

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

THE STOW COMPANY-HOLLAND, INC.,

Plaintiff,

Case No.

vs.

Hon.

ALL WOOD CABINETRY, LLC and
COSTCO WHOLESALE CORPORATION,

COMPLAINT AND JURY DEMAND

Defendants.

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Plaintiff complains against defendants as follows:

1. This is an action for patent infringement under Title 35 of the United States Code. The Court has jurisdiction pursuant to 28 U.S.C. § 1138. Venue lies under 28 U.S.C. § 1400.

2. United States Patent No. 7,449,838 (copy attached as Exhibit A) was duly issued on March 3, 2009.

3. United States Patent No. 8,014,979 (copy attached as Exhibit B) was duly issued on September 6, 2011.

4. Plaintiff, by assignment, is the owner of the Exhibit A and Exhibit B patents (the Patents).

COUNT I

5. Plaintiff incorporates the allegations in paragraphs 1-4 above.

6. Defendant All Wood Cabinetry is infringing the Patents by operation of its online closet design system “Technik Cabinetry Systems” at Technikclosets.com.

7. All Wood is directly infringing the Patents.

8. All Wood will continue to infringe unless enjoined by the Court.

9. Plaintiff has provided written notice to All Wood of its infringement, but it refuses to cease the infringement. The infringement is willful, and this is an exceptional case.

COUNT II

10. Plaintiff incorporates the allegations in paragraphs 1-8 above.

11. Defendant Costco Wholesale Corporation is actively encouraging and inducing infringement of the Patents.

12. Costco is knowingly and intentionally inducing All Wood's infringement. As stated above, All Wood is infringing by operating "Technik Cabinetry Systems," which is a system that entails the online design of a storage assembly as claimed in the Patents. Costco advertises and promotes Technik Cabinetry Systems on its website, and Costco directly links its website to the Technik site. Costco's website includes a link labeled "Start Designing Your Dream Closet" or "Start Designing Here" that takes users to a page on the Technik website titled "Technik Closets from Costco." Further, upon completion of the infringement, Costco collects the sales proceeds from the Costco customers who use Costco's link to All Wood.

13. By letter dated April 26, 2012, plaintiff provided Costco with written notice of All Wood's infringement and Costco's inducement. The letter notified Costco that "Costco will be liable for inducement of infringement at least on a going-forward basis if Costco continues to promote the Technik system and to direct customers to the Technik website following receipt of this letter." Costco, however, failed to cease its inducement.

WHEREFORE, plaintiff requests that the Court:

- (a) Enjoin defendants from infringing and inducing infringement of the Patents;
- (b) Award plaintiff damages;
- (c) Award plaintiff attorney fees; and
- (d) Grant plaintiff all additional relief to which it is entitled.

JURY DEMAND

Plaintiff demands a trial by jury.

WARNER NORCROSS & JUDD LLP

Dated: January 18, 2013

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