

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

BENSONS INTERNATIONAL SYSTEMS,
INC.

Plaintiff,

v.

STAPLES, INC.,

Defendant.

Case No. 12-11730

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Bensons International Systems, Inc. ("Bensons") complains of Defendant Staples, Inc. ("Defendant") as follows:

NATURE OF CASE

1. This is a claim for patent infringement that arises under the patent laws of the United States, Title 35 of the United States Code. This Court has original jurisdiction over the subject matter of this claim under 28 U.S.C. §§ 1331 and 1338(a).

PARTIES

2. Bensons is a New Jersey corporation with its principal place of business at 300 Lackawanna Avenue, Suite 6, Woodland Park, New Jersey 07424. Among other things, Bensons distributes and sells ring metals.

3. Bensons owns the exclusive rights and interests in, and has standing to sue for the infringement of, United States Patent No. 6,840,695 ("the '695 patent").

4. Mr. Hans-Johann Horn is the named inventor of the '695 patent, titled "Ring-Binder Mechanism." The '695 patent issued on January 11, 2005. A copy of the '695 patent is attached to this Complaint as Exhibit A.

5. Mr. Horn assigned all right, title and interest in the '695 patent to Esselte Leitz GmbH & Co. KG.

6. On September 4, 2000, Bensons entered into an exclusive license agreement with Esselte Leitz GmbH & Co. KG wherein Bensons was granted unlimited rights in the territory of the United States of America for the '695 patent.

7. In the German Regional Court, Bensons and Esselte Leitz GmbH & Co. KG were engaged in a dispute about the content and scope of the September 4, 2000 exclusive license agreement.

8. The Regional Court Mannheim, Germany held that Bensons was "the owner of the exclusive rights for unlimited use of the invention covered by [the '695 patent] in the territory of the U.S.A."

9. On March 20, 2008, Bensons entered into an Exclusive Marketing and License Agreement with R.R. Donnelley & Sons Co. in which R.R Donnelley & Sons Co. agreed to purchase products covered by the '695 patent.

10. Defendant Staples, Inc. ("Staples") is a Massachusetts corporation having its principal place of business at 500 Staples Dr., Framingham, MA 01702-4478.

JURISDICTION AND VENUE

11. Staples owns, operates and/or and conducts business through stores located in this district, and through its website www.staples.com. Staples is incorporated in this district, is doing business in this judicial district, has purposefully availed itself of the privilege of conducting business with residents of this judicial district, and has established sufficient minimum contacts with the State of Massachusetts such that it should reasonably and fairly anticipate being haled into court in Massachusetts.

12. Venue is proper in this district under 28 U.S.C. §§ 1391(b)-(d) and 1400(b).

CLAIMS FOR PATENT INFRINGEMENT

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 6,840,695

13. Staples makes, uses, sells, offers to sell, and imports to the United States ring binders incorporating the automatic locking feature claimed in the '695 patent. By doing so, Staples has infringed and continues to infringe at least claim 1 of the '695 patent within the meaning of 35 U.S.C. § 271(a).

14. Staples has infringed at least claim 1 of the '695 patent by selling, offering to sell, manufacturing, and/or importing, without limitation, the Staples® Better® View Binder, including by way of example the 1 ½ inch D-Ring binder having item number 22719.

15. Additional acts of infringement by Staples include importing for sale in the United States binders from a Chinese company that incorporate ring metals made by World Wide Stationary Manufacturing Co, Ltd. These ring metals are commonly referred to as the 'EZ Touch' products and an example is attached as Exhibit B. More generally, Staples infringes the '695 patent through its importation and sale of automatic locking ring binders that include ring metals that have a blocking element that is automatically pushed into its locking position through the use of a spring force applied in the direction of the blocking element's closed position when the rings are closed.

16. To the extent required by law, Bensons has complied with the provisions of 35 U.S.C. § 287 with respect to the '695 patent.

17. Staples' acts of direct infringement of the '695 patent have injured Bensons, and Bensons is entitled to recover damages adequate to compensate it for such infringement from Staples, but in no event less than a reasonable royalty.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Bensons respectfully asks this Court to enter judgment against Defendant Staples, and against each of its respective subsidiaries, successors, parents, affiliates, officers, directors, agents, servants, employees, and all persons in active concert or participation with them, granting the following relief:

- a. The entry of judgment in favor of Bensons and against Staples;
- b. An award of damages as to Staples adequate to compensate Bensons for the infringement that has occurred, but in no event less than a reasonable royalty as permitted by 35 U.S.C. § 284, together with prejudgment interest from the date the infringement began;
- c. A finding that this case is exceptional and an award to Bensons of its reasonable attorneys' fees and costs as provided by 35 U.S.C. § 285; and
- d. Such other relief that Bensons is entitled to under law, and any other and further relief that this Court or a jury may deem just and proper.

JURY DEMAND

Bensons demands a trial by jury on all issues presented in this Complaint.

Respectfully submitted,

/s/Laura A. Otenti

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