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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

DESIGN BASICS, LLC, and
PLAN PROS, INC.,

Plaintiffs,

vs.

QUALITY CRAFTED HOMES INC.,

Defendant.

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Case No.: 1:16-cv-00050

JURY DEMANDED

ORIGINAL COMPLAINT

Design Basics, LLC, and Plan Pros, Inc., plaintiffs, file this Complaint against Quality Crafted Homes Inc. (“Quality Crafted Homes”), and for their causes of action allege the following:

Parties

1. Design Basics, LLC, is a Nebraska Limited Liability Company with its principal place of business in Omaha, Nebraska. Under Articles of Merger executed on July 1, 2009, Design Basics, LLC, is the successor by merger to Design Basics, Inc., and as such is the owner of all assets (including copyrights, trade and service names, trade and service marks, and all causes of action) that Design Basics, Inc., owned as of that date. Design Basics, LLC, and its predecessor (Design Basics, Inc.) will hereinafter be referred to as “Design Basics.”

2. Design Basics is engaged in the business of creating, marketing, publishing and licensing the use of “architectural works” (as that term is defined in the Copyright Act and the Architectural Works Copyright Protection Act of 1990, both codified at 17 U.S.C. § 101 et seq.) and technical drawings depicting such architectural works.

3. Plan Pros, Inc. (“Plan Pros”), is a Nebraska corporation with its principal place of business in Omaha, Nebraska.

4. Plan Pros is engaged in the business of creating, marketing, publishing and licensing the use of “architectural works” (as that term is defined in the Copyright Act and the AWCPA) and technical drawings depicting such architectural works.

5. Quality Crafted Homes is a corporation organized under the laws of the State of Indiana with its principal place of business in Allen County, Indiana. Quality Crafted Homes may be served through its registered agent, Dennis Kees, 22712 Antwerp Road, Harlan, Indiana 46743.

Jurisdiction and Venue

6. This Court has subject matter jurisdiction of this case under 28 U.S.C. § 1338 because this action arises under federal copyright law, 17 U.S.C. § 101 et seq.

7. Venue is proper in this District under 28 U.S.C. § 1400(a) because the defendant may be found in this District. Furthermore, or in the alternative, venue is proper in this District under 28 U.S.C. § 1391(b) because a substantial part of the events giving rise to the claims at issue occurred in this District; and defendant resides and does business in this District.

Factual Background

8. Design Basics and Plan Pros are building design firms which create, market, and license the use of “architectural works” (as that term is defined in the Copyright Act and the Architectural Works Copyright Protection Act of 1990 (the “AWCPA”)) and technical drawings depicting architectural works. Both firms own copyrights protecting the architectural works and technical drawings they have created.

9. Design Basics is the author and the owner of all copyrights in the following works, each of which has been registered with the United States Copyright Office:

Title	Registration Certificate No.
Plan No. 1748 – Sinclair	VA 371-214, 694-094 & 726-353
Plan No. 1752 – Lancaster	VA 371-204, 694-094 & 756-041
Plan No. 2235 – Albany	VA 434-219, 694-094 & 756-041
Plan No. 2245 – Tyndale	VA 434-205, 710-606 & 1-924-168
Plan No. 2638 – Linden	VA 540-030, 694-094, 756-041 & 1-921-734
Plan No. 8507 – Smithport	VA 1-074-900 & 1-082-262

10. Plan Pros is the author and the owner of all copyrights in the work titled Plan No. 29300 – Leftwich, which has been registered with the United States Copyright Office as Registration Certificate No. VA 1-346-932.

11. The foregoing works described in paragraphs 9-10 above will be referred to collectively as the “Copyrighted Works.”

12. The Copyrighted Works have been published in various Design Basics and Plan Pros plan books and publications. A chart that identifies some of those plan books that published the various Copyrighted Works is attached as Exhibit A.

13. Each of the Copyrighted Works constitutes original material that is copyrightable under federal law.

14. Design Basics is currently, and at all relevant times has been, the sole owner of all right, title and interest in and to the works described in paragraph 9 above.

15. Plan Pros is currently, and at all relevant times has been, the sole owner of all right, title and interest in and to the works described in paragraph 10 above.

16. Quality Crafted Homes has been engaged, at least in part, in the business of creating, publishing, distributing and advertising residential home designs through traditional

print media, on the internet on sites such as www.qualitycraftedhomes.com, and in marketing, advertising, constructing and selling homes built according to such designs.

