

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

SCHNADIG CORPORATION,
Plaintiff,
v.
BENCHCRAFT, INC.
Defendant.

)
) Civil Action No.
)
)
) JURY TRIAL DEMANDED
)
)
)

00C 7590

JUDGE LEINENWEBER
MAGISTRATE JUDGE NOLAN

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U.S. DISTRICT COURT
EASTERN DIVISION

NOTICE OF CLAIM INVOLVING UNITED STATES PATENTS

Pursuant to Local Rule 3.4, the plaintiff, Schnadig Corporation, states that the parties to this action are:

Plaintiff: Schnadig Corporation
1111 East Toughy Avenue
Des Plaines, Illinois 60018-5814

Defendant: BenchCraft, Inc.
P.O. Box 86
Highway 15 North
Blue Mountain, Mississippi

DOCKETED
DEC 04 2000

The inventor of the first patent-in-suit, U.S. Design Patent No. 424,839, is Timothy O'Hare.

The inventor of the second patent-in-suit, U.S. Design Patent No. 428,725, is Chun Suh Lee.

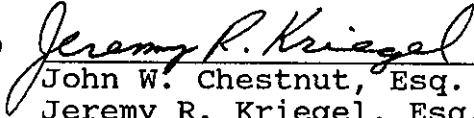
U.S. Design Patent No. 424,839 issued on May 16, 2000.

1-1

U.S. Design Patent No. 428,725 issued on August 1,
2000.

Respectfully submitted,

Date: December 1, 2000


John W. Chestnut, Esq.
Jeremy R. Kriegel, Esq.
TILTON, FALLON, LUNG MUS & CHESTNUT
100 South Wacker Drive, Suite 960
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IN THE UNITED STATES DISTRICT COURT
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NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

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DEC 04 2000

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SCHNADIG CORPORATION,
Plaintiff,

v.

BENCHCRAFT, INC.
Defendant.

Civil Action No.

JURY TRIAL DEMANDED

JUDGE LEINENWEBER
MAGISTRATE JUDGE NOLAN

COMPLAINT FOR DESIGN PATENT INFRINGEMENT
AND DEMAND FOR JURY TRIAL

For its complaint against the Defendant, Plaintiff
alleges:

1. Plaintiff Schnadig Corporation ("Schnadig") is a
Delaware corporation having its office and principal place of
business at 1111 East Touhy Avenue, Des Plaines, Illinois 60018-
5814.

2. On information and belief, BenchCraft, Inc.
("Defendant") is a Delaware corporation having its office and
principal place of business at Highway 15 North, Blue Mountain,
Mississippi, and Defendant regularly sells furniture to retailers
within the Northern District of Illinois.

3. This Action arises under the United States patent
laws, Title 35 of the United States Code, and this Court has
jurisdiction under Title 28 of the United States Code, Sections
1338, 1400(a), (b). Venue is proper under 28 U.S.C. §§ 1391(c),
1391(d), and 1400.

FILED-604
DEC 04 2000
U.S. DISTRICT COURT
EASTERN DISTRICT OF ILLINOIS

H

COUNT I - Infringement of Design Patent for Table, Des. 424,839

4. Plaintiff repeats and realleges the allegations of paragraphs 1-3, as though fully set forth herein.

5. On May 16, 2000 United States Design Patent No. 424,839, a copy of which is attached as Exhibit A, was duly and lawfully issued to Schnadig for the inventive ornamental design for a table.

6. Schnadig is the owner of the entire right, title and interest in and to Design Patent No. 424,839 and has the right to bring actions for infringement of the design patent and to recover damages therefor.

7. Defendant sells tables that embody a design which is confusingly similar to the ornamental design shown in Design Patent No. 424,839.

8. Defendant has infringed Design Patent No. 424,839 by applying the patented design, or a colorable imitation thereof, to tables for the purpose of selling, and by using, offering to sell, and selling, tables to which the patented design, or a colorable imitation thereof, has been applied.

9. Defendant has profited from the sale of tables to which the patented design or a colorable imitation thereof has been applied.

10. Defendant has actively induced others to infringe Design Patent No. 424,839 by selling tables that embody a design which is confusingly similar to the ornamental design shown in Design Patent No. 424,839 to retailers, who in turn infringe the design patent by selling such tables to the public.

11. The infringement of Design Patent No. 424,839 by Defendant is willful and deliberate.

COUNT II - Infringement of Design Patent for Sofa, Des. 428,725

12. Schnadig repeats and realleges the allegations of paragraphs 1-11, as though fully incorporated herein.

13. On August 1, 2000 United States Design Patent No. 428,725, a copy of which is attached as Exhibit B, was duly and lawfully issued to Schnadig for the inventive ornamental design for a sofa.

14. Schnadig is the owner of the entire right, title and interest in and to Design Patent No. 428,725 and has the right to bring actions for infringement of the design patent and to recover damages therefor.

15. Defendant sells sofas that embody a design which is confusingly similar to the ornamental design shown in Design Patent No. 428,725.

