

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

GFIT LLC,

Plaintiff,

vs.

FLA ORTHOPEDICS, INC. and
BSN MEDICAL INC.,

Defendants.

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Case No.

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff GFIT LLC ("GFIT") brings this action against defendants FLA Orthopedics, Inc. ("FLA") and BSN Medical Inc. ("BSN"), and alleges:

THE PARTIES

1. GFIT is a limited liability company organized and existing under the laws of the State of Michigan, and the owner of U.S. Patent 5,898,948 entitled "Support/ Sport Sock," U.S. Patent 6,032,296 entitled "Support/Sport Sock and Method of Use" and U.S. Patent 6,173,452 entitled "Support/Sport Sock and Method of Use".

2. On information and belief, FLA is a corporation organized and existing under the laws of the State of Florida, having a place of business at 5825 Carnegie Blvd., Charlotte, North Carolina, 28209, has designated its registered agent for purposes of service of process as CT Corporation Systems, 1200 S. Pine Island Rd., Plantation, Florida 33324-4413, and is doing business in this judicial district and elsewhere in the United States.

3. On information and belief, BSN is a corporation organized and existing under the laws of the State of Delaware, having a place of business at 5825 Carnegie Blvd., Charlotte, North Carolina, 28209, has designated its registered agent for purposes of service of process as National Registered Agents, Inc., 120 Penmare Dr., Ste. 118, Raleigh, North Carolina, 27603-2400, and is doing business in this judicial district and elsewhere in the United States.

JURISDICTION AND VENUE

4. This is an action for patent infringement of U.S. Patent Nos. 5,898,948 and 6,032,296 arising under the provisions of the Patent Laws of the United States of America, Title 35, United States Code.

5. Subject-matter jurisdiction over GFIT's claims is conferred upon this Court by 28 U.S.C. §§ 1331 and 1338(a).

6. On information and belief, defendants have solicited business in the State of Michigan and this district, transacted business within the State of Michigan and this district, and attempted to derive financial benefit from residents of the State of Michigan and this district, including benefits directly related to the instant patent infringement cause of action set forth herein.

7. On information and belief, defendants have placed their allegedly infringing products into the stream of commerce throughout the United States with the expectation that such products would be offered for sale, sold and/or used in this judicial district.

8. Defendants are subject to personal jurisdiction in Michigan and this judicial district, and is doing business in this judicial district.

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

PATENT INFRINGEMENT

COUNT I

10. On May 4, 1999, U.S. Patent No. 5,898,948 (“the ‘948 patent”), entitled “Support/Sport Sock”, a copy of which is attached hereto as Exhibit A, was duly and legally issued. GFIT is the owner by assignment of all right, title and interest in and to the ‘948 patent, including the right to sue for and recover all past, present and future damages for infringement of the ‘948 patent.

11. Upon information and belief, defendants have in the past infringed and will continue to infringe, contribute to infringement, and/or induce infringement of the ‘948 patent by making, using, selling, offering to sell and/or importing, and/or causing others to use, sell and/or offer to sell athletic graduated compression socks that alone and/or in use are covered by at least one claim of the ‘948 patent. For example, attached as Exhibit B is a copy of packaging materials of one such athletic sock, indicated to have “graduated compression.” Defendants are liable for infringement of the ‘948 patent pursuant to 35 U.S.C. § 271.

12. Defendants’ acts of infringement have caused damage to GFIT, and GFIT is entitled to recover from defendants the damages sustained by GFIT as a result of defendants’ wrongful acts in an amount subject to proof at trial.

13. As a consequence of the infringement complained of herein, GFIT has been irreparably damaged to an extent not yet determined and will continue to be irreparably damaged by such acts in the future unless defendants are enjoined by this Court from committing further acts of infringement.

COUNT II

14. On March 7, 2000, U.S. Patent No. 6,032,296 (“the ‘296 patent”), entitled “Support/ Sport Sock and Method of Use”, a copy of which is attached hereto as Exhibit C, was duly and legally issued. GFIT is the owner by assignment of all right, title and interest in and to the ‘296 patent, including the right to sue for and recover all past, present and future damages for infringement of the ‘296 patent.

15. Upon information and belief, defendants have in the past infringed and will continue to infringe, contribute to infringement, and/or induce infringement of the ‘296 patent by making, using, selling, offering to sell and/or importing, and/or causing others to use, sell and/or offer to sell athletic graduated compression socks that alone and/or in use are covered by at least one claim of the ‘296 patent. For example, attached as Exhibit B is a copy of packaging materials of one such athletic sock, indicated to have “graduated compression.” Defendants are liable for infringement of the ‘296 patent pursuant to 35 U.S.C. § 271.

16. Defendants’ acts of infringement have caused damage to GFIT, and GFIT is entitled to recover from defendants the damages sustained by GFIT as a result of defendants’ wrongful acts in an amount subject to proof at trial.

17. As a consequence of the infringement complained of herein, GFIT has been irreparably damaged to an extent not yet determined and will continue to be irreparably damaged by such acts in the future unless defendants are enjoined by this Court from committing further acts of infringement.

PRAYER FOR RELIEF

WHEREFORE, GFIT prays for entry of judgment that:

- A. Defendants have infringed the '948 and '296 patents;
- B. Defendants account for and pay to GFIT all damages caused by their infringement of the '948 and '296 patents in accordance with 35 U.S.C. § 284;
- C. GFIT be granted permanent injunctive relief pursuant to 35 U.S.C. § 283 enjoining defendants and their respective officers, agents, servants, employees and those persons in active concert or participation with them from further acts of patent infringement;
- D. GFIT be granted pre-judgment and post-judgment interest on the damages caused to it by reason of defendants' patent infringement complained of herein;
- E. GFIT be granted its reasonable attorneys' fees;
- F. Costs be awarded to GFIT; and,
- G. GFIT be granted such other and further relief as the Court may deem just and proper under the circumstances.

DEMAND FOR JURY TRIAL

GFIT demands trial by jury on all claims and issues so triable.

Respectfully submitted,

Dated: May 25, 2012

By: /s/Mark D. Schneider

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