

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

TOMY INTERNATIONAL, INC.	)	
	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 1:13-cv-01898
	)	
REGENT BABY PRODUCTS CORP.,	)	
d/b/a BABY KING	)	
	)	
Defendant.	)	

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff TOMY International, Inc. files this Complaint and demand for jury trial seeking relief for patent infringement by Defendant Regent Baby Products Corp., d/b/a Baby King.

Plaintiff alleges and states the following.

**NATURE OF LAWSUIT**

1. This is a claim for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

**THE PARTIES**

2. Plaintiff TOMY International, Inc. (“Plaintiff” or “TOMY”) is a corporation organized and existing under the laws of the State of Delaware. Plaintiff’s principal place of business is located at 1111 West 22<sup>nd</sup> Street, Suite 320, Oak Brook, Illinois 60523. Plaintiff is in the business of making and selling, among other things, feeding products for newborns, infants and toddlers. TOMY is the assignee and the owner of the patents involved in this lawsuit.

3. Defendant Regent Baby Products Corp., d/b/a Baby King, (“Defendant” or “Regent”) is a corporation organized and existing under the laws of the State of New York.

Defendant's principal place of business is located at 182-20A Liberty Avenue, Jamaica, New York, 11412. Regent maintains a website named babyking.com, sells products under the Baby King label and maintains a place of business at 9522 Winona Avenue, Suite #159, Schiller Park, Illinois 60176.

### **JURISDICTION AND VENUE**

4. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.* This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§1331 and 1338(a).

5. This Court has personal jurisdiction over Defendant Regent because Regent has transacted business within this judicial district and therefore has substantial and continuous contacts with this judicial district; because Regent maintains a place of business within this judicial district; because Regent has purposefully availed itself of the privileges of conducting business in this judicial district; and because Regent has committed acts of patent infringement in this judicial district.

6. Venue properly lies within this judicial district under 28 U.S.C. §§ 1391(b), 1391(c), and 1400(b). Defendant Regent has conducted business in this district and committed acts of patent infringement within this judicial district.

### **COUNT I – PATENT INFRINGEMENT OF U.S. PATENT NO. 6,976,604**

7. Plaintiff realleges and incorporates herein by reference each and every allegation contained in the foregoing paragraphs 1-6 as though fully set forth herein.

8. On December 20, 2005, United States Patent No. 6,976,604 (“the ‘604 patent”) entitled “Restricting Flow in Drinking Containers” was duly and legally issued to inventors James A. Connors, Jr., David E. Medeiros and George S. Dys. TOMY is the owner by

assignment of the '604 patent. Attached as Appendix A is a true and correct copy of the '604 patent.

9. Defendant Regent has infringed and continues to infringe the '604 patent by making, using, selling and offering to sell and importing the infringing Regent products, including products bearing the Regent brand name such as Baby King and LUVS two-piece reusable spill-proof cup with lid.

10. By making, using, selling and offering to sell and importing infringing products, Regent has infringed the '604 patent directly, contributorily and/or through inducement. Regent has engaged in the foregoing conduct in the United States without authority from Plaintiff and during the term of the '604 patent.

11. Upon information and belief, Regent will continue to infringe the '604 patent unless and until it is enjoined by this Court.

12. Regent has caused and will continue to cause Plaintiff irreparable injury and damage by infringing the '604 patent. Plaintiff will suffer further irreparable injury, for which it has no adequate remedy at law, unless and until Regent is enjoined from infringing the '604 patent.

**COUNT II – PATENT INFRINGEMENT OF U.S. PATENT NO. 7,185,784**

13. Plaintiff realleges and incorporates herein by reference each and every allegation contained in the foregoing paragraphs 1-12 as though fully set forth herein.

14. On March 6, 2007, United States Patent No. 7,185,784 (“the '784 patent”) entitled “Drinking Containers” was duly and legally issued to inventors James A. Connors, Jr., David E. Medeiros, George S. Dys, James J. Britto, and John A. Hession. TOMY is the owner by assignment of the '784 patent. Attached as Appendix B is a true and correct copy of the '784 patent.