17. Quality Crafted Homes has published, distributed, marketed and advertised certain architectural designs for single family residential homes, each consisting of a floor plan and exterior elevations, that Quality Crafted Homes has identified and marketed under the following model names: Ashby, Blue Ash, Carrington, Crenshaw, Crest Hill, Deville, Dogwood Ridge, Elway, Forest View, Harper, Lake Ridge, Milano, Mourtada, Prairie View, River Birch, Scott Lodge, Serendipity, Tall Oak, Tucker, Weatherford.

18. Design Basics' and Plan Pros' house designs, including the Copyrighted Works, have been marketed for years on a nationwide basis, including in this District, by means of plan books and other publications and also by means of the internet, including many websites.

19. Quality Crafted Homes has been actually aware of Design Basics and Plan Pros and the works that Design Basics and Plan Pros market. At all times material to this case, Quality Crafted Homes has had a reasonable opportunity to have viewed the Copyrighted Works.

20. Quality Crafted Homes has violated and continues to violate Design Basics' and Plan Pros' exclusive rights in each of the Copyrighted Works (including the right to reproduce, the right to prepare derivative works and the right to sell), by copying, publishing, distributing, advertising, marketing, selling and/or constructing in the marketplace, plans, drawings and houses which were copied or otherwise derived from the Copyrighted Works, examples of which include:

- a. Quality Crafted Homes' "Milano" (and any predecessors, copies or derivatives of that model under the same name or a different name) infringes the Design Basics' Plan No. 1752 – Lancaster (and any predecessor or derivative thereof).

- b. Quality Crafted Homes' "River Birch" (and any predecessors, copies or derivatives of that model under the same name or a different name) infringes the Design Basics' Plan No. 2235 – Albany (and any predecessor or derivative thereof).
- c. Quality Crafted Homes' "Lake Ridge" (and any predecessors, copies or derivatives of that model under the same name or a different name) infringes the Design Basics' Plan No. 1748 – Sinclair (and any predecessor or derivative thereof).
- d. Quality Crafted Homes' "Mourtada" (and any predecessors, copies or derivatives of that model under the same name or a different name) infringes the Design Basics' Plan No. 1748 – Sinclair (and any predecessor or derivative thereof).
- e. Quality Crafted Homes' "Forest View" (and any predecessors, copies or derivatives of that model under the same name or a different name) infringes the Design Basics' Plan No. 1748 – Sinclair (and any predecessor or derivative thereof).
- f. Quality Crafted Homes' "Crest Hill" (and any predecessors, copies or derivatives of that model under the same name or a different name) infringes the Design Basics' Plan No. 2245 – Tyndale (and any predecessor or derivative thereof).
- g. Quality Crafted Homes' "Serendipity" (and any predecessors, copies or derivatives of that model under the same name or a different name) infringes the Design Basics' Plan No. 1748 – Sinclair (and any predecessor or derivative thereof).
- h. Quality Crafted Homes' "Tall Oak" (and any predecessors, copies or derivatives of that model under the same name or a different name) infringes the Design Basics' Plan No. 1748 – Sinclair (and any predecessor or derivative thereof).
- i. Quality Crafted Homes' "Harper" (and any predecessors, copies or derivatives of that model under the same name or a different name) infringes the Design Basics' Plan No. 2235 – Albany (and any predecessor or derivative thereof).
- j. Quality Crafted Homes' "Ashby" (and any predecessors, copies or derivatives of that model under the same name or a different name) infringes the Design Basics' Plan No. 1748 – Sinclair (and any predecessor or derivative thereof).

