

FILED

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

2009 FEB 27 P 1:59

BECKER DESIGNED, INC.,

Plaintiff,

v.

**WHOLESALE INTERIORS INC.,
OVERSTOCK.COM, INC.,
CLICKSHOPS INC.,
ARLEEN MCDONALD &
ASSOCIATES, LLC,
LIVING COMFORTS ETC LLC,
EMMANUEL GEORGES,
an individual, and
TREMAYNE ARMONDO WILLIAMS,
*an individual,***

Defendants.

CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

CIVIL ACTION NO. 2:09-CV-94

JURY TRIAL DEMANDED

COMPLAINT

This is an action for patent infringement in which Becker Designed, Inc. makes the following allegations against Wholesale Interiors Inc., Overstock.com, Inc., Clickshops Inc., Arleen McDonald & Associates, LLC, Living Comforts Etc LLC, Emmanuel Georges, and Tremayne Armondo Williams (collectively, the "Defendants").

PARTIES

1. Plaintiff Becker Designed, Inc. ("Plaintiff BDI") is a District of Columbia corporation with its principal place of business at 14954 Bogle Drive, Chantilly, Virginia 20151.

2. On information and belief, Defendant Wholesale Interiors Inc. ("Wholesale Interiors") is an Illinois corporation with its corporate headquarters and principal place of business at 794 Golf Lane, Bensenville, Illinois 60106.

3. On information and belief, Defendant Overstock.com, Inc. (“Overstock”) is a Delaware corporation with its corporate headquarters and principal place of business at 6350 South 3000 East, Salt Lake City, Utah 84121.

4. On information and belief, Defendant Clickshops Inc. (“Clickshops”) is an Idaho corporation with its corporate headquarters and principal place of business at 1309 Ponderosa Drive, Sandpoint, Idaho 83864.

5. On information and belief, Defendant Arleen McDonald & Associates, LLC (“McDonald & Associates”) is a Georgia limited liability company with its principal place of business at 6985 Northgreen Drive, Atlanta, Georgia 30328, and having a mailing address at P.O. Box 888994, Atlanta, Georgia 30356.

6. On information and belief, Defendant Living Comforts Etc LLC (“Living Comforts”) is a New Jersey limited liability company with its corporate headquarters and principal place of business at 98 Trinity Place, Avenel, New Jersey 07001.

7. On information and belief, Defendant Emmanuel Georges (“Georges”) is an individual residing at 377-6 Sandhurst Circle, Glen Ellyn, Illinois 60137.

8. On information and belief, Defendant Tremayne Armondo Williams (“Williams”) is an individual residing at 8732 Yorkshire Avenue, Garden Grove, California 92841.

JURISDICTION AND VENUE

9. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

10. Each of the Defendants has the requisite minimum contacts with, regularly have done and/or do business in, and have committed acts of infringement as defined in 35 U.S.C. §

271 within this Judicial District, including the sale and/or offer for sale of infringing products as further set forth below.

11. Venue is proper in this Judicial District pursuant to 28 U.S.C. §§ 1391(b), 1391(c), and 1400(b).

ALLEGATIONS COMMON TO ALL COUNTS

12. Plaintiff BDI is the owner by assignment of the entire interest in United States Patent No. D522,773 (“the ‘773 Patent”) entitled “Enclosed Cabinet for Audio/Video Components.” William M. Becker is listed as the sole inventor for the ‘773 Patent. The ‘773 Patent issued on June 13, 2006. A true and correct copy of the ‘773 Patent is attached hereto as Exhibit A.

13. Plaintiff BDI manufactures and sells a home theater cabinet called the “Avion 8527,” which is a commercial embodiment of the claimed design of the ‘773 Patent. Photographs of the Avion 8527 cabinet are attached hereto as Exhibit B.

