

**CIVIL COVER SHEET**

The civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

<p><b>(a) PLAINTIFFS</b></p> <p><b>(b)</b> County of Residence of First Listed Plaintiff _____ (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p><b>(c)</b> Attorney's (Firm Name, Address, and Telephone Number)</p>	<p><b>DEFENDANTS</b></p> <p>County of Residence of First Listed Defendant _____ (IN U.S. PLAINTIFF CASES ONLY)</p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.</p> <p>Attorneys (If Known)</p>
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**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

1 U.S. Government Plaintiff	3 Federal Question (U.S. Government Not a Party)
2 U.S. Government Defendant	4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	1	1	Incorporated <i>or</i> Principal Place of Business In This State	4	4
Citizen of Another State	2	2	Incorporated <i>and</i> Principal Place of Business In Another State	5	5
Citizen or Subject of a Foreign Country	3	3	Foreign Nation	6	6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
110 Insurance 120 Marine 130 Miller Act 140 Negotiable Instrument 150 Recovery of Overpayment & Enforcement of Judgment 151 Medicare Act 152 Recovery of Defaulted Student Loans (excl. vet.) 153 Recovery of Overpayment of Veteran's Benefits 160 Stockholders' Suits 190 Other Contract 195 Contract Product Liability 196 Franchise	<b>PERSONAL INJURY</b> 310 Airplane 315 Airplane Product Liability 320 Assault, Libel & Slander 330 Federal Employers' Liability 340 Marine 345 Marine Product Liability 350 Motor Vehicle 355 Motor Vehicle Product Liability 360 Other Personal Inj.	<b>PERSONAL INJURY</b> 362 Personal Injury—Med. Malpractice 365 Personal Injury—Product Liability 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> 370 Other Fraud 371 Truth in Lending 380 Other Personal Property Damage 385 Property Damage Product Liability	610 Agriculture 620 Other Food & Drug 625 Drug Related Seizure of Property 21 USC 881 630 Liquor Laws 640 R.R. & Truck 650 Airline Regs. 660 Occupational Safety/Health 690 Other	422 Appeal 28 USC 158 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> 820 Copyrights 830 Patent 840 Trademark	400 State Reapportionment 410 Antitrust 430 Banks and Banking 450 Commerce/ICC Rates/etc. 460 Deportation 470 Racketeer Influenced and Corrupt Organizations 480 Consumer Credit 490 Cable/Satellite TV 810 Selective Service 850 Security/Commodity/Exch. 875 Customer Challenge 12 USC 3410 891 Agricultural Acts 892 Economic Stabilization Act 893 Environmental Matters 894 Energy Allocation Act 895 Freedom of Information Act 900 Appeal of Fee Determination Under Equal Access to Justice 950 Constitutionality of State Statutes 890 Other Statutory Actions
<b>REAL PROPERTY</b>	<b>CIVIL RIGHTS</b>	<b>PRISONER PETITIONS</b>	<b>LABOR</b>	<b>SOCIAL SECURITY</b>	
210 Land Condemnation 220 Foreclosure 230 Rent Lease & Ejectment 240 Torts to Land 245 Tort Product Liability 290 All Other Real Property	441 Voting 442 Employment 443 Housing/Accommodations 444 Welfare 445 ADA—Employment 446 ADA—Other 440 Other Civil Rights	510 Motions to Vacate Sentence Habeas Corpus: 530 General 535 Death Penalty 540 Mandamus & Other 550 Civil Rights 555 Prison Condition	710 Fair Labor Standards Act 720 Labor/Mgmt. Relations 730 Labor/Mgmt. Reporting & Disclosure Act 740 Railway Labor Act 790 Other Labor Litigation 791 Empl. Ret. Inc. Security Act	861 HIA (1395ff) 862 Black Lung (923) 863 DIWC/DIWW (405(g)) 864 SSID Title XVI 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> 870 Taxes (U.S. Plaintiff or Defendant) 871 IRS—Third Party 26 USC 7609	

**V. ORIGIN** (PLACE AN "X" IN ONE BOX ONLY)

1 Original Proceeding	2 Removed from State Court	3 Remanded from Appellate Court	4 Reinstated or Reopened	5 Transferred from another district (specify)	6 Multidistrict Litigation	7 Appeal to District Judge from Magistrate Judgment
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**VI. CAUSE OF ACTION** (Enter U.S. Civil Statute under which you are filing and write a brief statement of cause.)

**VII. PREVIOUS BANKRUPTCY MATTERS** (For nature of suit 422 and 423, enter the case number and judge for any associated bankruptcy matter perviously adjudicated by a judge of this Court. Use a separate attachment if necessary)

<b>VIII. REQUESTED IN COMPLAINT:</b>	CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 <input type="checkbox"/>	DEMAND \$ _____	CHECK YES only if demanded in complaint: <b>JURY DEMAND:</b> Yes <input type="checkbox"/> No <input type="checkbox"/>
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**IX. This case** is not a refiling of a previously dismissed action.

is a refiling of case number \_\_\_\_\_, previously dismissed by Judge \_\_\_\_\_

DATE \_\_\_\_\_ SIGNATURE OF ATTORNEY OF RECORD \_\_\_\_\_



IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

KOLCRAFT ENTERPRISES, INC.,

Plaintiff,

v.

ARTSANA USA, INC. d/b/a CHICCO  
USA, INC. and ARTSANA, S.p.A. d/b/a  
ARTSANA GROUP,

Defendants.