16. Defendant has infringed Design Patent No. 428,725 by applying the patented design, or a colorable imitation thereof, to sofas for the purpose of selling, and by using, offering to sell, and selling, sofas to which the patented design, or a colorable imitation thereof, has been applied.

17. Defendant has profited from the sale of sofas to which the patented design or a colorable imitation thereof has been applied.

18. Defendant has actively induced others to infringe Design Patent No. 428,725 by selling sofas that embody a design which is confusingly similar to the ornamental design shown in Design Patent No. 428,725 to retailers, who in turn infringe the design patent by selling such sofas to the public.

19. The infringement of Design Patent No. 428,725 by Defendant is willful and deliberate.

WHEREFORE, Schnadig prays for:

A. A preliminary and permanent injunction against Defendant's continued infringement of Design Patent Nos. 424,839

and 428,725;

B. An accounting of the Defendant's profits made from the infringement;

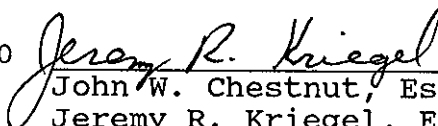
C. An award of damages to compensate Schnadig for the Defendant's infringement;

D. An order trebling the amount of damages; and

E. An award of Schnadig's costs, prejudgment interest, attorney's fees, and such other relief as this Court deems just.

Respectfully submitted,

Date: December 1, 2000


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DEMAND FOR A TRIAL BY JURY

Schnadig demands a trial by jury.

Respectfully submitted,

Date: December 1, 2000

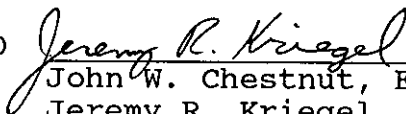

John W. Chestnut, Esq.
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EXHIBIT A



000D424839S

United States Patent [19]
O'Hare

[11] **Patent Number: Des. 424,839**

[45] **Date of Patent: ** May 16, 2000**

- [54] **TABLE**
- [75] **Inventor: Timothy O'Hare, Colfax, N.C.**
- [73] **Assignee: Schnadig Corporation, Des Plaines, Ill.**
- [**] **Term: 14 Years**
- [21] **Appl. No.: 29/106,022**
- [22] **Filed: Jun. 7, 1999**
- [51] **LOC (7) Cl. 06-03**
- [52] **U.S. Cl. D6/484; D6/480**
- [58] **Field of Search D6/480-489, 495, D6/511, 477; 108/153.1, 155, 156, 157.1, 161; 248/188, 188.1, 188.8**

- D. 76,683 10/1928 Heyman D6/451
- D. 195,037 4/1963 Adkinson D6/488
- D. 346,713 5/1994 Ferguson D6/451
- D. 385,441 10/1997 Wistehuff, III D6/484

Primary Examiner—Janice E. Seeger

[57] **CLAIM**

The ornamental design for a table, as shown and described.

DESCRIPTION

FIG. 1 is a front perspective view of the table, the rear perspective view and the right and left side perspective views being identical;

FIG. 2 is a top perspective view of the table; and,

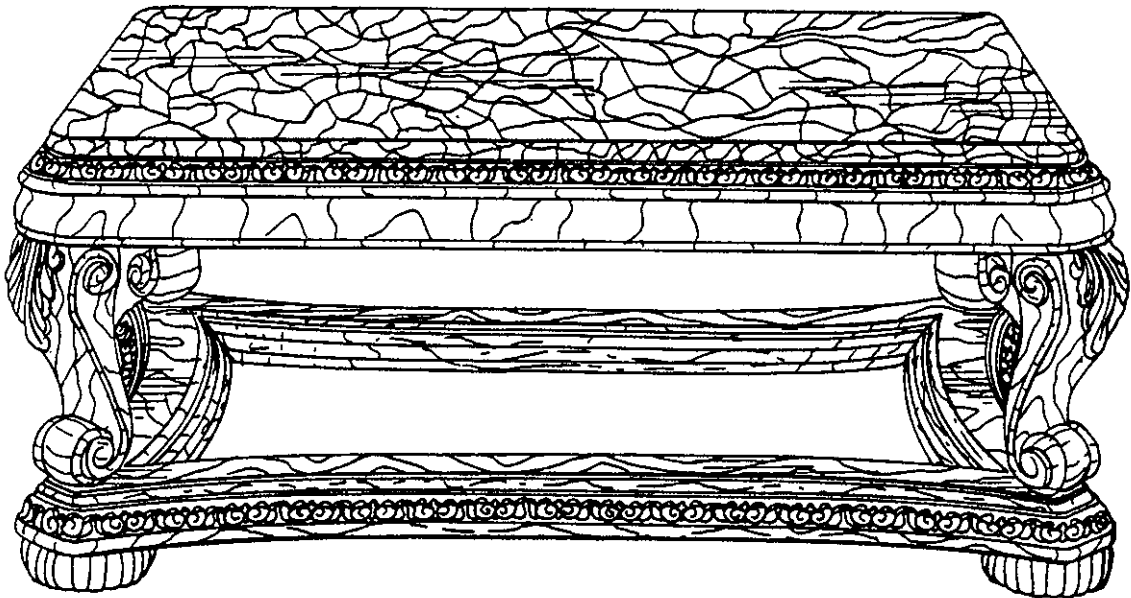
FIG. 3 is an alternate perspective view thereof.

