

**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION**

DESIGN IDEAS, LTD.,)	
an Illinois corporation,)	
)	
Plaintiff,)	
)	
v.)	Case No.: 3:12-cv-03327
)	
BED, BATH & BEYOND, INC.,)	JURY TRIAL DEMANDED
a New Jersey corporation, and)	
MSA PRODUCTS, INC.,)	
a New York corporation,)	
)	
Defendants.)	

COMPLAINT

NOW COMES Plaintiff, DESIGN IDEAS, LTD., an Illinois corporation, by and through its attorneys, Sorling Northrup, David A. Rolf, of Counsel, and for its Complaint against Defendants, BED, BATH & BEYOND, INC., a New Jersey corporation, and MSA PRODUCTS, INC., a New York corporation, alleges upon information and belief as follows:

NATURE OF THE ACTION

1. This is an action for infringement of several design patents assigned to Design Ideas, Ltd. Defendants infringe the patents by selling and distributing a certain wire mesh basket and frame product in the Central District of Illinois, as more fully described herein.

JURISDICTION AND VENUE

2. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. § 1338(a).

3. Venue in this District is proper pursuant to 28 U.S.C. § 1391(b) and (c).

THE PARTIES

4. Plaintiff, Design Ideas, Ltd. ("Design Ideas"), is a corporation organized and existing under the laws of the State of Illinois, and maintains its principal place of business at 2521 Stockyard Road, Springfield, Illinois. Design Ideas is engaged in the business of designing, manufacturing and distributing a range of unique, aesthetically pleasing office and household goods made of metal mesh.

5. On information and belief, Defendant Bed, Bath & Beyond ("BBB") is a New Jersey corporation with principal place of business in Union, New Jersey. BBB sells housewares and related goods via retail stores throughout the country and on the internet. There is a BBB store located on South Veterans Parkway in Springfield, Illinois, at which part of the tortious events averred herein occurred.

6. On information and belief, Defendant, MSA Products, Inc. ("MSA") is a New York corporation with principal place of business in Nyack, New York. MSA manufactures and/or imports and sells consumer products to retailers like defendant BBB, including those complained of herein.

THE MATTER AT BAR

7. Design Ideas was founded in 1983 in Springfield, Illinois, where it is still located. Design Ideas creates and distributes innovative and affordable accessories for office and home, employing a creative staff of industrial designers in Springfield. In the late 1990's, Design Ideas' designers began work on a series of metal mesh office and home accessories, including mesh baskets and frames used to store office and household items. Design Ideas duly applied for and was granted United States design patents for several such inventions and designs by the U.S. Patent and Trademark Office, including those in suit. Over the years, Design Ideas has

distributed hundreds of thousands of its mesh baskets and frames at retail and wholesale, including to big-box retailers such as Office Depot, Office Max, Target, The Container Store *etc.*

DESIGN IDEAS' INTELLECTUAL PROPERTY

8. Design Ideas received the following three U.S. design patents:

9. Design Ideas was issued U.S. Patent No. D436,239 (the "'239 Patent"), entitled "Mesh Cart" on January 9, 2001, which covers the ornamental design for a mesh cart, as shown and described. A true and accurate copy of the '239 Patent is attached hereto as **Exhibit A** and made a part hereof by reference. Design Ideas is the owner by assignment of the '239 Patent.

10. Design Ideas was issued U.S. Patent No. D479,272 (the "'272 Patent"), entitled "Mesh Basket" on September 2, 2003, which covers the ornamental design for a mesh basket as shown and described. A true and correct copy of the '272 Patent is attached hereto as **Exhibit B** and made a part hereof by reference. Design Ideas is the owner by assignment of the '272 Patent.

11. Design Ideas was also issued U.S. Patent No. D517,769 (the "'769 Patent"), entitled "Portion of a Rolling Cart" on March 21, 2006, which covers the ornamental design for a portion of a rolling cart as shown and described. A true and correct copy of the '769 Patent is attached hereto as **Exhibit C** and made a part hereof by reference. Design Ideas is the owner by assignment of the '769 Patent.

12. Design Ideas marks its patented products with the appropriate patent numbers.

BBB'S AND MSA'S INFRINGING ACTIVITIES

13. Defendant BBB has distributed in the Central District of Illinois the metal mesh basket and frame product (sometimes known as "Three Tier Slim Bath Cart," assigned item number 81391801001), depicted in **Exhibit D** attached hereto and incorporated herein.

14. On July 15, 2012, a representative of Design Ideas purchased the product depicted in Exhibit D above from a BBB store located at 3251 South Veterans Parkway in Springfield, Illinois. A true and correct copy of the purchase sales receipt the Design Ideas representative received on that day from BBB is attached as **Exhibit E**.

