

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

GFIT LLC,

Plaintiff,

vs.

MEDI USA LIMITED PARTNERSHIP,

Defendant.

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Case No.

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff GFIT LLC ("GFIT") brings this action against defendant Medi USA Limited Partnership ("Medi"), and alleges:

THE PARTIES

1. GFIT is a limited liability company organized and existing under the laws of the State of Michigan, and the owner of U.S. Patent 5,898,948 entitled "Support/ Sport Sock," U.S. Patent 6,032,296 entitled "Support/Sport Sock and Method of Use" and U.S. Patent 6,173,452 entitled "Support/Sport Sock and Method of Use".

2. On information and belief, Medi is a limited liability partnership organized and existing under the laws of the State of Delaware, having a principal place of business at 6481 Franz Warner Parkway, Whitsett, North Carolina, 27377, has designated its registered agent for purposes of service of process as William Inabnit, 6481 Franz Warner Parkway, Whitsett, North Carolina, 27377-9214, and is doing business in this judicial district and elsewhere in the United States.

JURISDICTION AND VENUE

3. This is an action for patent infringement of U.S. Patent Nos. 5,898,948 and 6,032,296 arising under the provisions of the Patent Laws of the United States of America, Title 35, United States Code.

4. Subject-matter jurisdiction over GFIT's claims is conferred upon this Court by 28 U.S.C. §§ 1331 and 1338(a).

5. On information and belief, defendant has solicited business in the State of Michigan and this district, transacted business within the State of Michigan and this district, and attempted to derive financial benefit from residents of the State of Michigan and this district, including benefits directly related to the instant patent infringement cause of action set forth herein.

6. On information and belief, defendant has placed its allegedly infringing products into the stream of commerce throughout the United States with the expectation that such products would be offered for sale, sold and/or used in this judicial district.

7. Defendant is subject to personal jurisdiction in Michigan and this judicial district, and is doing business in this judicial district.

8. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and (c) and 1400(b).

PATENT INFRINGEMENT

9. On May 4, 1999, U.S. Patent No. 5,898,948 ("the '948 patent"), entitled "Support/Sport Sock", a copy of which is attached hereto as Exhibit A, was duly and legally issued. GFIT is the owner by assignment of all right, title and interest in and to the '948 patent, including the

right to sue for and recover all past, present and future damages for infringement of the '948 patent.

10. Upon information and belief, defendant has in the past infringed and will continue to infringe, contribute to infringement, and/or induce infringement of the '948 patent by making, using, selling, offering to sell and/or importing, and/or causing others to use, sell and/or offer to sell CEP sport socks that alone and/or in use are covered by at least one claim of the '948 patent. For example, attached as Exhibit B is a copy of packaging materials of one such CEP sock indicated to have "graduated medi compression." Defendant is liable for infringement of the '948 patent pursuant to 35 U.S.C. § 271.

11. Defendant's acts of infringement have caused damage to GFIT, and GFIT is entitled to recover from defendant the damages sustained by GFIT as a result of defendant's wrongful acts in an amount subject to proof at trial.

12. As a consequence of the infringement complained of herein, GFIT has been irreparably damaged to an extent not yet determined and will continue to be irreparably damaged by such acts in the future unless defendant is enjoined by this Court from committing further acts of infringement.

13. On March 7, 2000, U.S. Patent No. 6,032,296 ("the '296 patent"), entitled "Support/ Sport Sock and Method of Use", a copy of which is attached hereto as Exhibit C, was duly and legally issued. GFIT is the owner by assignment of all right, title and interest in and to the '296 patent, including the right to sue for and recover all past, present and future damages for infringement of the '296 patent.

14. Upon information and belief, defendant has in the past infringed and will continue to infringe, contribute to infringement, and/or induce infringement of the '296 patent by making,

using, selling, offering to sell and/or importing, and/or causing others to use, sell and/or offer to sell CEP sport socks that alone and/or in use are covered by at least one claim of the '296 patent. For example, attached as Exhibit B is a copy of packaging materials of one such CEP sock indicated to have "graduated medi compression. "Defendant is liable for infringement of the '296 patent pursuant to 35 U.S.C. § 271.

15. Defendant's acts of infringement have caused damage to GFIT, and GFIT is entitled to recover from defendant the damages sustained by GFIT as a result of defendant's wrongful acts in an amount subject to proof at trial.

16. As a consequence of the infringement complained of herein, GFIT has been irreparably damaged to an extent not yet determined and will continue to be irreparably damaged by such acts in the future unless defendant is enjoined by this Court from committing further acts of infringement.

PRAYER FOR RELIEF

WHEREFORE, GFIT prays for entry of judgment that:

- A. Defendant has infringed the '948 and '296 patents;
- B. Defendant account for and pay to GFIT all damages caused by its infringement of the '948 and '296 patents in accordance with 35 U.S.C. § 284;
- C. GFIT be granted permanent injunctive relief pursuant to 35 U.S.C. § 283 enjoining defendant and its respective officers, agents, servants, employees and those persons in active concert or participation with them from further acts of patent infringement;
- D. GFIT be granted pre-judgment and post-judgment interest on the damages caused to it by reason of defendant's patent infringement complained of herein;

- E. GFIT be granted its reasonable attorneys' fees;
- F. Costs be awarded to GFIT; and,
- G. GFIT be granted such other and further relief as the Court may deem just and proper under the circumstances.

DEMAND FOR JURY TRIAL

GFIT demands trial by jury on all claims and issues so triable.

Respectfully submitted,

Dated: May 25, 2012

By: /s/Mark D. Schneider

Mark D. Schneider (P-55253)
Gifford, Krass, Sprinkle, Anderson & Citkowski, P.C.
2701 Troy Center Drive
Suite 330
P.O. Box 7021
Troy, MI 48007-7021
T: 248.647.6000
F: 248.647.5210
litigation@patlaw.com

John T. Polasek
State Bar No. 16088590
tpolasek@pqelaw.com
C. Dale Quisenberry
State Bar No. 24005040
dquisenberry@pqelaw.com
Jeffrey S. David
State Bar No. 24053171
jdavid@pqelaw.com
POLASEK, QUISENBERRY & ERRINGTON, L.L.P.
6750 West Loop South, Suite 920
Bellaire, Texas 77401
Telephone: (832) 778-6000
Facsimile: (832) 778-6010

ATTORNEYS FOR PLAINTIFF GFIT LLC