[56] **References Cited**

U.S. PATENT DOCUMENTS

- D. 75,727 7/1928 Heyman D6/145

1 Claim, 3 Drawing Sheets



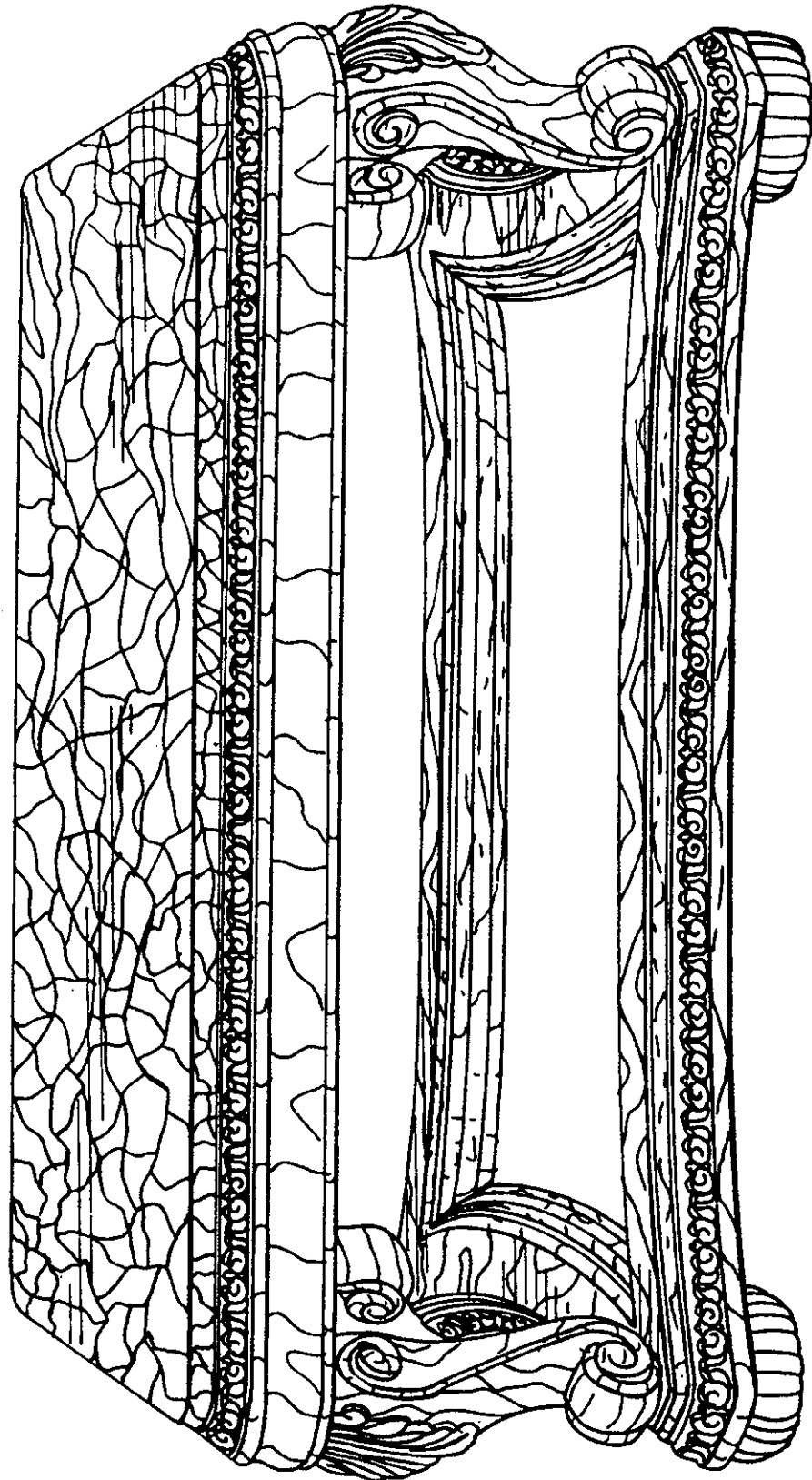
U.S. Patent

May 16, 2000

Sheet 1 of 3

Des. 424,839

FIG. 1



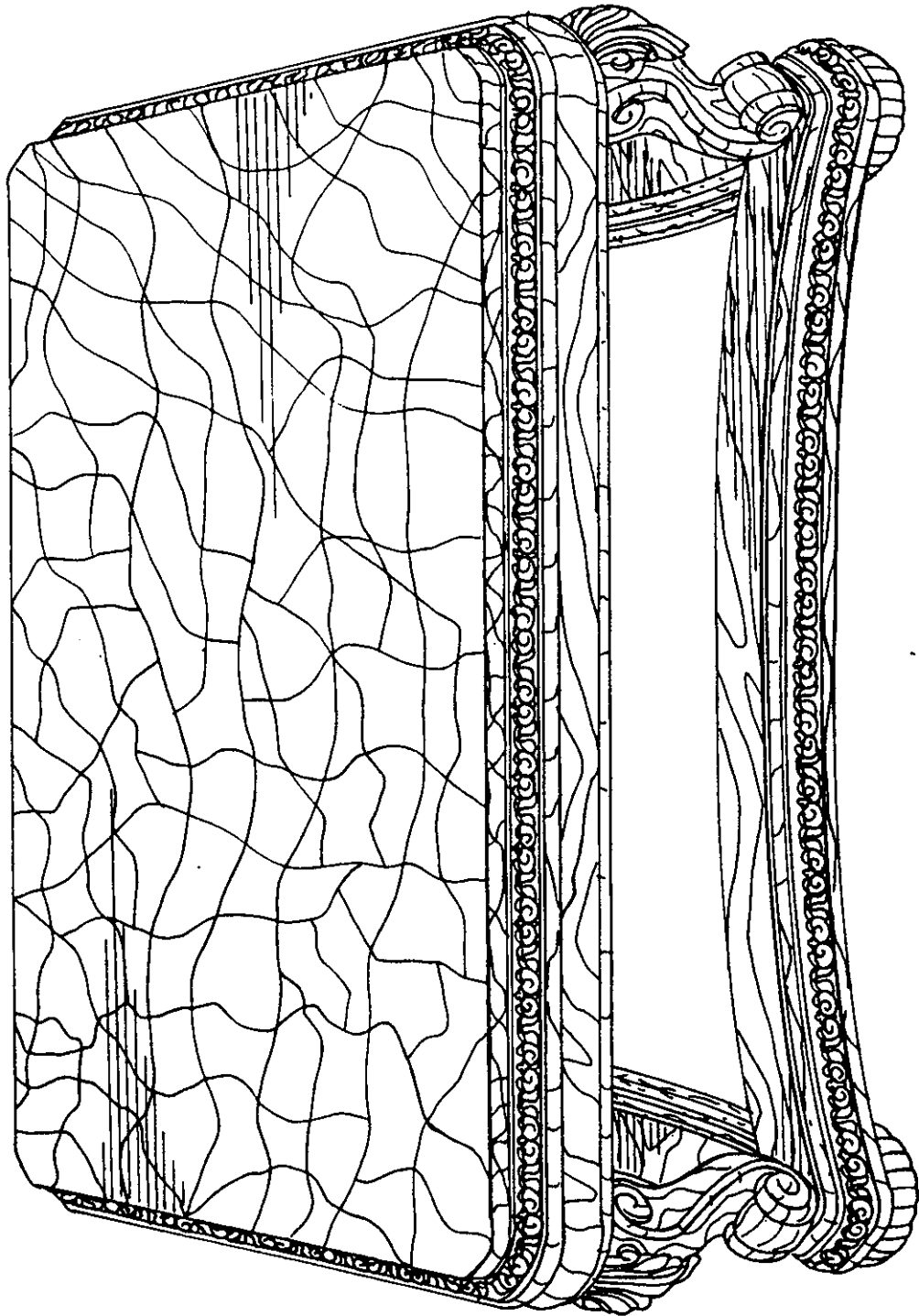
U.S. Patent

May 16, 2000

Sheet 2 of 3

Des. 424,839

FIG. 2



U.S. Patent

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Des. 424,839

FIG. 3

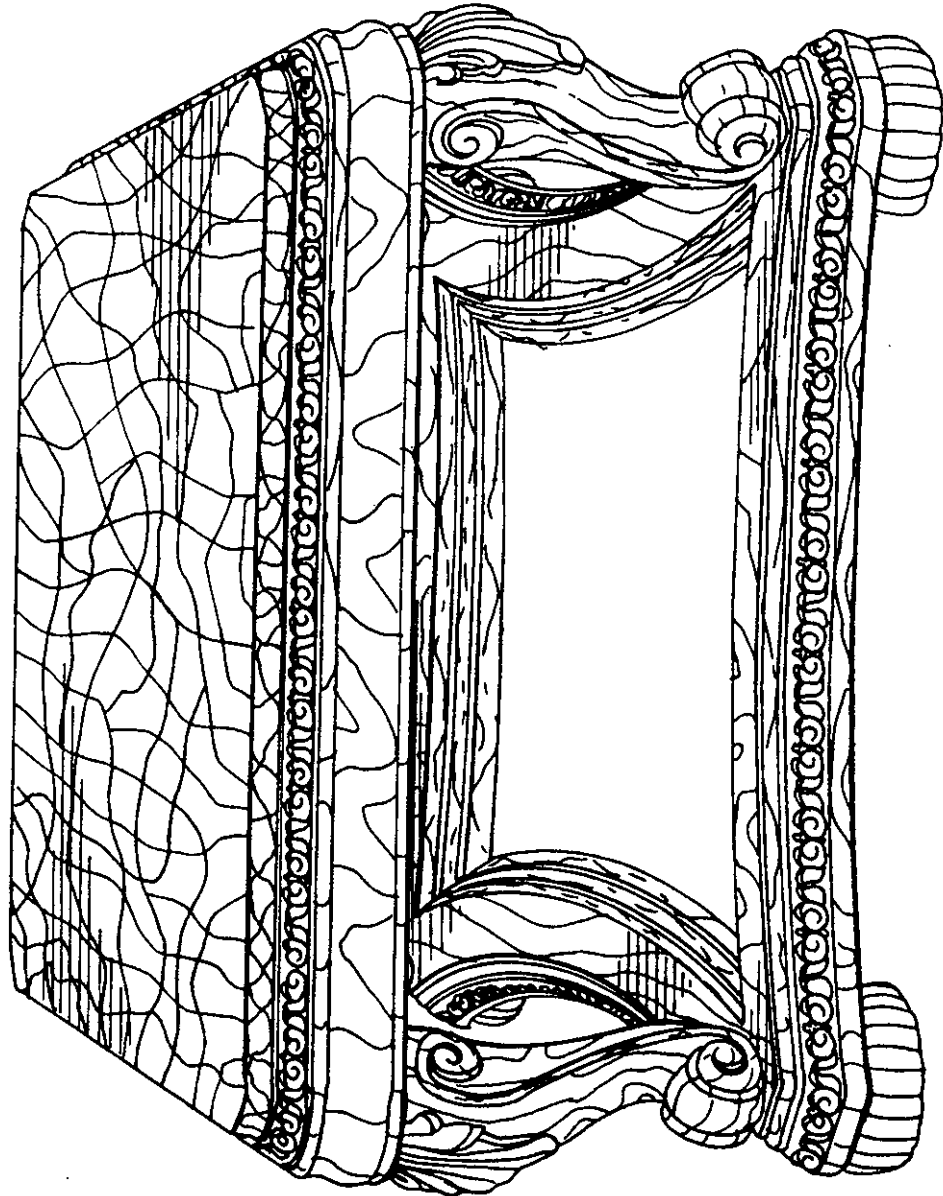


EXHIBIT B



US 428725