14. Plaintiff BDI is the owner by assignment of the entire interest in United States Patent No. D548,490 (“the ‘490 Patent”) entitled “Enclosed Cabinet for Audio/Video Components.” William M. Becker, Matthew Weatherly, and Cristian Rudolf Wicha are joint inventors for the ‘490 Patent. The ‘490 Patent issued on August 14, 2007. A true and correct copy of the ‘490 Patent is attached hereto as Exhibit C.

15. Plaintiff BDI manufactures and sells a home theater cabinet called the “Avion Corner 8521,” which is a commercial embodiment of the claimed design of the ‘490 Patent. Photographs of the Avion Corner 8521 cabinet are attached hereto as Exhibit D.

16. Plaintiff BDI has complied with the marking requirements of 35 U.S.C. § 287(a) with respect to the ‘773 Patent and the ‘490 Patent.

COUNT I

DIRECT INFRINGEMENT OF U.S. PATENT NO. D522,773

Plaintiff BDI v. Defendant Wholesale Interiors

17. Plaintiff BDI incorporates by reference the allegations stated in paragraphs 1-16 as if fully set forth.

18. On information and belief, Defendant Wholesale Interiors owns, controls and/or operates the website located at URL <http://www.interiorexpress.com>.

19. On information and belief, Defendant Wholesale Interiors owns, controls and/or operates the website located at URL <http://www.interiorexpressoutlet.com>.

20. On information and belief, Defendant Wholesale Interiors has sold and/or offered for sale, on or after the issue date of the '773 Patent, a product named the "ValentinoDark Brown Wood Veneer TV Stand Large," which is identified as Item No. IE88621-wenge. A screen capture showing this product at www.interiorexpress.com, is attached as Exhibit E.

21. On information and belief, Defendant Wholesale Interiors continues to sell and/or offer for sale the product referred to in paragraph 20.

22. On information and belief, Defendant Wholesale Interiors imported the products referred to in paragraph 20 into the United States, on or after the issue date of the '773 Patent.

23. The acts referred to in paragraphs 18 through 20 were engaged in without authority from Plaintiff BDI.

24. Each of the acts referred to in paragraphs 18 through 20 constitute infringement of the '773 Patent.

25. During at least a portion of the period of time that Defendant Wholesale Interiors engaged in the acts referred to in paragraphs 18 through 20, Defendant Wholesale Interiors had actual knowledge of the '773 Patent.

26. During at least a portion of the period of time that Defendant Wholesale Interiors engaged in the acts referred to in paragraphs 18 through 20, Defendant Wholesale Interiors knew or should have known that its acts constituted infringement of the '773 Patent.

27. Defendant Wholesale Interior's infringement of the '773 patent is willful.

COUNT II

INDIRECT INFRINGEMENT OF U.S. PATENT NO. D522,773

ACTIVE INDUCEMENT

Plaintiff BDI v. Defendant Wholesale Interiors

28. Plaintiff BDI incorporates by reference the allegations stated in paragraphs 1 through 27 as if fully set forth.

29. On information and belief, Defendant Wholesale Interiors, on or after the issue date of the '773 Patent, sold and/or offered for sale products that infringe the '773 Patent to Defendants Overstock, Clickshops, McDonald & Associates, Living Comforts, Georges, and Williams (collectively, the "Retail Defendants"), knowing that the Retail Defendants would offer for sale and/or sell the products within the United States.

30. On information and belief, Defendant Wholesale Interiors continues to engage in the acts referred to in paragraph 29.

31. Defendant Wholesale Interior's acts, as set forth in paragraphs 29 and 30, were engaged in without authority from Plaintiff BDI.

32. The acts referred to in paragraphs 29 and 30 constitute infringement of the '773 Patent by Defendant Wholesale Interiors by active inducement.

