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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

TAYLOR PRECISION PRODUCTS, INC.;)
THE CHEF’N CORPORATION)
)
Plaintiffs)
)
v.)
)
DOUBLE A CONCEPTS LLC, AARON)
FARNSWORTH, GEMINI FARNSWORTH)
)
Defendants)
)

Cause No.: _____

JURY TRIAL DEMAND

COMPLAINT

Plaintiffs Taylor Precision Products, Inc. and THE CHEF’N Corporation by its attorneys, as and for its complaint against Defendants Double A Concepts LLC, Aaron Farnsworth and Gemini Farnsworth (hereinafter “Defendants”) allege as follows:

NATURE OF THE ACTION

1. This is an action for Patent Infringement under 35 U.S.C. §271 and §289.
2. As alleged in detail below, Defendants have engaged in a conscious, systematic, and willful pattern of patent infringement, to the damage of Plaintiff.

JURISDICTION AND VENUE

3. This court has jurisdiction over the patent infringement claims pursuant to 28 U.S.C. §§ 1331 and 1338(a).
4. Venue is proper in this District pursuant to 28 U.S.C. § 1400 as Defendants reside in this District and Defendants have committed acts of infringement and have a regular and established place of business in this District.

THE PARTIES

5. Plaintiff TAYLOR PRECISION PRODUCTS, INC. (hereinafter, “Taylor”) is a Delaware corporation with a business address of 2311 West 22nd Street, Suite 200, Oak Brook, IL 60523.

6. Plaintiff THE CHEF’N CORPORATION (hereinafter, “Chef’n”) is a Washington corporation with a business address of 830 4th Ave S, St. 400, Seattle, WA 98134.

7. Taylor and Chef’n are both subsidiaries of Lifetime Brands, Inc., a leading provider of home products in the U.S. and worldwide, including kitchen utensils and kitchen gadgets.

8. Upon information and belief, Defendant DOUBLE A CONCEPTS LLC is an Indiana Limited Liability Company with a place of business at 431 Tulip Drive, Mooresville, IN 46158.

9. Upon information and belief, Defendant AARON FARNSWORTH is an individual having an address of 431 Tulip Drive, Mooresville, IN 46158.

10. Upon information and belief, Defendant GEMINI FARNSWORTH is an individual having an address of 431 Tulip Drive, Mooresville, IN 46158. (Defendants Double A Concepts LLC, Aaron Farnsworth and Gemini Farnsworth collectively being referred hereinafter as the “Defendants”).

11. Defendants own and operate a store named “Friendly Cooking” having a website at www.friendlycooking.com. The Defendants’ Friendly Cooking store sells kitchen products, including a 3 Piece Clip on Strainer Set, which includes the infringing herb stripping tool and a 4 Piece Spatula Set.

PLAINTIFFS’ PATENTS

12. Plaintiff Chef’n owns U.S. Patent No. 9,718,198 for a “STRIPPING TOOL FOR LEAFY VEGETABLES AND HERBS” which was filed on September 8, 2015 claiming the benefit of

Provisional Application No. 62/047,493 filed on September 8, 2014, and issued on August 1, 2017, in accordance with an assignment recorded with the United States Patent and Trademark Office on reel/frame 036947/0205 on November 3, 2015 (hereinafter the “’198 Patent”). A copy of the ‘198 Patent is annexed as Exhibit A.

13. Plaintiff Taylor owns U.S. Design Patent No. D776,991 for a “STRIPPING TOOL FOR LEAFY VEGETABLE AND HERBS” which was filed on September 8, 2014, and issued on January 24, 2017, in accordance with an assignment recorded with the United States Patent and Trademark Office on reel/frame 040593/0033 on December 7, 2016 (hereinafter, the “’991 Patent”). A copy of the ‘991 Patent is annexed as Exhibit B.

DEFENDANTS’ INFRINGING ACTS

14. Defendants have been offering to sell and have sold a 3 Piece Clip on Strainer Set which includes an herb stripping tool. Screenshots of Defendants’ webpage which show the herb stripping tool being marketed and sold as part of the 3 Piece Clip on Strainer Set are annexed as Exhibit C (the “Defendants’ Herb Stripping Tool”).

15. The Defendants’ Herb Stripping Tool includes each and every limitation recited in at least independent claim 1 and dependent claims 2-5 of the ‘198 Patent. Therefore, the Defendants’ Herb Stripping Tool is a literal infringement of the ‘198 Patent.

