

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT**

JONG CHEUL SUK,
SAMKWANG GLASS CO., LTD

Plaintiff,

v.

BED BATH & BEYOND INC.,

Defendant.

Civil Action No.

JURY TRIAL DEMANDED

COMPLAINT

Plaintiffs, Jong Cheul Suk and Samkwang Glass Co., Ltd., do hereby, through their attorneys, allege as follows:

THE PARTIES

1. Plaintiff Jong Cheul Suk (“Mr. Suk”) is a citizen of South Korea residing in Nam-gu, Incheon, South Korea.

2. Plaintiff Samkwang Glass Co., Ltd. (“Samkwang Glass”) is a Korean corporation with a principal place of business at 18F, Kukje Electronic Center Bldg, 1445-3, Seocho-dong, Seocho-gu, Seoul, 137-728, Korea (Mr. Suk and Samkwang Glass are collectively referred to herein as “Plaintiffs”).

3. Upon information and belief, Defendant Bed Bath & Beyond Inc., (hereinafter “BBB”) is a corporation organized under the laws of the State of New York, with its principal place of business at 650 Liberty Avenue, Union, New Jersey 07083.

JURISDICTION

4. This is a claim for patent infringement and arises under the patent laws of the United States, Title 35 of the United States Code. This Court has original jurisdiction over the subject matter of this claim under 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Defendant, and Defendant comes within the scope of the Connecticut long-arm statute, Conn. Gen. Stat. § 52-59b, because, upon information and belief and among other things, Defendant is transacting business within this judicial district, and has committed tortious acts causing injury within this judicial district, including acts of infringement which are in part the subject matter of this Complaint.

VENUE

6. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b), (c) and 1400.

BACKGROUND FACTS

7. Mr. Suk is the owner of United States Patent No. 7,854,344 entitled “Lid Having Locking Flap Handles with Improved Elastic Hinges for Airtight Containers,” which issued on December 21, 2010 (“the ‘344 patent”). A true and correct copy of the ‘344 patent is attached hereto as Exhibit A.

8. Mr. Suk, through his company Chasedaesungshil, sells commercial embodiments of his patented invention, including to Samkwang Glass.

9. Samkwang Glass is the exclusive licensee of the ‘344 patent, with the right to make, use, sell, offer for sale, and/or import products which are embodiments of the ‘344 patent, and also with the right to enforce the ‘344 patent.

10. The Plaintiffs make, use, sell, offer for sale and/or import into the United States products which are embodiments of the ‘344 patents.

11. Upon information and belief, BBB has made, used, offered to sell or sold, and/or imported products that infringe one or more of the claims of the '344 patent.

12. BBB's infringing products include, but are not necessarily limited to, containers sold under the "Store 'N Lock" name. A true and correct copy of BBB's webpage offering the Store 'N Lock containers is attached hereto as Exhibit B.

13. BBB's containers directly infringe one or more of the claims of the '344 patent.

14. On or about October 19, 2012, Mr. Suk demanded that BBB immediately cease and desist from its infringement of the '344 patent. BBB has not done so.

15. Plaintiffs have suffered injury from BBB's acts of patent infringement.

COUNT I
(Infringement of U.S. Patent No. 7,854,344)

16. Plaintiffs repeats and reallege paragraphs 1-15, above, as though fully set forth herein.

17. BBB infringes and will continue to infringe one or more of the claims of the '344 patent by, among other activities, offering to sell or selling its container products.

18. BBB has also infringed the '344 patent by contributing to the infringement of the '344 patent by others and/or by inducing others to infringe the '344 patent.

19. Upon information and belief, BBB's continued infringement of the '344 patent, whether direct, contributory, and/or by inducement, has been and continues to be knowing, willful, and objectively reckless.

20. Plaintiffs have been irreparably harmed to an extent not yet determined by BBB's infringement, and will continue to be irreparably harmed in the future unless BBB is enjoined from its activities by this Court.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully asks this Court to enter judgment against BBB and against its respective subsidiaries, successors, parents, affiliates, officers, directors, agents, servants and employees, and all persons in active concert or participation with BBB, granting the following relief:

- A. The entry of judgment in favor of Plaintiffs and against BBB;
- B. A permanent injunction prohibiting further infringement of the '344 patent;
- C. An award of damages adequate to compensate Plaintiffs for the infringement that has occurred, but in no event less than a reasonable royalty for the use made of the inventions of the '344 patent as provided in 35 U.S.C. § 284, together with prejudgment interest from the date the infringement began;
- D. Award Plaintiffs treble damages as provided in 35 U.S.C. § 284;
- E. Find that this case is exceptional and award Plaintiffs their costs in this action together with reasonable attorneys' fees as provided in 35 U.S.C. § 285; and
- F. Such other relief to which Plaintiffs are entitled under law, and any other and further relief that this Court or a jury may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiffs demand a trial by jury on all issues so triable.

Respectfully submitted,

Date: January 11, 2013

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