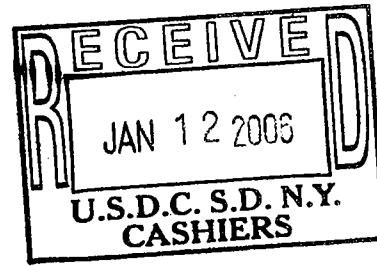


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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

**JUDGE WOOD**

----- X  
KNOLL, INC.,

Plaintiff,

**06 CV 0278**

- against -

No. 06 Civ.

HUMANSIZE CORPORATION,

COMPLAINT

Defendant.

ECF CASE

----- X

As and for its complaint, Plaintiff Knoll, Inc. ("Knoll") states through its attorneys as follows:

**The Parties**

1. Plaintiff Knoll is a corporation organized under the laws of the State of Delaware. Although Knoll's predecessor was founded and headquartered in New York, Knoll's headquarters is currently located at 1235 Water Street, East Greenville, Pennsylvania. Knoll nevertheless has a substantial presence in New York City: its Chief Executive Officer, its Director of Design, most of its marketing department, its largest sales department and its flagship showroom are all located at 76 9th Avenue, New York, New York, 10011.

2. Humanscale Corporation ("Humanscale") is a corporation organized under the laws of the State of New York, with its principal place of business at 11 East 26th Street, 8th Floor, New York, New York, 10010.

3. Upon information and belief, Humanscale is registered to do business in the State of New York. Humanscale conducts substantial business in the State of New York and has customers and accounts in the State of New York.

#### **Jurisdiction and Venue**

4. This suit arises under the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202, and the Patent Laws of the United States, 35 U.S.C. § 1 et seq.

5. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1338(a) and 2201.

6. This Court has personal jurisdiction over Humanscale. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b) and 1400(b).

#### **The Patent at Issue**

7. Humanscale purports to be the assignee of U.S. Patent No. 6,959,965 ("the '965 Patent") entitled "Ergonomic Chair." The '965 Patent was issued on November 1, 2005.

8. The inventor of the '965 Patent is Niels Diffrient. Mr. Diffrient resides in Ridgefield, Connecticut.

9. Upon information and belief, all activities related to the design described in the '965 Patent occurred entirely within the northeastern United States.

#### **The Alleged Infringement**

10. Knoll developed and is marketing an office chair which it sells under the trademark LIFE. Subsequent to the issuance of the '965 Patent in November 2005, Humanscale

has asserted that (i) Knoll infringes the '965 Patent, (ii) the '965 Patent is valid and enforceable, and (iii) Humanscale has the right to assert the '965 Patent against Knoll.

11. On December 15, 2005, Robert King, Chief Executive Officer of Humanscale, wrote to Andrew Cogan, Chief Executive Officer of Knoll, requesting a meeting in early January 2006 at Knoll's office in New York City to resolve issues raised by the '965 Patent.

12. On January 11, 2006, Humanscale filed a complaint for patent infringement against Knoll in the Eastern District of Texas, Marshall Division. Humanscale Corporation v. Knoll, Inc., Case No. 2:06 CV 13 (the "Texas action"). The complaint in the Texas action seeks an injunction to prevent future infringement and damages for alleged past infringement.

13. In the Texas action, Humanscale has alleged that the LIFE chair manufactured and sold by Knoll infringes the '965 patent.

14. A case or controversy exists between Knoll and Humanscale concerning Humanscale's rights under the '965 Patent and Knoll's alleged infringement of said patent.

**Count 1: Declaration of Patent Invalidity**

15. Knoll realleges paragraphs 1 through 14 as if fully set forth herein.

16. The '965 Patent is invalid under 35 U.S.C. § 102 and § 103.

17. There is significant prior art which invalidates the '965 Patent.

**Count 2: Declaratory Judgment of Noninfringement**

18. Knoll repeats and realleges paragraphs 1 through 14 above as if fully set forth herein.

19. The '965 Patent is not infringed by Knoll either literally or under the Doctrine of Equivalents.

**PRAYER FOR RELIEF**

WHEREFORE, Knoll prays that this Court:

- A. Enter judgment declaring the '965 Patent invalid;
- B. Enter judgment declaring the '965 Patent not infringed by Knoll;
- C. Permanently enjoin Humanscale, its officers, agents, directors, servants, employees, subsidiaries, and assigns, and all those acting under the authority of or in privity with it or with any of them, from asserting that Knoll infringes the '965 Patent;
- D. Award costs incurred by Knoll in defending itself against the charges of infringement of the '965 Patent, including the costs of this action;
- E. Declare this case exceptional and award reasonable attorneys' fees to Knoll pursuant to 35 U.S.C. § 285; and
- F. Grant such other and further relief as the Court deems just and proper.

Dated: January 12, 2006

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By: 

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