16. For example, claim 1 of the ‘198 Patent recites as follows:

“A hand-operated device for use in removing foliage from a stem of a leafy vegetable or an herb, the device comprising:

a unitary, elongated body having no moving parts, the elongated body being sized to be held comfortably in a user's hand, the elongated body having opposing curved edges, at least a portion of each edge following a convex curve;

at least a portion of one of the convexly curved edges of the elongated body formed as a convexly curved sharp edge, the other of the convexly curved edges of the elongated body formed as a convexly curved dull edge opposite the sharp edge;

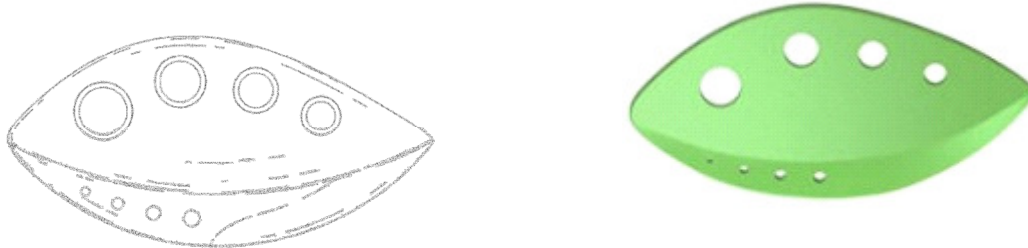
a plurality of apertures of different sizes extending through the body, the apertures being spaced apart from each other along the opposing curved edges, such that a user can select an aperture large enough to allow the stem of a selected leafy vegetable or herb to pass through the aperture but too small for the foliage of the leafy vegetable or the herb to pass through, and whereby a user can pass the selected leafy vegetable or the herb through the selected aperture to remove the foliage therefrom, and then cut the foliage to a desired size by holding the body with the convexly curved dull edge against the user's hand and rocking the convexly curved sharp edge along its length over the foliage”.

17. As is evident by the photographs of the Defendants’ Herb Stripping Tool annexed hereto as Exhibit C, the Defendants’ Herb Stripping Tool literally infringes the ‘198 patent by including all of the limitations of the stripping tool for leafy vegetables and herbs as recited in independent claim 1.

18. Alternatively, even if some feature of claims 1-5 of the ‘198 Patent are not literally met by the Defendants’ Herb Stripping Tool, the Defendants’ Herb Stripping Tool infringes claims 1-5 of the ‘198 Patent under the Doctrine of Equivalents.

19. Furthermore, an ordinary observer would think that the Defendants’ Herb Stripping Tool is substantially the same as the design of the ‘991 Patent. Indeed, as the side-by-side comparison

shown below reveals, Defendants have misappropriated and infringed the patented stripping tool for leafy vegetables and herbs. A top plan view of the '991 Patent is shown on the left with a corresponding view of the infringing Defendants' Herb Stripping Tool on the right.



20. Therefore, the Defendants' Herb Stripping Tool infringes the '991 Patent.

COUNT I:

INFRINGEMENT OF U.S. PATENT NOS. 9,718,198 and D776,991

21. Paragraphs 1 through 20 are incorporated by reference herein.
22. Plaintiff Chef'n is the owner of all right, title, and interest in the '198 Patent.
23. Taylor is the owner of all right, title, and interest in the '991 Patent.
24. Defendants are, or have been, directly infringing the '198 Patent and '991 Patent by, among other things, using, offering to sell, and selling in the United States, or importing into the United States, the Defendants' Herb Stripping Tool that is covered by the '198 Patent and '991 Patent.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for relief as follows:

1. For a judgment declaring that Defendants have infringed U.S. Patent No. 9,718,198 and U.S. Design Patent No. D776,991;

2. For a permanent and preliminary injunction against Defendants under 35 U.S.C. § 283, enjoining and restraining Defendants from further infringing the '198 Patent and '991 Patent;
3. For a judgment awarding Plaintiff Chef'n compensatory damages as a result of Defendants' infringement of the '198 Patent, together with interest and costs, and in no event less than a reasonable royalty, under 35 U.S.C. § 284;
4. For a judgment awarding Plaintiff Taylor compensatory damages as a result of Defendants' infringement of the '991 Patent, together with interest and costs, and in no event less than a reasonable royalty, under 35 U.S.C. § 284;
5. For a judgment awarding Plaintiff Taylor all of Defendants' profits deriving from the sale of products that infringe the '991 Patent;
6. For a judgment declaring that Defendants' infringement of Plaintiffs' patent rights has been willful and deliberate;
7. For a judgment awarding Plaintiffs treble damages and pre-judgment interest under 35 U.S.C. § 284 as a result of Defendants' willful and deliberate infringement of Plaintiffs' patent rights;
8. For a judgment declaring that this case is exceptional and awarding Plaintiffs their expenses, costs, and attorney fees in accordance with 35 U.S.C. § 284 and § 285 and Rule 54(d) of the Federal Rules of Civil Procedure.
9. That Plaintiffs have such other and further relief as the Court may deem just and proper.

This the 8th day of August, 2018.

Respectfully submitted,

MAGINOT, MOORE & BECK, LLC

s/Michael A. Swift

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