- k. Quality Crafted Homes' "Dogwood Ridge" (and any predecessors, copies or derivatives of that model under the same name or a different name) infringes the Design Basics' Plan No. 1748 – Sinclair (and any predecessor or derivative thereof).
- l. Quality Crafted Homes' "Weatherford" (and any predecessors, copies or derivatives of that model under the same name or a different name) infringes the Design Basics' Plan No. 1748 – Sinclair (and any predecessor or derivative thereof).
- m. Quality Crafted Homes' "Prairie View" (and any predecessors, copies or derivatives of that model under the same name or a different name) infringes the Design Basics' Plan No. 8507 – Smithport (and any predecessor or derivative thereof).
- n. Quality Crafted Homes' "Carrington" (and any predecessors, copies or derivatives of that model under the same or a different name) infringes Design Basics Plan No. 1748 – Sinclair (and any predecessor or derivative thereof).
- o. Quality Crafted Homes' "Crenshaw" (and any predecessors, copies or derivatives of that model under the same or a different name) infringes Design Basics Plan No. 1748 – Sinclair (and any predecessor or derivative thereof).
- p. Quality Crafted Homes' "Scott Lodge" (and any predecessors, copies or derivatives of that model under the same or a different name) infringes Design Basics Plan No. 1748 – Sinclair (and any predecessor or derivative thereof).
- q. Quality Crafted Homes' "Deville" (and any predecessors, copies or derivatives of that model under the same or a different name) infringes Design Basics Plan No. 1752 – Lancaster (and any predecessor or derivative thereof).
- r. Quality Crafted Homes' "Blue Ash" (and any predecessors, copies or derivatives of that model under the same or a different name) infringes Plan Pros Plan No. 29300 – Leftwich (and any predecessor or derivative thereof).
- s. Quality Crafted Homes' "Tucker" (and any predecessors, copies or derivatives of that model under the same or a different name) infringes Design Basics Plan No. 2638 – Linden (and any predecessor or derivative thereof).

Cause of Action

Copyright Infringement

21. Design Basics and Plan Pros complain of Quality Crafted Homes for copyright infringement, and incorporates paragraphs 1 through 20 above by reference.

22. Quality Crafted Homes' construction and sale of houses and creation of associated design and construction drawings based on Design Basics' Copyrighted Works has infringed and continues to infringe Design Basics' copyrights in the Copyrighted Works.

23. Quality Crafted Homes' construction and sale of houses and creation of associated design and construction drawings based on Plan Pros' Copyrighted Works has infringed and continues to infringe Plan Pros' copyrights in the Copyrighted Works.

24. Quality Crafted Homes' creation and publication of non-pictorial representations based on Design Basics' Copyrighted Works have infringed and are infringing Design Basics' copyrights in the Copyrighted Works.

25. Quality Crafted Homes' creation and publication of non-pictorial representations based on Plan Pros' Copyrighted Works have infringed and are infringing Plan Pros' copyrights in the Copyrighted Works.

26. Design Basics is entitled to recover the actual damages it suffered as a result of the foregoing infringement, and all of Quality Crafted Homes' profits from such infringement, pursuant to 17 U.S.C. § 504(b).

27. Plan Pros is entitled to recover the actual damages it suffered as a result of the foregoing infringement, and all of Quality Crafted Homes' profits from such infringement, pursuant to 17 U.S.C. § 504(b).

28. In the alternative to the actual damages and infringer profits sought above, Design Basics is entitled to an award of statutory damages for all infringements of Design Basics' Copyrighted Works, as permitted by 17 U.S.C. § 504(c).

29. In the alternative to the actual damages and infringer profits sought above, Plan Pros is entitled to an award of statutory damages for all infringements of Plan Pros' Copyrighted Works, as permitted by 17 U.S.C. § 504(c).

30. Pursuant to 17 U.S.C. § 505, Quality Crafted Homes is liable for plaintiffs' costs and reasonable attorneys' fees incurred in this action.

31. In addition, Design Basics and Plan Pros are entitled to preliminary and permanent injunctions pursuant to 17 U.S.C. § 502 prohibiting Quality Crafted Homes from further infringement of their copyrights, including but not limited to the further use of infringing plans, creation or use of derivative plans, and construction, sale or rental of infringing structures.

32. Furthermore, this Court should issue an order pursuant to 17 U.S.C. § 503 directing the United States Marshal's Service to (a) impound all copies of the Copyrighted Works, in possession of Quality Crafted Homes or its agents or contractors in violation of plaintiffs' exclusive rights, and (b) upon final hearing of this case, to destroy or otherwise dispose of those copies.

Conditions Precedent

33. With respect to all counts, Design Basics and Plan Pros generally aver that all conditions precedent to their rights of recovery have occurred or been performed, or have been waived or excused by Quality Crafted Homes.

Jury Demand

34. Pursuant to Federal Rule of Civil Procedure 38, Design Basics and Plan Pros respectfully demand trial by jury of all issues so triable.

WHEREFORE, PREMISES CONSIDERED, Design Basics, LLC, and Plan Pros, Inc., pray that defendant Quality Crafted Homes Inc., be cited to appear and answer; and that upon final trial they each have and recover from defendant as set forth above, that they have permanent injunctive relief against defendant as requested herein, and that they have such and other relief as they may show themselves to be entitled.

Respectfully submitted,

/s/ Sean J. Quinn

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