United States Patent [19]
Lee

[11] **Patent Number: Des. 428,725**
[45] **Date of Patent: ** Aug. 1, 2000**

- [54] SOFA
- [75] Inventor: **Chun Suh Lee**, Buffalo Grove, Ill.
- [73] Assignee: **Schnadig Corporation**, DesPlaines, Ill.
- [**] Term: **14 Years**
- [21] Appl. No.: **29/103,395**
- [22] Filed: **Apr. 14, 1999**
- [51] LOC (7) CL **06-01**
- [52] U.S. Cl. **D6/381**
- [58] Field of Search D6/334, 335, 358,
D6/381, 500, 501, 502; 297/232

- D. 89,728 4/1933 Tavis D6/381
- D. 305,184 12/1989 Coley D6/381
- D. 350,243 9/1994 Patrick D6/381
- D. 364,285 11/1995 Lewis D6/381

Primary Examiner—Gary D. Watson

[57] **CLAIM**

The ornamental design for a sofa, as shown and described.

DESCRIPTION

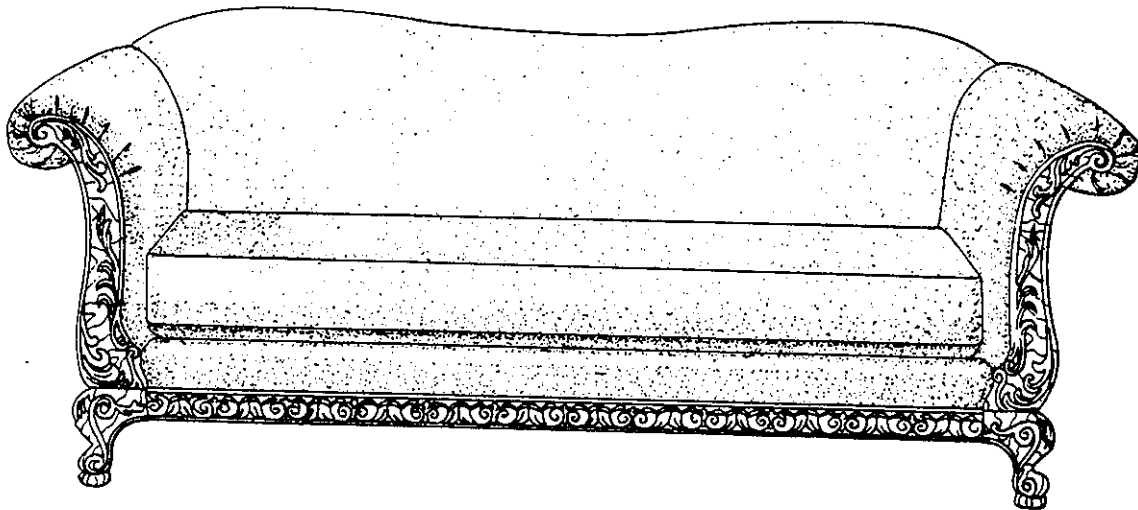
FIG. 1 is a front view of the sofa;
 FIG. 2 is a right side view of the sofa, the left side view being a mirror image thereof; and,
 FIG. 3 is a rear view of the sofa.
 FIG. 2 has been shown on an enlarged scale with respect to FIGS. 1 and 2.