15. Defendant, MSA, manufactured and/or imported, as well as sold the product identified in Paragraph 14 to Defendant BBB.

16. Defendants' said product infringes Design Ideas' patented designs.

COUNT I
INFRINGEMENT OF U.S. PAT. NO. D436,239

17. Design Ideas realleges and incorporates by reference Paragraphs 1 through 16 of the Complaint as though fully set forth herein.

18. Defendants have infringed and continue to infringe the '239 Patent. Defendant BBB has sold and offered to sell products that infringe the '239 Patent. Defendant, MSA, has manufactured and/or imported, as well as sold said goods to Defendant, BBB. Defendants will continue to undertake said acts, unless enjoined by this Court.

19. Design Ideas has sustained damages as a result of Defendants' infringing acts. Design Ideas will continue to suffer irreparable harm unless infringement of the '239 Patent is enjoined.

20. Defendants' infringement has been willful.

COUNT II
INFRINGEMENT OF U.S. PAT. NO. D479,272

21. Design Ideas realleges and incorporates by reference Paragraphs 1 through 16 of the Complaint as though fully set forth herein.

22. Defendants have infringed and continue to infringe the '272 Patent. Defendant, BBB, has sold and offered to sell products that infringe the '272 Patent. Defendant, MSA, has manufactured and/or imported, as well as sold said goods to Defendant, BBB. Defendants will continue to undertake said acts, unless enjoined by this Court.

23. Design Ideas has sustained damages as a result of Defendants' infringing acts. Design Ideas will continue to suffer irreparable harm unless infringement of the '272 Patent is enjoined.

24. Defendants' infringement has been willful.

COUNT III
INFRINGEMENT OF U.S. PAT. NO. D517,769

25. Design Ideas realleges and incorporates by reference Paragraphs 1 through 16 of the Complaint as though fully set forth herein.

26. Defendants have infringed and continue to infringe the '769 Patent. Defendant, BBB, has sold and offered to sell products that infringe the '769 Patent. Defendant, MSA, has manufactured and/or imported, as well as sold said goods to Defendant, BBB. Defendants will continue to undertake said acts, unless enjoined by this Court.

27. Design Ideas has sustained damages as a result of Defendants' infringing acts. Design Ideas will continue to suffer irreparable harm unless infringement of the '769 Patent is enjoined.

28. Defendants' infringement has been willful.

WHEREFORE, Plaintiff, DESIGN IDEAS, LTD., an Illinois corporation, prays that this Court grant the following relief:

A. A judgment that Bed, Bath & Beyond, Inc. has infringed U.S. Patent Nos. D436,239, D479,272, and D517,769;

B. A permanent injunction against Bed, Bath & Beyond, Inc. its owners, officers, agents, employees, parent and subsidiary companies and operations, assigns, successors in interests and all persons in active participation or concert with them or any of them, enjoining them from continuing infringement of U.S. Patent Nos. D436,239, D479,272, and D517,769;

C. A judgment against Bed, Bath & Beyond, Inc., awarding Design Ideas, Ltd., Bed, Bath & Beyond, Inc.'s profits from its infringement of U.S. Patent Nos. D436,239, D479,272, and D517,769, together with pre-judgment and post-judgment interest;

D. A judgment against Bed, Bath & Beyond, Inc., awarding costs to Design Ideas, Ltd.;

E. Damages as allowed pursuant to 35 U.S.C. 284 and 285;

F. A judgment that MSA Products, Inc. has infringed U.S. Patent Nos. D436,239, D479,272, and D517,769;

G. A permanent injunction against MSA Products, Inc., its owners, officers, agents, employees, parent and subsidiary companies and operations, assigns, successors in interests and all persons in active participation or concert with them or any of them, enjoining them from continuing infringement of U.S. Patent Nos. D436,239, D479,272, and D517,769;

H. A judgment against MSA Products, Inc., awarding Design Ideas, Ltd., MSA Products, Inc.'s profits from its infringement of U.S. Patent Nos. D436,239, D479,272, and D517,769, together with pre-judgment and post-judgment interest;

I. A judgment against MSA Products, Inc., awarding costs to Design Ideas, Ltd.;

J. Such other and further relief, which this Court deems just and equitable;

K. Damages as allowed pursuant to 35 U.S.C. 284 and 285.

PLAINTIFF DEMANDS A JURY TRIAL.

Plaintiff, DESIGN IDEAS, LTD., hereby demands a jury trial on all issues triable of right by jury.

Respectfully submitted,

DESIGN IDEAS, LTD.,
Plaintiff,

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