

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

WONDERLAND
NURSERYGOODS CO., LTD.

Plaintiff,

vs.

KIDS II, INC.

Defendant.

Case:

Judge:

JURY DEMANDED

COMPLAINT

Plaintiff Wonderland Nurserygoods Co., Ltd., for its Complaint for Patent Infringement against Kids II, Inc. ("Kids II"), hereby states as follows:

JURISDICTION AND VENUE

1. This is a civil action for infringement of three United States Patents, i.e., U.S. Patent 6,954,949 ("the '949 patent"), US Patent 7,770,245 ("the '245 patent") and US Reissue Patent RE43,919 ("the '919 patent") (collectively, "patents-in-suit"). This action is based upon the Patent Laws of the United States, Title 35, United States Code, including 35 U.S.C. §§ 271 and 281-285. Jurisdiction is conferred on this Court pursuant to 28 U.S.C. §§ 1331 and 1338(a).

2. This Court has personal jurisdiction over Kids II, Inc., because Kids II is a resident of this judicial district, has conducted business and sells its products in

this judicial district and because Kids II has committed acts of infringement in this judicial district by using, advertising, marketing, offering for sale, and selling products that infringe the patents-in-suit in this judicial district.

3. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and/or (c), and 28 U.S.C. § 1400(b), because, *inter alia*, Kids II is subject to personal jurisdiction in this District.

THE PARTIES

4. Wonderland is a limited liability company organized and existing under the laws of Taiwan ROC, having a place of business at 10F, NO.433, Rui Kwang Road, Neihu Taipei, Taiwan.

5. Wonderland is the owner of and has the right to sue for infringement of the patents-in-suit.

6. On information and belief, Kids II is a Georgia corporation having a place of business at 3333 Piedmont Road, Suite 1800, Atlanta, GA 30305.

7. Kids II may be served with process on its registered agent, J. Dwaine Clarke, 3333 Piedmont Road, Suite 1800, Atlanta, GA 30305.

8. Kids II designs, builds, distributes, markets, sells, and/or offers for sale, in the United States and in this District, products for infants and young children, including several versions of foldable child enclosures (i.e., playards or

playpens).

COUNT ONE
(Patent Infringement of U.S. Reissue Patent No. RE43,919)

9. Paragraphs 1-8 are incorporated by reference as if restated fully herein.

10. On March 1, 2005, the United States Patent and Trademark Office granted U.S. patent 6,859,957 ("the '957 patent"), entitled "Baby Crib", and the '957 patent was duly and legally issued to Wonderland as assignee. On January 15, 2013, the United States Patent and Trademark Office issued the '919 patent, which is based on the '957 patent. A copy of the '919 patent is attached hereto as Exhibit A.

11. Kids II has and continues to make, use, sell, and offer for sale in the United States, and import into the United States, foldable child enclosure with dual column corner posts, such as those sold as "InGenuity Washable Playard" Model # 60072, 60020-NA and 7066-NA ("the Washable Accused Products") which fall within at least one claim of the '919 patent, and therefore infringes the '919 patent.

12. Each of the Washable Accused Products includes;

- a. A baby crib;
- b. a plurality of upright tubes defining corners of the baby crib, wherein each of the upright tubes has an outer wall that defines an

- outer contour shape of the upright tube;
- c. an enclosure member including a plurality of side panels contiguously connected to one another along edge portions and surrounding an enclosed space adapted for receiving a baby therein;
 - d. a plurality of positioning posts provided on the enclosure member at locations corresponding to the edge portions of the enclosure member;
 - e. positioning posts that are lodged inside the upright tubes;
 - f. side panels extending between the upright tubes substantially out of contact with the outside surfaces of outer walls of the upright tubes;
 - g. outwardly facing surfaces of each of the upright tubes are exposed on an outside of the enclosure member.

13. Photographs of an example of the Washable Accused Products are attached hereto as Exhibit D.

14. By making, using, selling, and offering for sale in the United States, and importing into the United States, the Washable Accused Products, Kids II has infringed and is continuing to infringe at least one claim of the '919 patent in

violation of 35 U.S.C. § 271.

15. By reason of the ongoing and continuous infringement by Kids II of the '919 patent, Wonderland is entitled to an entry of an injunction against Kids II, preventing further infringement of Wonderland's patent rights, pursuant to 35 U.S.C. § 283.

16. Wonderland has suffered and is continuing to suffer damages as a result of Kids II's infringement of the '919 patent, and Wonderland is entitled to compensation or other damages as allowed to the full extent of the law, pursuant to 35 U.S.C. § 284.

COUNT TWO
(Patent Infringement of U.S. Patent No. 6,954,949)

17. Paragraphs 1-8 are incorporated by reference as if restated fully herein.

18. On October 18, 2005, the United States Patent and Trademark Office granted the '949 patent, entitled "Playpen with Double Columns at Each Corner," and the '949 patent was duly and legally issued to Wonderland as assignee. A copy of the '949 patent is attached hereto as Exhibit B.

19. Each of the Washable Accused Products is a playpen with double columns at each corner of said playpen, and includes:

- a. four lower corner connecting pieces;

- b. a rod connecting the lower corner pieces;
- c. four upper corner connecting pieces;
- d. a rod connecting the upper corner connecting pieces;
- e. each corner having an outer leg and an inner leg;
- f. each outer leg having two opposite ends, one end being connected to an upper corner piece, and another end of the outer leg being connected to a lower corner piece;
- g. each inner leg has two opposite ends, an upper end connected to an upper corner piece and a lower end connected to a lower corner piece;
- h. each upper corner connecting piece has a first sleeve and a second sleeve connecting respectively with the inner and outer legs;
- i. wherein a distance between two outer legs is larger than that between two inner legs;
- j. a gap exists between adjacent inner and outer legs and a fabric sheet extends through each said gap and covers the inner leg.

