

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

FILED: FEBRUARY 11, 2009

09CV862

FURNACE BROOK LLC,

)

JUDGE LEFKOW

Plaintiff,

)

MAGISTRATE JUDGE KEYS

)

CH

v.

)

Case No.:

WALGREEN CO. and LETTUCE ENTERTAIN

)

YOU ENTERPRISES, INC.,

)

(Jury Trial Demanded)

)

Defendants.

)

COMPLAINT

Plaintiff, Furnace Brook, LLC (“Furnace Brook”), for its complaint of patent infringement against defendants, Walgreen Co. (“Walgreen”) and Lettuce Entertain You Enterprises, Inc. (“Lettuce Entertain You”) (collectively “defendants”), hereby alleges as follows:

PARTIES, JURISDICTION AND VENUE

1. Furnace Brook is a corporation with a principal place of business at 204 Furnace Dock Road, Cortland Manor, New York 10567.
2. Walgreen is a corporation with a principal place of business at 200 Wilmot Road, Deerfield, Illinois 60015.
3. Lettuce Entertain You is a corporation with a principal place of business at 5419 North Sheridan Road, Chicago, Illinois 60640.
4. Upon information and belief, the defendants have been, and are, engaged in substantial and continuous business activities in the Judicial District.
5. This Complaint arises under the patent laws of the United States (35 U.S.C. § 1, *et seq.*). Subject matter jurisdiction is conferred on this Court by 28 U.S.C. §§ 1331 and 1338(a).

6. Venue in this Court is proper under 28 U.S.C. § 1400(b).

COUNT I – PATENT INFRINGEMENT

7. Furnace Brook repeats and realleges paragraphs 1-6, *supra*, as if fully set forth in full herein.

8. Furnace Brook is the owner by assignment of U.S. Patent No. 5,721,832, entitled *Method and Apparatus for an Interactive Computerized Catalog System* (“the ‘832 patent”) (Exhibit A).

9. The defendants, through the operation of their respective on-line ordering web sites, have infringed the ‘832 patent.

10. The defendants have induced others to infringe the ‘832 patent through their making available their respective on-line ordering web sites to end users.

11. The defendants have contributed to the infringement of the ‘832 patent by others through their making available their respective on-line ordering web sites to end users.

12. Upon information and belief, the afore-referenced infringement has been willful.

13. The defendants’ infringing acts will cause continued damage to Furnace Brook’s business and property rights, in an amount to be proven in trial.

14. The defendants’ continued acts of infringement will further cause immediate and irreparable harm to Furnace Brook for which there is no adequate remedy at law, and for which Furnace Brook is entitled to injunctive relief under 35 U.S.C. § 283.

WHEREFORE, Furnace Brook respectfully requests an entry of judgment from this Court:

- A) Declaring that the defendants have infringed, and continue to infringe, the '832 Patent under 35 U.S.C. § § 271(a) & (b);
- B) Declaring that the defendants have willfully infringed, and continue to willfully infringe, the '832 Patent;
- C) Permanently enjoining the defendants from further infringement of the '832 Patent;
- D) Awarding Furnace Brook adequate monetary damages consistent with 35 U.S.C. § 284 to compensate Furnace Brook for the defendants' past and continuing infringement, together with costs and prejudgment interest, but in no event less than a reasonable royalty;
- E) Awarding Furnace Brook enhanced monetary damages pursuant to 35 U.S.C. § 284 as a result of the defendants' willful infringement;
- F) Declaring this to be an "exceptional" case with in the meaning of 35 U.S.C. § 285, and awarding Furnace Brook reasonable attorneys' fees, expenses and costs; and
- G) Awarding Furnace Brook any additional relief that the Court determines to be appropriate.

Respectfully submitted,

Date: February 11, 2009

s/George C. Summerfield
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Joseph A. Gear
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DEMAND FOR JURY TRIAL

Pursuant to Fed. R. Civ. P. 38(b), plaintiff, Furnace Brook, LLC, demands a jury trial of all issues properly triable to a jury in this case.

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Date: February 11, 2009