

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CENTRIA,

Plaintiff,

v.

MERCHANT & EVANS, INC.,

Defendant.

Civil Action No.

JURY TRIAL DEMANDED

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff Centria (hereinafter, "Centria"), by and through its undersigned counsel, hereby alleges the following against Defendant Merchant & Evans, Inc. (hereinafter, "M&E"):

THE PARTIES

1. Centria is a Pennsylvania partnership having its principal place of business located at 1005 Beaver Grade Road, Moon Township, PA 15108.

2. Upon information and belief, M&E is a New Jersey corporation having its principal place of business located at 308 Connecticut Drive, Burlington, NJ 08016.

JURISDICTION AND VENUE

3. Centria brings this action under the Patent Laws of the United States, Title 35 of the United States Code. This Court has jurisdiction pursuant to 28 U.S.C. § 1331 and § 1338.

4. Centria is the owner of all right, title, and interest in and to United States Patent No. D527,834 (“the ’834 Patent”). A true and correct copy of the ’834 Patent is attached hereto as Exhibit A.

5. Upon information and belief, M&E has and continues to manufacture, use, sell, and/or offer for sale building panels in the United States that infringe the ’834 Patent, including at least its Expression Series EX 161 and EX 162 wall panel products.

6. M&E offers for sale its products via its website, www.ziprib.com, which is accessible over the Internet all over the United States including in this judicial district and does not purport to preclude prospective customers within this judicial district from obtaining any of M&E’s products or services. On information and belief, M&E regularly conducts business in Pennsylvania.

7. Upon being notified of the ’834 Patent and M&E’s infringement thereof and being given a reasonable opportunity to respond, M&E did not agree to cease its infringing activity or provide any legal justification for its infringement. This continued infringing activity causes injury to Centria in this district, is believed to be directed at causing harm to Centria in this district, and subjects M&E to personal jurisdiction in this judicial district.

8. Venue is proper pursuant to 28 U.S.C. § 1391 and § 1400.

SUMMARY OF FACTS

9. Centria manufactures, uses, sells, and offers for sale building panels in the United States including its Concept Series line of building panels, certain of which building panels embody the designs covered by the '834 Patent, including Centria's CS-610 and CS-610 panels.

10. Upon information and belief, M&E manufactures, uses, sells, and offers to sell various building panels in the United States and within this district, including its Expression Series EX 161 and EX 162 wall panels. A true and correct copy of promotional materials for the EX 161 and EX 162 wall panels, as obtained from M&E's website, is attached hereto as Exhibit B.

11. Upon information and belief, Centria has lost sales and lost profits due to M&E's manufacture, sales, and offers to sell its EX 161 and EX 162 wall panel products. For example, and without limitation, it is believed that M&E's EX 161 and EX 162 products are private label products that M&E purchases from third parties including ATAS International, Inc. ("ATAS"), none of which are Centria's authorized dealers. ATAS sells MFR 161 and MFR 162 wall panels in ATAS's Rigid Wall product line, which are believed to be identical to M&E's EX 161 and EX 162 products. ATAS's MFR 161 and MFR 162 products are accused of infringing Centria's '834 Patent in a co-pending case in this District, Civil Action No. 2:13-cv-00309-NBF (the "ATAS Litigation").

12. At least as early as March 4, 2013, Centria directly notified M&E of Centria's belief that M&E's EX 161 and EX 162 building panels infringed the '834 Patent. In this correspondence, Centria requested further discussions with M&E regarding the infringement to reach an amicable resolution of the dispute, and notified M&E of the ATAS Litigation. Centria

and M&E engaged in subsequent discussions concerning the dispute, but no resolution was reached by the parties.

13. Notwithstanding the direct notification of infringement from Centria, upon information and belief, M&E continues to manufacture, use, sell, and offer for sale building panels that infringe the '834 Patent.

COUNT I:
INFRINGEMENT OF THE '834 PATENT

14. Centria repeats and re-alleges each and every averment contained in paragraphs 1-13 hereof as if fully set forth herein.

15. M&E has infringed the '834 Patent at least by making, using, selling or offering to sell, and by inducing, aiding and abetting, actively inducing, and encouraging and contributing to others' use, sales, and offers to sell at least the following building panels within its Expression Series product line: (1) the EX 161 wall panel; and (2) the EX 162 wall panel. M&E received notice of the '834 Patent and M&E's infringement thereof at least as early as March 4, 2013.

16. M&E's infringement has injured Centria, and Centria is entitled to recover damages adequate to compensate for the infringement that has occurred, including Centria's lost profits, but in no event less than a reasonable royalty pursuant to 35 U.S.C. § 284. Centria is additionally and alternatively entitled to recover M&E's total profit attributable to the infringing building panels pursuant to 35 U.S.C. § 289.

17. M&E has infringed the '834 Patent with knowledge of the patent and without legal justification or excuse. M&E's infringement has been and is willful.

18. Centria has been injured and is being injured by M&E's infringement of the '834 Patent, and Centria will continue to suffer irreparable harm unless M&E's infringement of the '834 Patent is enjoined by this Court.

WHEREFORE, Centria respectfully requests judgment be entered against M&E as follows:

A. An award of damages adequate to compensate Centria for the infringement that has occurred, in the form of lost profits, a reasonable royalty, and/or M&E's total profit, together with prejudgment interest from the date the infringement began;

B. Any other damages permitted in the Court's equitable discretion, including increased damages for willful infringement under 35 U.S.C. § 284;

C. A finding that this case is exceptional and an award to Centria of its attorneys' fees and expenses as provided by 35 U.S.C. § 285;

D. An injunction permanently enjoining M&E, and all persons in active concert or participation with M&E, from further acts of infringement of the '834 Patent; and

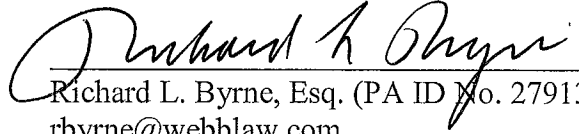
E. Such other and further relief as this Court deems proper.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Centria hereby demands a trial by jury of all issues triable by jury.

Respectfully submitted,

Dated: April 23, 2013



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