20. By making, using, selling, and offering for sale in the United States, and importing into the United States, the Washable Accused Products, Kids II has infringed and is continuing to infringe at least one claim of the '949 patent in

violation of 35 U.S.C. § 271.

21. By reason of the ongoing and continuous infringement by Kids II of the '949 patent, Wonderland is entitled to an entry of an injunction against Kids II, preventing further infringement of Wonderland's patent rights, pursuant to 35 U.S.C. § 283.

22. Wonderland has suffered and is continuing to suffer damages as a result of Kids II's infringement of the '949 patent, and Wonderland is entitled to compensation or other damages as allowed to the full extent of the law, pursuant to 35 U.S.C. § 284.

COUNT THREE
(Patent Infringement of U.S. Patent No. 7,770,245)

23. Paragraphs 1-8 are incorporated by reference as if restated fully herein.

24. On August 10, 2012, the United States Patent and Trademark Office granted the '245 patent, entitled "Playard with Bassinet", and the '245 patent was duly and legally issued to Wonderland as assignee. A copy of the '245 Patent is attached hereto as Exhibit C.

25. Kids II has and continues to make, use, sell, and offer for sale in the United States, and import into the United States, foldable child enclosure with a bassinet having one or both of the following: a) an opening in a bottom panel of

the bassinet, the opening is covered by a mattress, and the opening is such that a user can reach the opening to access a floor frame ("the One Less Step Feature"), and b) the bassinet bottom has two positions: flat and slightly inclined (half of the mattress is raised by about 10 degrees), whereby three sides of the inclined portion of the bassinet can be unzipped to eliminate the incline ("the Inclined Mattress Feature").

26. Playards sold by Kids II with either the One Less Step Feature or the Inclined Mattress Feature ("the One Less Step and/or Inclined Mattress Accused Products"), fall within at least one claim of the '245 patent, and therefore Kids II infringes the '245 patent. The One Less Step and/or Inclined Mattress Accused Products include, but are not limited to the following: the Washable Accused Products, the InGenuity SleepEasy Playard Signature Edition (Model 7108); the InGenuity SleepEasy Playard (Models 60011, 6929, 6946, 7026, 7032 and 7037); and the InGenuity Smart & Simple Playard (Models 60050, 7180 and 60051).

27. Playards sold by Kids II with the One Less Step feature are playards that have:

- a. a frame and a folding device at the bottom for folding the playard;
- b. a bassinet mounted on the frame body, the bassinet has a bottom panel and a plurality of side panels;

- c. each side panel is connected to the bottom panel and to the frame;
the bottom panel has an opening in a central area of the bottom panel above the folding device; and
- d. the opening is sized to permit a user's hand to pass through the opening; and
- e. a removeable mattress covers the opening and operates to open or close the opening; and
- f. the playard is foldable by operating the folding device through the opening when the mattress is removed.

28. Playards sold by Kids II with the Inclined Mattress Feature are playards that have:

- a. a bassinet removably mounted on a playard,
- b. the bassinet has a bottom panel with an opening for allowing a user's hand to pass through it;
- c. the bassinet has side panels connected to the bottom panel; and
- d. the side panels of the bassinet connect to the playard; and
- e. a zipper with first part on the at least two of the side panels;
wherein
- f. the bassinet is selectively set in a first position in which the bottom

of the bassinet is inclined when the first part of the zipper is engaged with the second part of the zipper; and

g. the bassinet is in second position in which the bottom of the bassinet is without inclination when the first part of the zipper is disengaged from the second part of the zipper; and

h. when the bassinet is in the second position, a plurality of side panels extend further than when the bassinet is in the first position.

29. By making, using, selling, and offering for sale in the United States, and importing into the United States, the One Less Step and/or Inclined Mattress Accused Products, Kids II has infringed and is continuing to infringe at least one claim of the '245 patent in violation of 35 U.S.C. § 271.

30. By reason of the ongoing and continuous infringement by Kids II of the '245 patent, Wonderland is entitled to an entry of an injunction against Kids II, preventing further infringement of Wonderland's patent rights, pursuant to 35 U.S.C. § 283.

31. Wonderland has suffered and is continuing to suffer damages as a result of Kids II's infringement of the '245 patent, and Wonderland is entitled to compensation or other damages as allowed to the full extent of the law, pursuant to 35 U.S.C. § 284.

PRAYER FOR RELIEF

WHEREFORE, Wonderland respectfully requests entry of relief against Kids II as follows:

(a) Entering judgment that Kids II, by reason of the making, using, selling, and offering for sale in the United States, and the importing into the United States, of the Washable Accused Products and the One Less Step and/or Inclined Mattress Accused Products, infringes the '919, '949 and '245 patents in violation of 35 U.S.C. § 271;

(b) Awarding Wonderland damages to the full extent permitted by 35 U.S.C. § 284, including interest, by reason of Kids II's infringement of the '919, '949 and '245 patents;

(c) Entering a permanent injunction against Kids II, barring and enjoining further making, using, selling, and offering for sale in the United States, and importation into the United States, of all infringing products; and,

(d) Awarding Wonderland costs and fees under 35 U.S.C. § 285, and all other relief as this Court deems proper.

JURY DEMAND

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Wonderland hereby demands a trial by jury on all issues triable of right by a jury.

Respectfully submitted, this 4th day of April, 2013.

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s/Shattuck Ely

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