

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

KNOLL, INC.,

Plaintiff,

v.

**MASS ENGINEERED DESIGN, INC.
and JERRY MOSCOVITCH,**

Defendants.

CIVIL ACTION NO.: _____

JURY TRIAL DEMANDED

COMPLAINT FOR DECLARATORY JUDGMENT

Plaintiff, Knoll, Inc., by and through its undersigned counsel, states as its complaint against defendants, Mass Engineered Design, Inc. and Jerry Moscovitch (hereinafter collectively “Defendants”), the following:

THE PARTIES

1. Plaintiff Knoll, Inc. (hereinafter “Plaintiff” or “Knoll”) is a Delaware corporation having a place of business at 1235 Water Street, East Greenville, Pennsylvania 18041.

2. On information and belief, Defendant Mass Engineered Design, Inc. (hereinafter “Mass”) is an Ontario, Canada corporation having a place of business at 474 Wellington Street West, Toronto, Ontario, Canada M5V 1E3.

3. On information and belief, Defendant Jerry Moscovitch (hereinafter “Moscovitch”) is an individual residing in Toronto, Ontario, Canada.

JURISDICTION AND VENUE

4. This is a complaint for Declaratory Judgment that Moscovitch’s United States Patent No. RE 36,978 (hereinafter the “Patent-in-Suit”) is not infringed, is invalid, and/or is unenforceable.

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

6. This Court has personal jurisdiction over Plaintiffs as they are doing business in this judicial district.

7. Venue is proper in this District pursuant to 28 U.S.C. § 1400 because (i) Plaintiff resides in this District and (ii) Plaintiff has sold products within this District for which there is an actual controversy regarding whether infringement of the Patent-in-Suit has occurred, and Plaintiff has a regular and established place of business in this District.

GENERAL ALLEGATIONS

8. Moscovitch is the purported owner of the Patent-in-Suit, which is directed to a dual-display support device. Mass is the purported licensee of the Patent-in-Suit.

9. Plaintiff sells and has sold in the past various devices designed to support multiple electronic displays (hereinafter “Knoll Multiple-Display Devices”). Examples of Knoll Multiple-Display Devices include but are not limited to the Sapper™ series of monitor arms.

10. On January 25, 2010, Defendants filed a first amended complaint against Plaintiff and additional parties in the United States District Court for the Eastern District of Texas in a case entitled *Mass Engineered Design, Inc. et al. v. 9X Media, Inc. et al.*, Docket No. 2:09-cv-00358. This complaint alleged infringement of the Patent-in-Suit by Plaintiff.

11. Plaintiffs and Defendants have filed a stipulation of dismissal in the action referred to in paragraph 10, requesting an order of the court under Federal Rule of Civil Procedure 41 dismissing all claims and counterclaims without prejudice.

12. Plaintiffs continue to have reasonable apprehension of suit with respect to the Patent-in-Suit and the Knoll Multiple-Display Devices.

13. An actual controversy exists between the parties as to whether Plaintiff has infringed the Patent-in-Suit and whether the Patent-in-Suit is invalid and/or unenforceable.

COUNT I
DECLARATORY JUDGMENT OF NONINFRINGEMENT

14. Plaintiff realleges and incorporates herein as if set forth in full paragraphs 1-11.

15. None of the Knoll Multiple-Display Devices infringe any claim of the Patent-in-Suit, either literally or under the Doctrine of Equivalents.

16. Plaintiff has not directly infringed, induced the infringement of, or been a contributory infringer of any claim of the Patent-in-Suit in connection with the making, using, selling, offering for sale, or importing any of the Knoll Multiple-Display Devices.

COUNT II
DECLARATORY JUDGMENT OF PATENT INVALIDITY
AND/OR UNENFORCEABILITY

17. Plaintiff realleges and incorporates herein as if set forth in full paragraphs 1-16.

18. The Patent-in-Suit is invalid and/or unenforceable for failure to comply with the requirements of Part II of Title 35 of the United States Code, including but not limited to §§ 101, 102, 103 and 112 of Title 35.

19. The Patent-in-Suit is unenforceable against Plaintiff under the doctrine of laches, estoppels and/or acquiescence.

WHEREFORE, Plaintiff respectfully requests that this Court enter an Order declaring that:

- a. The Patent-in-Suit is invalid and/or unenforceable;
- b. The Patent-in-Suit is not infringed by any of the Knoll Multiple-Display

Devices;

c. Defendants, and all officers, employees, agents, representatives and counsel therefor, and all persons in active concert or participation with any of them, directly or indirectly, be enjoined from charging infringement or instituting any action for infringement of the Patent-in-Suit against Plaintiff;

d. This be declared an exceptional case pursuant to 35 U.S.C. § 285 and that the Court award Plaintiff its reasonable attorneys fees, expenses, and costs in this action; and

e. Plaintiff be granted such other and further relief as justice may require.

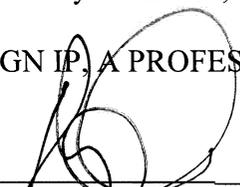
JURY DEMAND

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure and the 7th Amendment to the Constitution of the United States, Plaintiff hereby demands a trial by jury of all issues triable as of right by jury in the above action.

Respectfully submitted,

DESIGN IP, A PROFESSIONAL CORPORATION

Date: August 2, 2012



Damon A. Neagle (PA ID 90738)
Design IP, A Professional Corporation
5100 W. Tilghman Street, Suite 205
Allentown, PA 18104
phone: 610-395-4900 x 111
fax: 610-680-3312
e-mail: damonneagle@designip.com

Attorneys for Plaintiff
Knoll, Inc.