COUNT III

DIRECT INFRINGEMENT OF U.S. PATENT NO. D548,490

Plaintiff BDI v. Defendant Wholesale Interiors

33. Plaintiff BDI incorporates by reference the allegations stated in paragraphs 1-32 as if fully set forth.

34. On information and belief, Defendant Wholesale Interiors has sold and/or offered for sale, on or after the issue date of the '490 Patent, a product named the "Verna Dark Brown Wood Veneer TV Stand Medium," which is identified as Item No. IE88626-wenge. A screen capture showing this product at www.interiorexpress.com, is attached as Exhibit F.

35. On information and belief, Defendant Wholesale Interiors continues to sell and/or offer for sale the product referred to in paragraph 34.

36. On information and belief, Defendant Wholesale Interiors imported the products referred to in paragraph 34 into the United States, on or after the issue date of the '490 Patent.

37. The acts referred to in paragraphs 32 through 34 were engaged in without authority from Plaintiff BDI.

38. Each of the acts referred to in paragraphs 32 through 34 constitute infringement of the '490 Patent.

39. During at least a portion of the period of time that Defendant Wholesale Interiors engaged in the acts referred to in paragraphs 32 through 34, Defendant Wholesale Interiors had actual knowledge of the '490 Patent.

40. During at least a portion of the period of time that Defendant Wholesale Interiors engaged in the acts referred to in paragraphs 32 through 34, Defendant Wholesale Interiors knew or should have known that its acts constituted infringement of the '490 Patent.

41. Defendant Wholesale Interior's infringement of the '490 patent is willful.

COUNT IV

INDIRECT INFRINGEMENT OF U.S. PATENT NO. D548,490

ACTIVE INDUCEMENT

Plaintiff BDI v. Defendant Wholesale Interiors

42. Plaintiff BDI incorporates by reference the allegations stated in paragraphs 1 through 41 as if fully set forth.

43. On information and belief, Defendant Wholesale Interiors, on or after the issue date of the '490 Patent, sold and/or offered for sale products that infringe the '490 Patent to Defendants Overstock, Clickshops, McDonald & Associates, Georges, and Williams, knowing that these Defendants would offer for sale and/or sell the products within the United States.

44. On information and belief, Defendant Wholesale Interiors continues to engage in the acts referred to in paragraph 43.

45. Defendant Wholesale Interior's acts, as set forth in paragraphs 43 and 44, were engaged in without authority from Plaintiff BDI.

46. The acts referred to in paragraphs 43 and 44 constitute infringement of the '490 Patent by Defendant Wholesale Interiors by active inducement.

COUNT V

DIRECT INFRINGEMENT OF U.S. PATENT NO. D522,773

Plaintiff BDI v. Defendant Overstock

47. Plaintiff BDI incorporates by reference the allegations stated in paragraphs 1 through 46 as if fully set forth.

48. On information and belief, Defendant Overstock owns, controls and/or operates the website located at URL <http://www.overstock.com>.

49. On information and belief, Defendant Overstock has sold and/or offered for sale, on or after the issue date of the '773 Patent, a product named the "Erving Wenge TV Stand," which is identified as Item No. 11878939. Screen captures showing this product at www.overstock.com are attached as Exhibit G.

50. On information and belief, Defendant Overstock continues to sell and/or offer for sale the product referred to in paragraph 49.

51. During at least a portion of the period of time that Defendant Overstock has sold and/or offered for sale the product referred to in paragraph 49, Defendant Overstock had actual knowledge of the '773 Patent.

52. During at least a portion of the period of time that Defendant Overstock sold and/or offered for sale the product referred to in paragraph 49, Defendant Overstock knew or should have known that the products infringed the '773 Patent.

53. Defendant Overstock's acts, as set forth in paragraphs 49 and 50, were engaged in without authority from Plaintiff BDI.

54. The acts referred to in paragraphs 49 and 50 constitute direct infringement of the '773 Patent by Defendant Overstock.

