

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN**

<p>WB MANUFACTURING, LLC,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>ALUMNI CLASSROOM FURNITURE INC.,</p> <p style="text-align: center;">Defendant.</p>	<p>Case No.: 23CV414</p> <p>JURY TRIAL DEMANDED</p>
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COMPLAINT

Plaintiff WB Manufacturing, LLC, by and through its undersigned counsel, DeWitt LLP, alleges as follows for its Complaint against Defendant Alumni Classroom Furniture Inc.:

INTRODUCTION

1. This is an action against Defendant Alumni Classroom Furniture Inc. (“Alumni” or “Defendant”) for design patent infringement of United States Design Patent No. D780,487, covering a desk, which was issued to Benchmark Components, Inc. and subsequently assigned to Plaintiff WB Manufacturing, LLC’s (“WB”).

2. Plaintiff WB is a Wisconsin limited liability company organized and existing under the laws of the State of Wisconsin with its principal office located at 507 East Grant Street, Thorp, Wisconsin, 54771.

3. Defendant Alumni is a Canadian corporation with its principal office located at 210 Regina Street North, Waterloo, Ontario, N2J 3B6, Canada.

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1338.

5. This Court has personal jurisdiction over Alumni because Alumni conducts substantial and not isolated activities in the State of Wisconsin and within the Western District of Wisconsin. Alumni imports, sells, offers to sell, and/or induces the use and/or sale of infringing products, directly or through intermediaries, in or into Wisconsin and in the Western District of Wisconsin, thereby causing injuries and damages in Wisconsin and in the Western District of Wisconsin.

6. Venue is proper in this Court pursuant to 28 U.S.C. 1391(c)(3), as Alumni is not resident in the United States and therefore may be sued in any judicial district.

FACTUAL BACKGROUND

7. WB is in the business of designing, manufacturing, and selling furniture.

8. WB and Alumni are direct competitors in the furniture market.

9. Alumni is aware of WB, as well as WB's designs, products, and patents.

10. Benchmark Components, Inc. designed a unique desk.

11. Benchmark Components, Inc. received a design patent on its unique desk design.

On March 7, 2017, United States Design Patent No. D780,487 ("the '487 Patent"), entitled "Desk," was duly and legally issued by the United States Patent and Trademark Office to Benchmark Components, Inc. A copy of the '487 Patent is attached as **Exhibit A**.

12. On June 14, 2023, Benchmark Components, Inc. assigned its entire right, title and interest in the '487 Patent to WB.

13. Further, Benchmark Components, Inc. assigned to WB any and all claims and causes of action with respect to the '487 Patent, whether accruing, before, on or after the date of assignment.

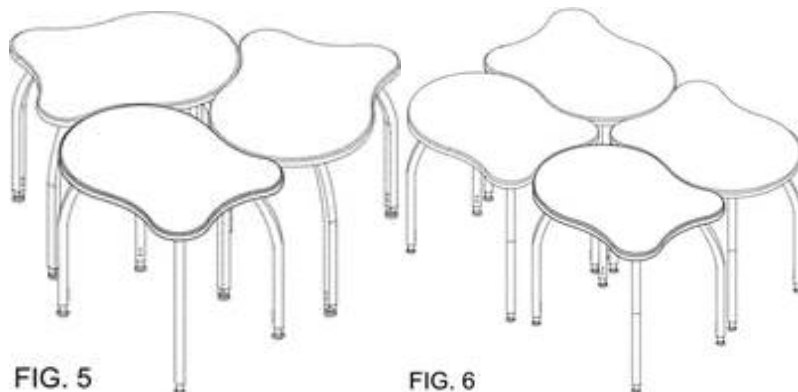
14. WB owns the entire right, title, and interest in the '487 Patent.

15. The '487 Patent claims the ornamental design as shown and described in the Patent.

16. After the '487 Patent issued, Alumni began marketing and selling its "Scallop Desks," depicted below, within the United States:



17. Alumni's infringing Scallop Desks have adopted every aspect of the claimed design in the '487 Patent and have an overall appearance that is confusingly similar and substantially the same as the claimed design in the '487 Patent, in view of the prior art and in the eyes of the ordinary observer:



18. Alumni had actual knowledge of the '487 Patent prior to the filing of this lawsuit. WB sent a cease-and-desist letter to Alumni in relation to Alumni's infringement of the '487 Patent on January 21, 2021, via mail and email.

19. Alumni's copying of the '487 Patent was and is willful.

COUNT I – Infringement of the '487 Patent

20. WB incorporates by reference the above allegations as if fully set forth herein.

21. Under 35 U.S.C. § 271(a), Alumni has infringed and continues to infringe the '487 Patent by making, using, selling, and offering for sale in the United States, or importing into the United States, Scallop Desks that embody the design covered by the '487 Patent.

22. Upon information and belief, Alumni has profited from its infringement.

23. WB has sustained damages as a direct and proximate result of Alumni's infringement of the '487 Patent and is entitled to damages pursuant to 35 U.S.C. § 284 and 35 U.S.C. § 289 in an amount to be proven at trial.

24. Alumni's infringement of the '487 Patent has been intentional and willful.

WHEREFORE, Plaintiff WB Manufacturing, LLC requests judgment against Defendant Alumni Classroom Furniture Inc. as follows:

- a. That the Court enter judgment that Alumni has infringed the '487 Patent;
- b. That the Court enter an order preliminarily and permanently enjoining Alumni and its officers, agents, and employees from infringing the '487 Patent pursuant to 35 U.S.C. § 283;
- c. That the Court award WB damages in an amount to compensate it for Alumni's infringement of the '487 Patent, together with pre-judgment interest and costs, as well as all other damages permitted under 35 U.S.C. § 284;
- d. That the Court treble the damages awarded under 35 U.S.C. § 284 because Alumni willfully infringed the '487 Patent;

- e. That the Court award WB Alumni's total profits for the desks infringing the '487 Patent under 35 U.S.C. § 289;
- f. That the Court declare this case to be "exceptional" under 35 U.S.C. § 285 and award WB its attorneys' fees, expenses, and costs; and
- g. That the Court award such other relief as the Court may deem equitable, just, and proper.

Dated this 21st day of June, 2023.

DEWITT LLP

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