15. Defendant Regent has infringed and continues to infringe the '784 patent by making, using, selling and offering to sell and importing the infringing Regent products, including products bearing the Regent brand name such as Baby King and LUVS two-piece reusable spill-proof cup with lid.

16. By making, using, selling and offering to sell and importing infringing products, Regent has infringed the '784 patent directly, contributorily and/or through inducement. Regent has engaged in the foregoing conduct in the United States without authority from Plaintiffs and during the term of the '784 patent.

17. Upon information and belief, Regent will continue to infringe the '784 patent unless and until it is enjoined by this Court.

18. Regent has caused and will continue to cause Plaintiff irreparable injury and damage by infringing the '784 patent. Plaintiff will suffer further irreparable injury, for which it has no adequate remedy at law, unless and until Regent is enjoined from infringing the '784 patent.

**COUNT III – PATENT INFRINGEMENT OF U.S. PATENT NO. 8,286,826**

19. Plaintiff realleges and incorporates herein by reference each and every allegation contained in the foregoing paragraphs 1-18 as though fully set forth herein.

20. On October 16, 2012, United States Patent No. 8,286,826 (“the '826 patent”) entitled “Drinking Containers” was duly and legally issued to inventors James A. Connors, Jr., David E. Medeiros, George S. Dys, James J. Britto, and John A. Hession. TOMY is the owner by assignment of the '826 patent. Attached as Appendix C is a true and correct copy of the '826 patent.

21. Defendant Regent has infringed and continues to infringe the '826 patent by making, using, selling and offering to sell and importing the infringing Regent products,

including products bearing the Regent brand name such as Baby King and LUVS two-piece reusable spill-proof cup with lid.

22. By making, using, selling and offering to sell and importing infringing products, Regent has infringed the '826 patent directly, contributorily and/or through inducement. Regent has engaged in the foregoing conduct in the United States without authority from Plaintiff and during the term of the '826 patent.

23. Upon information and belief, Regent will continue to infringe the '826 patent unless and until it is enjoined by this Court.

24. Regent has caused and will continue to cause Plaintiff irreparable injury and damage by infringing the '826 patent. Plaintiff will suffer further irreparable injury, for which it has no adequate remedy at law, unless and until Regent is enjoined from infringing the '826 patent.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff requests that the Court enter a judgment in TOMY's favor and against Defendant Regent and provide Plaintiff the following relief:

- A. Order, adjudge and decree that Defendant Regent has infringed the '604 patent, the '784 patent, and the '826 patent in violation of 35 U.S.C. § 271(a), (b), and (c);
- B. Issue permanent injunctive relief prohibiting Defendant Regent and its respective parents, subsidiaries, principals, officers, directors, agents, attorneys, employees, and all others in privity with it from infringing the '604 patent, the '784 patent, and the '826 patent, pursuant to 35 U.S.C. § 283;

C. Award Plaintiff its damages for patent infringement and prejudgment interest and costs against Defendant Regent pursuant to 35 U.S.C. § 284; and

D. Award such other and further relief as the Court may deem just and proper.

**JURY DEMAND**

Plaintiff requests a trial by jury on all issues appropriately triable by a jury.

Dated this 11th day of March, 2013.

WHYTE HIRSCHBOECK DUDEK S.C.  
Attorneys for Plaintiff

By: s/ Thomas P. Heneghan  
Thomas P. Heneghan  
IL Bar No. 6201292

**ADDRESS:**

161 N. Clark St.  
Suite 4700  
Chicago, IL 60601-3206

33 East Main Street  
Suite 300  
P.O. Box 1379  
Madison, Wisconsin 53701-1379  
608-234-6032  
608-258-7138 (fax)  
[theneghan@whdlaw.com](mailto:theneghan@whdlaw.com)