55. Defendant Overstock's infringement of the '773 Patent is willful.

COUNT VI

DIRECT INFRINGEMENT OF U.S. PATENT NO. D548,490

Plaintiff BDI v. Defendant Overstock

56. Plaintiff BDI incorporates by reference the allegations stated in paragraphs 1 through 55 as if fully set forth.

57. On information and belief, Defendant Overstock has sold and/or offered for sale, on or after the issue date of the '490 Patent, a product named the "Eryn Wenge Wood Corner TV Stand," which is identified as Item No. 11878947. Screen captures showing this product at www.overstock.com are attached as Exhibit H.

58. On information and belief, Defendant Overstock continues to sell and/or offer for sale the product referred to in paragraph 57.

59. During at least a portion of the period of time that Defendant Overstock has sold and/or offered for sale the product referred to in paragraph 57, Defendant Overstock had actual knowledge of the '490 Patent.

60. During at least a portion of the period of time that Defendant Overstock sold and/or offered for sale the product referred to in paragraph 57, Defendant Overstock knew or should have known that the products infringed the '490 Patent.

61. Defendant Overstock's acts, as set forth in paragraphs 57 and 58, were engaged in without authority from Plaintiff BDI.

62. The acts referred to in paragraphs 57 and 58 constitute direct infringement of the '490 Patent by Defendant Overstock.

63. Defendant Overstock's infringement of the '490 Patent is willful.

COUNT VII

DIRECT INFRINGEMENT OF U.S. PATENT NO. D522,773

Plaintiff BDI v. Defendant Clickshops

64. Plaintiff BDI incorporates by reference the allegations stated in paragraphs 1 through 63 as if fully set forth.

65. On information and belief, Defendant Clickshops owns, controls and/or operates the website located at URL [http:// www.entertainmentcenters.us.com](http://www.entertainmentcenters.us.com).

66. On information and belief, Defendant Clickshops has sold and/or offered for sale, on or after the issue date of the '773 Patent, a product named the "Wholesale Interiors Long Wenge TV Stand," which is identified as Item No. 88621-Wenge. Screen captures showing this product at www.entertainmentcenters.us.com, bearing a Wholesale Interiors logo, are attached as Exhibit I.

67. On information and belief, Defendant Clickshops continues to sell and/or offer for sale the product referred to in paragraph 66.

68. During at least a portion of the period of time that Defendant Clickshops has sold and/or offered for sale the product referred to in paragraph 66, Defendant Clickshops had actual knowledge of the '773 Patent.

69. During at least a portion of the period of time that Defendant Clickshops sold and/or offered for sale the product referred to in paragraph 66, Defendant Clickshops knew or should have known that the products infringed the '773 Patent.

70. Defendant Clickshops' acts, as set forth in paragraphs 66 and 67, were engaged in without authority from Plaintiff BDI.

71. The acts referred to in paragraphs 66 and 67 constitute direct infringement of the '773 Patent by Defendant Clickshops.

72. Defendant Clickshops' infringement of the '773 Patent is willful.

COUNT VIII

DIRECT INFRINGEMENT OF U.S. PATENT NO. D548,490

Plaintiff BDI v. Defendant Clickshops

73. Plaintiff BDI incorporates by reference the allegations stated in paragraphs 1 through 72 as if fully set forth.

74. On information and belief, Defendant Clickshops has sold and/or offered for sale, on or after the issue date of the '490 Patent, a product named the "Wholesale Interiors Wenge TV Stand," which is identified as Item No. 88626-Wenge. Screen captures showing this product at www.entertainmentcenters.us.com, bearing a Wholesale Interiors logo, are attached as Exhibit J.

75. On information and belief, Defendant Clickshops continues to sell and/or offer for sale the product referred to in paragraph 74.

76. During at least a portion of the period of time that Defendant Clickshops has sold and/or offered for sale the product referred to in paragraph 74, Defendant Clickshops had actual knowledge of the '490 Patent.

77. During at least a portion of the period of time that Defendant Clickshops sold and/or offered for sale the product referred to in paragraph 74, Defendant Clickshops knew or should have known that the products infringed the '490 Patent.

