere by making, having made, using, offering for sale and/or selling portable fans with spray misters embodying the invention of the '344 patent, including the product identified by the item number 16251. On information and belief, Starline has induced infringement and/or has contributed to the infringement of the '344 patent in this district and elsewhere.

13. Calibre has, on information and belief, unlawfully and intentionally infringed the '344 patent in this district and elsewhere by making, having made, using, offering for sale and/or selling portable fans with spray misters embodying the invention of the '344 patent, including the products identified by the item numbers T802-02 and T802-03. On information and belief, Calibre has induced infringement and/or has contributed to the infringement of the '344 patent in this district and elsewhere.

14. 365 has, on information and belief, unlawfully and intentionally infringed the '344 patent in this district and elsewhere by making, having made, using, offering for sale and/or selling portable fans with spray misters embodying the invention of the '344 patent, including the product identified by the item number 75113. On information and belief, 365 has induced infringement and/or has contributed to the infringement of the '344 patent in this district and elsewhere.

15. Ace has, on information and belief, unlawfully and intentionally infringed the '344 patent in this district and elsewhere by making, having made, using, offering for sale and/or selling portable fans with spray misters embodying the invention of the '344 patent, including the product identified by the item number FF125\_RED. On information and belief, Ace has

induced infringement and/or has contributed to the infringement of the '344 patent in this district and elsewhere.

16. Getagadget has, on information and belief, unlawfully and intentionally infringed the '344 patent in this district and elsewhere by making, having made, using, offering for sale and/or selling portable fans with spray misters embodying the invention of the '344 patent, including the product identified by the item number PM3233. On information and belief, Getagadget has induced infringement and/or has contributed to the infringement of the '344 patent in this district and elsewhere.

17. Fun Express has, on information and belief, unlawfully and intentionally infringed the '344 patent in this district and elsewhere by making, having made, using, offering for sale and/or selling portable fans with spray misters embodying the invention of the '344 patent, including the product identified by the item number IN-34/1211. On information and belief, Fun Express has induced infringement and/or has contributed to the infringement of the '344 patent in this district and elsewhere.

18. The wrongful acts of Lanco, Starline, Calibre, 365, Getagadget, Ace and Fun Express as alleged herein were undertaken without authority and without license from GLJ. On information and belief, Lanco, Starline, Calibre,

365, Getagadget, Ace and Fun Express had actual notice of said Letters Patent and their acts of infringement have been willful and wanton, in blatant disregard for the intellectual property rights of GLJ.

19. GLJ has suffered damage by reason of the acts of infringement by Lanco, Starline, Calibre, 365, Getagadget, Ace and Fun Express and will suffer additional and irreparable damage unless Lanco, Starline, Calibre, 365, Getagadget, Ace and Fun Express are enjoined by this Court from continuing their acts of direct infringement, inducement of infringement and/or contributory infringement.

WHEREFORE, GLJ requests that this Court enter a judgment in favor of GLJ and against Lanco, Starline, Calibre, 365, Getagadget, Ace and Fun Express awarding to GLJ the following relief:

A. Ordering, adjudging and decreeing that that Lanco, Starline, Calibre, 365, Getagadget, Ace and Fun Express have directly infringed the '344 patent in violation of 35 U.S.C. § 271(a) by making, having made, using, selling and/or offering for sale portable fans with spray misters embodying the invention of the '344 patent;

B. Ordering, adjudging and decreeing that Lanco, Starline,

Calibre, 365, Getagadget, Ace and Fun Express have induced the infringement of the '344 patent in violation of 35 U.S.C. § 271(b);

C. Ordering, adjudging and decreeing that Lanco, Starline, Calibre, 365, Getagadget, Ace and Fun Express have engaged in acts amounting to contributory infringement of the '344 patent in violation of 35 U.S.C. § 271(c);

D. Ordering, adjudging and decreeing that the acts of infringement, inducing infringement and contributory infringement of the '344 patent committed by Lanco, Starline, Calibre, 365, Getagadget, Ace and Fun Express were committed willfully and knowingly;

E. Enjoining, both preliminarily and permanently, Lanco, Starline, Calibre, 365, Getagadget, Ace and Fun Express, their parents, principals, officers, directors, agents, affiliates, servants, attorneys, employees and all others in privity with them from infringing the '344 patent;

F. Awarding to GLJ damages for infringement of the '344 patent, including its lost profits, together with prejudgment interest on the amount awarded;

G. Awarding to GLJ three times its damages to compensate GLJ

under 35 U.S.C. § 284;

H. Ordering, adjudging and decreeing that acts of infringement of Lanco, Starline, Calibre, 365, Getagadget, Ace and Fun Express as herein alleged warrant a finding that this is an exceptional case and awarding to GLJ its reasonable attorneys' fees under 35 U.S.C. § 285;

I. Awarding to GLJ its costs incurred in the prosecution of this action; and

J. Awarding to GLJ such other and further relief as the Court may deem just and proper.

JURY DEMAND

GLJ demands trial by jury of all issues in this action so triable.

Respectfully submitted,

GLJ, LLC

/s/ Keith V. Rockey

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