Civil Action No. \_\_\_\_\_

**JURY TRIAL DEMANDED**

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**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff, Kolcraft Enterprises, Inc. ("Kolcraft"), complains of Defendants, Artsana USA, Inc. d/b/a Chicco USA, Inc. ("Chicco"), and Artsana, S.p.A. d/b/a Artsana Group ("Artsana Group") as follows:

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

2. Kolcraft is a Delaware corporation having its primary place of business at 1100 West Monroe Street, Chicago, Illinois. Kolcraft is in the business of, among other things, developing, manufacturing and selling baby products such as playyards.

3. Kolcraft owns and has standing to sue for infringement of U.S. Patent No. 8,388,501 B2 (the "'501 patent") entitled "Play Gyms and Methods For Operating The Same," which issued on March 5, 2013.

4. Chicco is a New Jersey corporation that regularly conducts business in Illinois and specifically in this district. Chicco competes with Kolcraft in the baby products industry.

5. The Artsana Group is an Italian corporation headquartered in Grandate, Italy. The Artsana Group is the parent company of Chicco.

6. Chicco is the primary subsidiary of the Artsana Group.

7. Chicco is a principal subsidiary of the Artsana Group.

8. For more than 50 years, Chicco has remained a core brand of the Artsana Group.

9. Chicco is an essential part of the Artsana Group.

10. Chicco's website is linked to the Artsana Group's website.

11. The Artsana Group maintains control over its international subsidiaries, including specifically Chicco.

12. The Artsana Group controls the branding, trademark and copyrights of Chicco.

13. The Artsana Group controls the quality of Chicco's products, including specifically the Chicco Accused Products (defined below).

14. The Artsana Group benefits from the revenue derived from the sales in the United States of the Chicco Accused Produced (defined below).

15. The Artsana Group and Chicco share common officers and employees.

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

17. The Court has personal jurisdiction over Chicco because, among other things, Chicco transacts business in this judicial district, at least by offering to sell, selling and/or advertising infringing products at retail stores and through the Internet and other distribution channels in such a way as to reach customers in Illinois and this judicial district. Chicco has committed acts of infringement in this judicial district.

18. The Court has personal jurisdiction over the Artsana Group because, among other things, the Artsana Group has committed acts of infringement in this judicial district.

19. Defendants have infringed and are now infringing the '501 patent through, among other activities, the manufacture, use, sale, importation and/or offer for sale of infringing child playyard products, including but not limited to the Chicco Lullaby, Chicco Lullaby LX and Chicco Lullaby LX/SE Playyards and other Chicco playyard products with different names and/or model numbers but with substantially the same designs, features and functionalities as the Chicco Lullaby, Chicco Lullaby LX and Chicco Lullaby LX/SE ("Chicco Accused Products") throughout the United States, including within this judicial district, and by aiding, assisting and encouraging the infringement of the '501 patent by others.

20. The Chicco Accused Products each include a portable playyard.

21. The Chicco Accused Products each include a bassinet.

22. The Chicco Accused Products each include a floor mat.

23. The Chicco Accused Products each include a play gym.

24. The play gym of each of the Chicco Accused Products has a hub and four legs.

25. Defendants have infringed and continue to infringe at least claims 1, 9 and 14 of the '501 patent within the meaning of 35 U.S.C. § 271(a) through the foregoing activities including, without limitation, importing, offering for sale and selling the Chicco Accused Products in the United States. Specifically, the Chicco Accused Products contain each and every element of at least claims 1, 9 and 14 of the '501 patent both literally and under the doctrine of equivalents in contravention of 35 U.S.C. §271.

26. Defendants have also indirectly infringed at least claims 1, 9 and 14 of the '501 patent under 35 U.S.C. 271(b) by knowingly and actively inducing infringement of those claims.

Defendants have knowingly and actively induced infringement of at least claims 1, 9 and 14, for example, through the foregoing activities including, without limitation, importing, offering to sell and selling the Chicco Accused Products in the United States, and by instructing, aiding, assisting and encouraging the offer for sale, sale and use of the Chicco Accused Products in a manner that infringes at least claims 1, 9 and 14 of the '501 patent. The direct infringers that are being induced by Defendants include, without limitation, their customers, resellers and users that offer for sale, sell and use the Chicco Accused Products in the United States. The direct infringers that are being induced by the Artsana Group include, without limitation, Chicco and its customers, resellers and users that offer for sale, sell and use the Chicco Accused Products in the United States.

27. Defendants have also indirectly infringed and continue to indirectly infringe at least claims 1, 9 and 14 of the '501 patent under 35 U.S.C. § 271(c) through the foregoing activities including, among other things, importing, offering for sale and selling the Chicco Accused Products and by instructing, aiding, assisting, authorizing, advertising, marketing, promoting, providing for and/or encouraging the offer for sale, sale and use of the Chicco Accused Products, which constitute a material part of the patented inventions of claims 1, 9 and 14 of the '501 patent, which Defendants know are especially made or adapted for use in an infringement of at least claims 1, 9 and 14 of the '501 patent, and which are not a staple article of commerce suitable for substantial non-infringing use. The direct infringers for Defendants' contributory infringement under 35 U.S.C. § 271(c) include, without limitation, Defendants' customers, resellers and users that offer for sale, sell and use the Chicco Accused Products.

28. Defendants' infringement, contributory infringement and/or knowing and intentional inducement to infringe has injured Kolcraft and Kolcraft is entitled to recover

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