78. Defendant Clickshops' acts, as set forth in paragraphs 74 and 75, were engaged in without authority from Plaintiff BDI.

79. The acts referred to in paragraphs 74 and 75 constitute direct infringement of the '490 Patent by Defendant Clickshops.

80. Defendant Clickshops' infringement of the '490 Patent is willful.

COUNT IX

DIRECT INFRINGEMENT OF U.S. PATENT NO. D522,773

Plaintiff BDI v. Defendant McDonald & Associates

81. Plaintiff BDI incorporates by reference the allegations stated in paragraphs 1 through 80 as if fully set forth.

82. On information and belief, Defendant McDonald & Associates owns, controls and/or operates the website located at URL <http://www.thecozycasa.com>.

83. On information and belief, Defendant McDonald & Associates has sold and/or offered for sale, on or after the issue date of the '773 Patent, a product named the "Dark Brown Wood Veneer TV Stand," which is identified as Item No. WHO88621-wenge. Screen captures showing this product at www.thecozycasa.com are attached as Exhibit K.

84. On information and belief, Defendant McDonald & Associates continues to sell and/or offer for sale the product referred to in paragraph 83.

85. During at least a portion of the period of time that Defendant McDonald & Associates has sold and/or offered for sale the product referred to in paragraph 49, Defendant McDonald & Associates had actual knowledge of the '773 Patent.

86. During at least a portion of the period of time that Defendant McDonald & Associates sold and/or offered for sale the product referred to in paragraph 83, Defendant McDonald & Associates knew or should have known that the products infringed the '773 Patent.

87. Defendant McDonald & Associates's acts, as set forth in paragraphs 83 and 84, were engaged in without authority from Plaintiff BDI.

88. The acts referred to in paragraphs 83 and 84 constitute direct infringement of the '773 Patent by Defendant McDonald & Associates.

89. Defendant McDonald & Associates' infringement of the '773 Patent is willful.

COUNT X

DIRECT INFRINGEMENT OF U.S. PATENT NO. D548,490

Plaintiff BDI v. Defendant McDonald & Associates

90. Plaintiff BDI incorporates by reference the allegations stated in paragraphs 1 through 89 as if fully set forth.

91. On information and belief, Defendant McDonald & Associates has sold and/or offered for sale, on or after the issue date of the '490 Patent, a product named the "Dark Brown Wood Veneer TV Stand Medium," which is identified as Item No. WHO88626-wenge. Screen captures showing this product at www.thecozycasa.com are attached as Exhibit L.

92. On information and belief, Defendant McDonald & Associates continues to sell and/or offer for sale the product referred to in paragraph 91.

93. During at least a portion of the period of time that Defendant McDonald & Associates has sold and/or offered for sale the product referred to in paragraph 91, Defendant McDonald & Associates had actual knowledge of the '490 Patent.

94. During at least a portion of the period of time that Defendant McDonald & Associates sold and/or offered for sale the product referred to in paragraph 91, Defendant McDonald & Associates knew or should have known that the products infringed the '490 Patent.

95. Defendant McDonald & Associates' acts, as set forth in paragraphs 91 and 92, were engaged in without authority from Plaintiff BDI.

96. The acts referred to in paragraphs 91 and 92 constitute direct infringement of the '490 Patent by Defendant McDonald & Associates.

97. Defendant McDonald & Associates' infringement of the '490 Patent is willful.

COUNT XI

DIRECT INFRINGEMENT OF U.S. PATENT NO. D522,773

Plaintiff BDI v. Defendant Living Comforts

98. Plaintiff BDI incorporates by reference the allegations stated in paragraphs 1 through 97 as if fully set forth.

99. On information and belief, Defendant Living Comforts owns, controls and/or operates the website located at URL <http://www.livingcomforts.com>.