[56] **References Cited**

U.S. PATENT DOCUMENTS

- D. 76,175 8/1928 Bauer D6/381

1 Claim, 3 Drawing Sheets



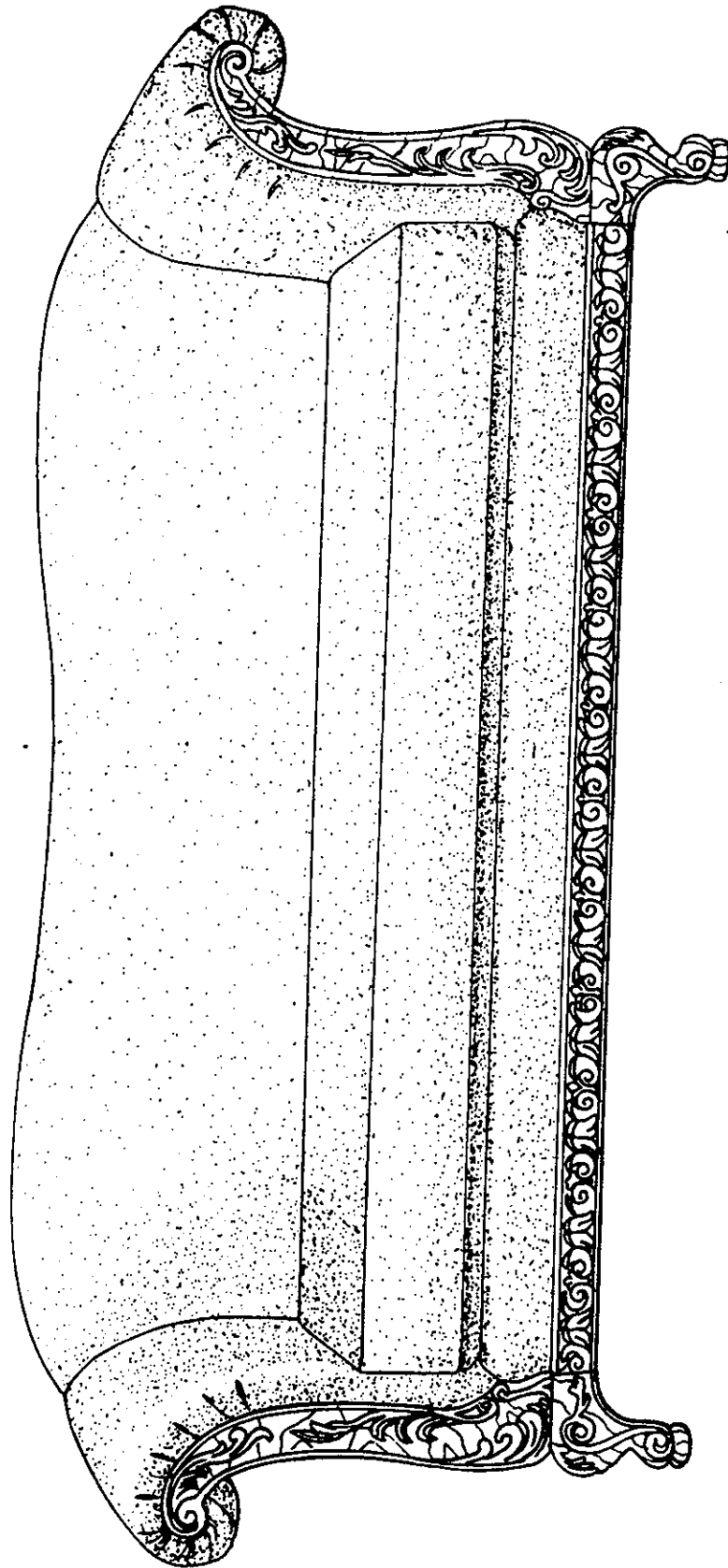
U.S. Patent

Aug. 1, 2000

Sheet 1 of 3

Des. 428,725

FIG. 1



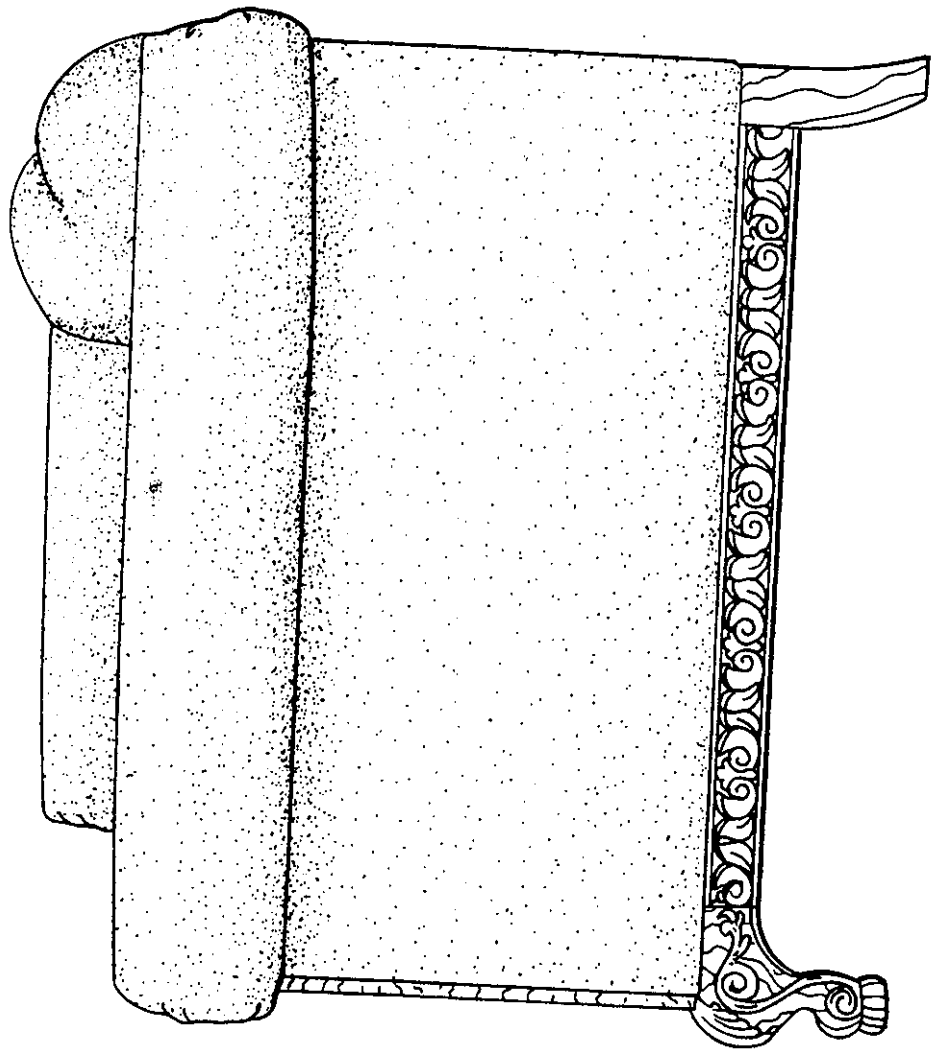
U.S. Patent

Aug. 1, 2000

Sheet 2 of 3

Des. 428,725

FIG. 2



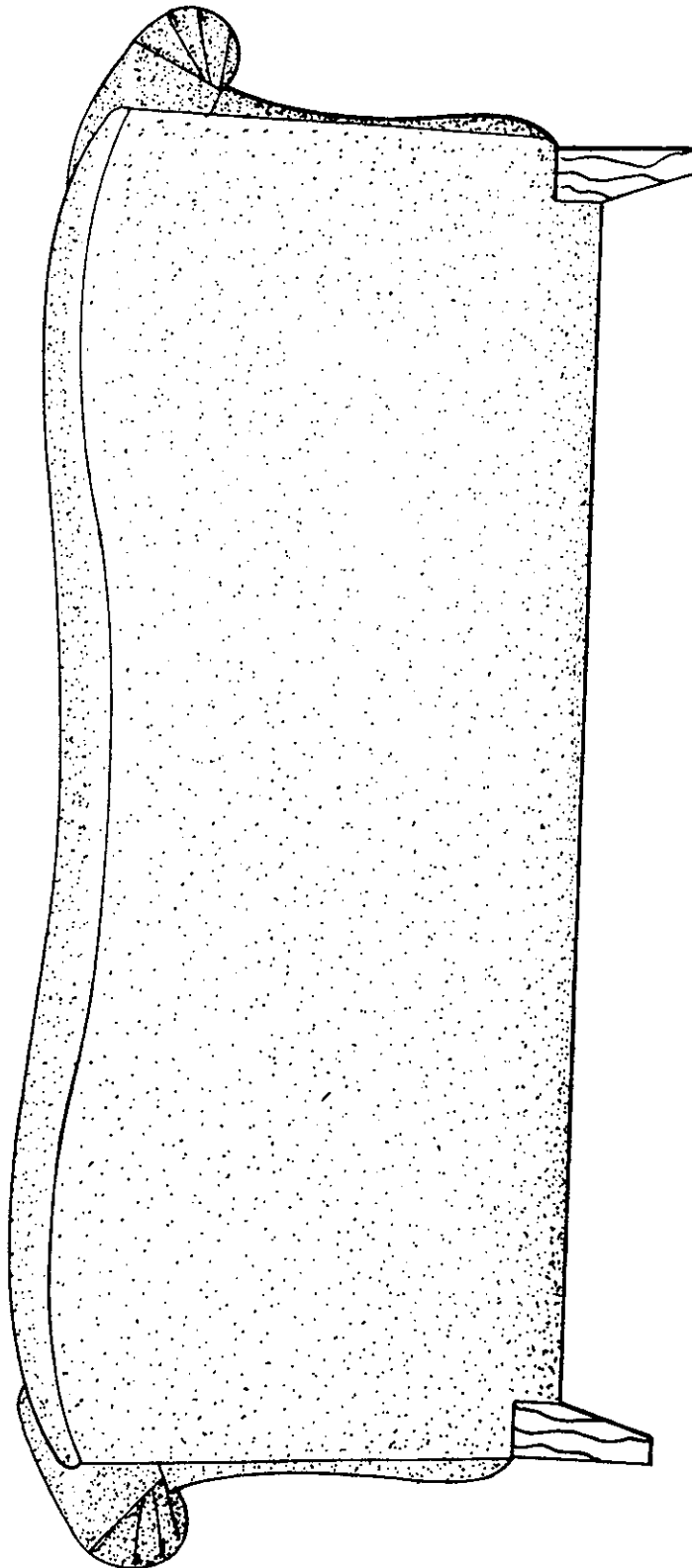
U.S. Patent

Aug. 1, 2000

Sheet 3 of 3

Des. 428,725

FIG. 3



Cat 1

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

000 7590

Civil Cover Sheet JUDGE LENENWEBER

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is authorized for use only in the Northern District of Illinois.

MAGISTRATE JUDGE NOLAN

Plaintiff(s): Schnadig Corporation	Defendant(s): BenchCraft, Inc.
County of Residence: Cook, IL	County of Residence: Tippah, MS
Plaintiff's Atty: John W. Chestnut TILTON, FALLON, LUNGMUS & CHESTNUT 100 South Wacker Drive, Ste. 960 Chicago, IL 60606-4002 (312) 456-8000	Defendant's Atty:

U.S. DISTRICT COURT
CLERK
00 DEC - 1 PM 3:34
FILED-ED4

II. Basis of Jurisdiction: **3. Federal Question (U.S. not a party)**

