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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, Seville Classics Inc. (“Seville”) is a California corporation with principal place of business in Torrance, California. Seville 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 the one in suit. Over the years, Design Ideas has

distributed thousands of its mesh baskets and frame products at retail and wholesale, including to big-box retailers such as The Container Store.

DESIGN IDEAS' INTELLECTUAL PROPERTY

8. Design Ideas was issued U.S. Patent No. D450,481 (the "'481 Patent"), entitled "Mesh Baskets and Frame" on November 20, 2001, which claims "the ornamental design for mesh baskets and frame, as shown." A true and accurate copy of the '481 Patent is attached hereto as **Exhibit A** and made a part hereof by reference. Design Ideas is the owner by assignment of the '481 Patent.

9. Design Ideas marks its patented mesh baskets and frame products with the notation "Patent No. D450,481".

BBB'S AND SEVILLE'S INFRINGING ACTIVITIES

10. Defendant BBB has offered to sell and sold in the Central District of Illinois metal mesh baskets and frame products (sometimes known as "Two Tier Sliding Basket Organizer") depicted in **Exhibit B** attached hereto and incorporated herein.

11. Defendant BBB has offered to sell and has sold in the Central District of Illinois a metal mesh baskets and frame product (sometimes known as "Sliding Basket Organizer"), depicted in **Exhibit C** attached hereto and incorporated herein.

12. On December 4, 2012, a representative of Design Ideas purchased the product depicted in Exhibit B 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 D**.

13. On March 15, 2011, a representative of Design Ideas purchased the product depicted in Exhibit C above from BBB via the internet. The product was shipped from BBB at

555 West Roosevelt Road in Chicago, Illinois and was delivered to Design Ideas in Springfield Illinois. A true and correct copy of the purchase sales receipt received by the Design Ideas representative from BBB is attached as **Exhibit E**.

14. Defendant Seville manufactured and/or imported, and sold the products identified in Paragraphs 12 and 13 to Defendant BBB.

15. Defendants' said products infringe Design Ideas' patented design.

COUNT I
INFRINGEMENT OF U.S. PAT. NO. D450,481

16. Design Ideas realleges and incorporates by reference Paragraphs 1 through 15 of the Complaint as though fully set forth herein.

17. Defendants have infringed and continue to infringe the '481 Patent. Defendant BBB has sold, offered to sell and continues to sell products that infringe the '481 Patent. Defendant Seville has manufactured and/or imported, and sold said products to Defendant BBB. Defendants will continue to undertake said acts, unless enjoined by this Court.

18. Design Ideas has sustained damages as a result of Defendants' infringing acts. Design Ideas will continue to suffer irreparable harm unless infringement of the '481 Patent is enjoined.

19. 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 No. D450,481;

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 No. D450,481;

C. A judgment against Bed, Bath & Beyond, Inc., awarding Design Ideas, Ltd., Bed, Bath & Beyond, Inc.'s profits and damages from its infringement of U.S. Patent No. D450,481, together with pre-judgment and post-judgment interest;

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

E. A judgment that Bed, Bath & Beyond, Inc.'s infringement has been willful, and awarding Design Ideas, Ltd. its reasonable attorney fees under 35 U.S.C. §285;

F. A judgment that Seville Classics Inc. has infringed U.S. Patent No. D450,481;

G. A permanent injunction against Seville Classics, 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 No. D450,481;

H. A judgment against Seville Classics Inc., awarding Design Ideas, Ltd., Seville Classics Inc.'s profits and damages from its infringement of U.S. Patent No. D450,481, together with pre-judgment and post-judgment interest;

I. A judgment against Seville Classics Inc., awarding costs to Design Ideas, Ltd.;

J. A judgment that Seville Classics Inc.'s infringement has been willful, and awarding Design Ideas, Ltd. its reasonable attorney fees under 35 U.S.C. §285; and

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

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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