100. On information and belief, Defendant Living Comforts has sold and/or offered for sale, on or after the issue date of the '773 Patent, a product named the "Dark Brown Wood Veneer TV Media Stand Large," which is identified as Item No. 88621W. Screen captures showing this product at www.livingcomforts.com are attached as Exhibit M.

101. On information and belief, Defendant Living Comforts continues to sell and/or offer for sale the product referred to in paragraph 100.

102. During at least a portion of the period of time that Defendant Living Comforts has sold and/or offered for sale the product referred to in paragraph 100, Defendant Living Comforts had actual knowledge of the '773 Patent.

103. During at least a portion of the period of time that Defendant Living Comforts sold and/or offered for sale the product referred to in paragraph 100, Defendant Living Comforts knew or should have known that the products infringed the '773 Patent.

104. Defendant Living Comforts' acts, as set forth in paragraphs 100 and 101, were engaged in without authority from Plaintiff BDI.

105. The acts referred to in paragraphs 100 and 101 constitute direct infringement of the '773 Patent by Defendant Living Comforts.

106. Defendant Living Comforts' infringement of the '773 Patent is willful.

COUNT XII

DIRECT INFRINGEMENT OF U.S. PATENT NO. D522,773

Plaintiff BDI v. Defendant Georges

107. Plaintiff BDI incorporates by reference the allegations stated in paragraphs 1 through 106 as if fully set forth.

108. On information and belief, Defendant Georges owns, controls and/or operates the website located at URL <http://www.emmanuelgeorges.org>.

109. On information and belief, Defendant Georges has sold and/or offered for sale, on or after the issue date of the '773 Patent, a product named the "Topaz Dark Brown Wood Veneer TV Stand," which is identified as Item No. WS88621-wenge. Screen captures showing this product at www.emmanuelgeorges.org are attached as Exhibit N.

110. During at least a portion of the period of time that Defendant Georges sold and/or offered for sale the product referred to in paragraph 109, Defendant Georges had actual knowledge of the '773 Patent.

111. During at least a portion of the period of time that Defendant Georges sold and/or offered for sale the product referred to in paragraph 109, Defendant Georges knew or should have known that the products infringed the '773 Patent.

112. Defendant Georges's acts, as set forth in paragraph 109, were engaged in without authority from Plaintiff BDI.

113. The acts referred to in paragraph 109 constitute direct infringement of the '773 Patent by Defendant Georges.

114. Defendant Georges' infringement of the '773 Patent is willful

COUNT XIII

DIRECT INFRINGEMENT OF U.S. PATENT NO. D548,490

Plaintiff BDI v. Defendant Georges

115. Plaintiff BDI incorporates by reference the allegations stated in paragraphs 1 through 114 as if fully set forth.

116. On information and belief, Defendant Georges has sold and/or offered for sale, on or after the issue date of the '490 Patent, a product named the "Alesis Dark Brown Wood Veneer TV Stand," which is identified as Item No. WS88626-wenge. Screen captures showing this product at www.emmanuelgeorges.org are attached as Exhibit O.

117. During at least a portion of the period of time that Defendant Georges sold and/or offered for sale the product referred to in paragraph 116, Defendant Georges had actual knowledge of the '490 Patent.

118. During at least a portion of the period of time that Defendant Georges sold and/or offered for sale the product referred to in paragraph 116, Defendant Georges knew or should have known that the products infringed the '490 Patent.

119. Defendant Georges' acts, as set forth in paragraph 116, were engaged in without authority from Plaintiff BDI.

120. The acts referred to in paragraph 116 constitute direct infringement of the '490 Patent by Defendant Georges.

121. Defendant Georges' infringement of the '490 Patent is willful.

COUNT XIV

DIRECT INFRINGEMENT OF U.S. PATENT NO. D522,773

Plaintiff BDI v. Defendant Williams

122. Plaintiff BDI incorporates by reference the allegations stated in paragraphs 1 through 121 as if fully set forth.

123. On information and belief, Defendant Williams owns, controls and/or operates the website located at URL <http://www.inhomebydesign.com>.