III. Citizenship of Principle Parties (Diversity Cases Only)

Plaintiff: - N/A
Defendant: - N/A

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DEC 04 2000

IV. Origin : **1. Original Proceeding**

V. Nature of Suit: **830 Patent**

VI. Cause of Action: **35 U.S.C. Secs. 271, 289 Infringement of U.S. Design Patents**

VII. Requested in Complaint

Class Action:
Dollar Demand:
Jury Demand: **Yes**

VIII. This case Is NOT a refiling of a previously dismissed case. (If yes case number ___ by Judge ___)

Signature: *Jeremy R. Kuegel*

Date: *December 1, 2000*

If any of this information is incorrect, please go back to the Civil Cover Sheet Input form using the *Back* button in your browser and change it. Once correct, print this form, sign and date it and submit it with your new civil action. **Note: You may need to adjust the font**

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

Eastern Division

In the Matter of

SCHNADIG CORPORATION,
Plaintiff,
v.
BENCHCRAFT, INC.,
Defendant.

00C 7590

Case Number, **JUDGE LEINENWEBER**

MAGISTRATE JUDGE NOLAN

APPEARANCES ARE HEREBY FILED BY THE UNDERSIGNED AS ATTORNEY(S) FOR:

Plaintiff, Schnadig Corporation

(A)	(B)	U.S. DISTRICT COURT CLERK	FILED-ED4
SIGNATURE <i>John W. Chestnut</i>	SIGNATURE <i>Jeremy R. Kriegel</i>	00 DEC -1 PM 3:31	
NAME John W. Chestnut	NAME Jeremy R. Kriegel		
FIRM Tilton, Fallon, Lungmus & Chestnut	FIRM Tilton, Fallon, Lungmus & Chestnut		
STREET ADDRESS 100 South Wacker Drive, Suite 960	STREET ADDRESS 100 South Wacker Drive, Suite 960		
CITY/STATE/ZIP Chicago, Illinois 60606-4002	CITY/STATE/ZIP Chicago, Illinois 60606-4002		
TELEPHONE NUMBER (312) 456-8000	TELEPHONE NUMBER (312) 456-8000		
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) 435171	IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) 6231057		
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TRIAL ATTORNEY? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		
	DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		
(C)	(D)	DOCKETED DEC 04 2000	
SIGNATURE	SIGNATURE		
NAME	NAME		
FIRM	FIRM		
STREET ADDRESS	STREET ADDRESS		
CITY/STATE/ZIP	CITY/STATE/ZIP		
TELEPHONE NUMBER	TELEPHONE NUMBER		
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