IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

VALEDA COMPANY LLC (d/b/a Q'STRAINT), a Delaware Limited Liability Company, Plaintiff, v. AMERICAN SEATING COMPANY, a Delaware corporation, Defendant.	Case No: _____ JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Now comes the Plaintiff, Valeda Company LLC, d/b/a Q'Straint ("Q'Straint"), by its attorneys, Baker & McKenzie LLP, and for its Complaint against the Defendant, American Seating Company ("American Seating"), states as follows:

NATURE OF THE CASE

1. This is a patent infringement action in which Q'Straint asserts that its U.S. Patent No. 8,414,234 ("the '234 patent") is infringed at least by American Seating's sales and/or offers for sale of its Secura® reliant® 3-Point Tie Down Mobility System ("Accused Product"). Q'Straint is seeking an injunction prohibiting further sales of the infringing device, and damages for infringement at least pursuant to 35 U.S.C. §§ 154(d) and 284.

THE PARTIES

2. Plaintiff Q'Straint is a Delaware limited liability company, headquartered at 5553 Ravenswood Road, Building 110, Ft. Lauderdale, Florida, 33312.

3. Q'Straint makes, sells and distributes wheelchair restraint products in the United States, including in the State of Florida, and including in this District.

4. Q'Straint is the owner of and has the right to sue for infringement of the '234 patent, which is attached as Exhibit A.

5. Upon information and belief, Defendant American Seating is a Delaware corporation headquartered at 801 Broadway Ave. NW, Grand Rapids, Michigan 49504.

6. American Seating is engaged in the making, use, importation, offering for sale and/or sale of wheelchair restraints and other products in the United States, including in the State of Florida, and including in this District.

THE ACCUSED PRODUCT

7. American Seating has and continues to make, use, offer for sale, and/or sell in the United States, and import into the United States, the Accused Product. A brochure for the Accused Product is attached hereto as Exhibit B. American Seating provides additional information for the Accused Product on its website: http://americanseating.com/transportation/city-service-bus/mobility-aid-securement/detail/new-secura-reliant-3-point-tie-down-system.

8. The Accused Product includes a group of wheelchair restraints consisting of three retractors.

9. In the "Secura® reliant® demonstration video" available on its website (see link above), American Seating instructs customers and end users how to use the Accused Product to secure a mobility aid (i.e., wheelchair) using the group of wheelchair restraints consisting of three retractors and to secure a passenger seated in the mobility aid using a lap and shoulder belt system, as follows:

(a) flip up the seats in the mobility aid area;

(b) center the mobility aid passenger parallel to the longitudual flip-up seat or optional bumper;

(c) attach the front restraint belt to the mobility aid frame at the front corner closest to the bus wall;

(d) activate the rear tie-down release handle and attach the rear restraint belts to the mobility aid frame;

(e) engage the ratcheting level in the rear of the mobility aid until a click is felt and then reset the lever to a downward position - this tightens the entire system and signifies maximum stability;

(f) engage the mobility aid brakes; and,

(g) restrain the rider using the lap and shoulder belt system.

10. The Accused Product has been and is offered for sale in this District.

JURISDICTION AND VENUE

11. This Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331, 1337, and/or 1338 because this matter arises under the United States patent statutes for infringement of a United States patent.

12. Venue is proper in this District pursuant to 28 U.S.C. §§ 1400(b), 1391(b) and/or 1391(c) because American Seating is subject to personal jurisdiction in this District and therefore resides in this District pursuant to 28 U.S.C. § 1391(c) and because the Accused Product and other products are offered for sale by American Seating in this District.

COUNT I
INFRINGEMENT OF U.S. PATENT 8,414,234

13. Paragraphs 1 and 7-10 are incorporated by reference as if restated fully herein.

14. On April 9, 2013, the United States Patent Office issued the '234 patent to Q'Straint.

15. The patent application leading to the '234 patent was published by the United States Patent and Trademark Office as U.S. Patent Application Publication No. 2010/0092263 A1 ("the '263 publication", attached as Exhibit C) on April 15, 2010.

16. The invention of claim 23 of the '234 patent is substantially identical to the invention of claim 18 of the '263 publication.

17. The invention of claim 24 of the '234 patent is substantially identical to the invention of claim 19 of the '263 publication.

18. The invention of claim 25 of the '234 patent is substantially identical to the invention of claim 20 of the '263 publication.

19. The invention of claim 26 of the '234 patent is substantially identical to the invention of claim 21 of the '263 publication.

20. The invention of claim 27 of the '234 patent is substantially identical to the invention of claim 22 of the '263 publication.

21. The invention of claim 28 of the '234 patent is substantially identical to the invention of claim 23 of the '263 publication.

22. Upon information and belief, American Seating had notice of the '263 publication prior to the date of issuance of the '234 patent.

23. By making, using, offering for sale and/or selling in the United States, and importing into the United States, the Accused Product, as shown in Exhibit B, American Seating is infringing at least one claim of the '234 patent in violation of 35 U.S.C. § 271(a).

24. By inducing and/or contributing to the infringements of customers and end users of the Accused Product, American Seating has also committed indirect infringement of at least one claim of the '234 patent in violation of 35 U.S.C. § 271(b) and/or (c). American Seating has possessed knowledge of the '234 patent since at least the time of service of this Complaint. American Seating has also possessed knowledge of the '263 publication prior to the time of issuance of the '234 patent. American Seating has known or should have known that its actions would induce or contribute to actual infringement by customers and end users of the Accused Product. American Seating has specifically intended for customers and end users to use the Accused Product in a manner that infringes at least one claim of the '234 patent by encouraging customers and end users to install the Accused Product in a vehicle and secure wheelchairs using a group of wheelchair restraints that consist of three retractors.

25. By reason of the ongoing and continuous infringement by American Seating of the '234 patent in violation of 35 U.S.C. § 271, Q'Straint is entitled to an entry of an injunction against American Seating, preventing further infringement of Q'Straint's patent rights, pursuant to 35 U.S.C. § 283.

26. Q'Straint has suffered and is continuing to suffer damages as a result of American Seating's infringement of the '234 patent in violation of 35 U.S.C. § 271, and Q'Straint is entitled to compensation or other damages as allowed to the full extent of the law, pursuant to 35 U.S.C. §§ 154(d) and 284.

REQUEST FOR RELIEF

Q'Straint hereby requests an entry of relief against American Seating as follows:

(a) Entering judgment that American Seating, by reason of the making, use, offer for sale, and/or sale in the United States, and the importation into the United States, of the Accused Product, infringes the '234 patent asserted herein in violation of 35 U.S.C. § 271.

(b) Awarding Q'Straint damages to the full extent permitted by 35 U.S.C. § 154(d) and 284, including interest, by reason of American Seating's infringement of the '234 patent asserted herein.

(c) Entering a permanent injunction against American Seating, barring and enjoining further making, use, offering for sale, sale, and distribution in the United States, and importation into the United States, of all infringing products pursuant to 35 U.S.C. § 283.

(d) Awarding all other relief as this Court deems proper.

DEMAND FOR JURY

Q'Straint requests that all issues triable by a jury be so tried in this case.

Dated: April 9, 2013

Respectfully submitted,

BAKER & McKENZIE LLP

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List of Exhibits

A	Q'Straint's U.S. Patent No. 8,414,234
B	Brochure for American Seating's reliant 3-Point Tie Down Mobility System
C	Q'Straint's U.S. Patent Application Publication No. 2010/0092263 A1

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