124. On information and belief, Defendant Williams has sold and/or offered for sale, on or after the issue date of the '773 Patent, a product named the "Brookhurst Dark Brown Wood Vener TV Stand Large," which is identified as Product Code ENT361173. Screen captures showing this product at www.inhomebydesign.com are attached as Exhibit P.

125. On information and belief, Defendant Williams continues to sell and/or offer for sale the product referred to in paragraph 124.

126. During at least a portion of the period of time that Defendant Williams has sold and/or offered for sale the product referred to in paragraph 124, Defendant Williams had actual knowledge of the '773 Patent.

127. During at least a portion of the period of time that Defendant Williams sold and/or offered for sale the product referred to in paragraph 124, Defendant Williams knew or should have known that the products infringed the '773 Patent.

128. Defendant Williams's acts, as set forth in paragraphs 124 and 125, were engaged in without authority from Plaintiff BDI.

129. The acts referred to in paragraphs 124 and 125 constitute direct infringement of the '773 Patent by Defendant Williams.

130. Defendant Williams' infringement of the '773 Patent is willful.

COUNT XV

DIRECT INFRINGEMENT OF U.S. PATENT NO. D548,490

Plaintiff BDI v. Defendant Williams

131. Plaintiff BDI incorporates by reference the allegations stated in paragraphs 1 through 130 as if fully set forth.

132. On information and belief, Defendant Williams has sold and/or offered for sale, on or after the issue date of the '490 Patent, a product named the "Brookhurst Dark Brown Wood Vener TV Stand Medium," which is identified as Product Code ENT361174. Screen captures showing this product at www.inhomebydesign.com are attached as Exhibit Q.

133. On information and belief, Defendant Williams continues to sell and/or offer for sale the product referred to in paragraph 132.

134. During at least a portion of the period of time that Defendant Williams has sold and/or offered for sale the product referred to in paragraph 132, Defendant Williams had actual knowledge of the '490 Patent.

135. During at least a portion of the period of time that Defendant Williams sold and/or offered for sale the product referred to in paragraph 132, Defendant Williams knew or should have known that the products infringed the '490 Patent.

136. Defendant Williams' acts, as set forth in paragraphs 132 and 133, were engaged in without authority from Plaintiff BDI.

137. The acts referred to in paragraphs 132 and 133 constitute direct infringement of the '490 Patent by Defendant Williams.

138. Defendant Williams' infringement of the '490 Patent is willful.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff BDI respectfully prays as follows:

- (a) That it is decreed that each of the Defendants has infringed the '773 Patent;
- (b) That it be decreed that the '773 Patent is valid and enforceable;
- (c) That it is decreed that each of the Defendants has infringed the '490 Patent;
- (d) That it be decreed that the '490 Patent is valid and enforceable;
- (e) That the Defendants be ordered to account for and pay damages adequate to compensate Plaintiff BDI for its damages caused by the infringements by Defendants of the patents in suit;
- (f) That these damages be increased, pursuant to 35 U.S.C § 284, to up to three times the actual damages found or assessed by the Court, and that interest be paid by each Defendant from the date of its initial infringement;
- (g) That Plaintiff BDI be awarded its attorneys fees, pursuant to 35 U.S.C. § 285, and assessment of interest, costs and expenses for this suit;

(h) That a permanent injunction be issued enjoining the Defendants from future acts of infringement; and

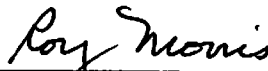
(i) That Plaintiff BDI be granted such other and further relief as may be deemed proper under the circumstances.

DEMAND FOR JURY TRIAL

Plaintiff BDI, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Respectfully submitted,

CARR, MORRIS & GRAEFF, P.C.



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**ATTORNEYS FOR PLAINTIFF BECKER
DESIGNED, INC.**

Dated: February 27, 2009