

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

SHIELDMARK, INC.)	CASE NO.
PO Box 16618)	
Rocky River, OH 44116)	JUDGE
)	
Plaintiff,)	
)	COMPLAINT FOR
v.)	PATENT INFRINGEMENT
)	
INSITE SOLUTIONS, LLC)	JURY TRIAL DEMANDED
3650 Rogers Rd. #298)	
Wake Forest, NC 27587)	
)	
Defendant.)	

Plaintiff ShieldMark, Inc. ("ShieldMark"), for its Complaint against Defendant Insite Solutions, LLC ("Defendant"), hereby demands a jury trial and alleges as follows:

PARTIES

1. ShieldMark is a corporation organized under the laws of the State of Ohio, with its principal place of business in Rocky River, Ohio.
2. On information and belief, Defendant is a limited liability company organized under the laws of the State of North Carolina with its principal place of business in Wake Forest, North Carolina.

JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a), in that this is an action for patent infringement arising under the United States Patent Laws at Title 35, United States Code, 35 U.S.C. § 271 *et. seq.*
4. Defendant has committed acts of patent infringement in the Federal District for the Northern District of Ohio and elsewhere throughout the United States.

5. Venue is proper in this Court under 28 U.S.C. §§ 1391(c) and 1400(b).

PATENT INFRINGEMENT

6. ShieldMark realleges and reavers the allegations contained in the preceding paragraphs.

7. ShieldMark is the owner by assignment of U.S. Patent No. 8,343,292 issued on January 1, 2013 to Thomas R. Goecke and entitled “Adhesive Tape” (“the ‘292 Patent”). A true and accurate copy of the ‘292 Patent is attached as Exhibit 1.

8. ShieldMark currently advertises and sells its patent protected adhesive tape under the domain name <www.MightyLine.net>.

9. ShieldMark has worked since 2006 to establish the enormous good will associated with the “Mighty Line” mark in the United States.

10. Defendant had been a distributor of adhesive tape manufactured by ShieldMark from 2006 through 2012.

11. As a distributor of ShieldMark’s products, Defendant had access to ShieldMark’s patented technology and pricing information.

12. Using information acquired from ShieldMark, Defendant became a direct competitor of ShieldMark by manufacturing knock-off adhesive tapes for floor marking under the name “Superior Mark”.

13. The “Superior Mark” adhesive tape sold by Defendant incorporates key features patented by ShieldMark.

14. Defendant has made, used, sold, offered for sale, and/or imported into the United States “Superior Mark” adhesive tape that infringes upon at least claims 1 – 3 of the ‘292 Patent.

15. Through its manufacture, use, sale and advertising of infringing “Superior Mark” adhesive tape, Defendant committed acts of patent infringement throughout the United States against rights held by ShieldMark.

16. Based on information obtained from ShieldMark, Defendant was able to price its “Superior Mark” products in such a manner as to unfairly compete with the “Mighty Line” products manufactured by ShieldMark.

17. After introduction of Defendant’s “Superior Mark” products until termination as a ShieldMark distributor, Defendant’s sale of ShieldMark products declined while sales of “Superior Mark” products increased.

18. The sale of infringing “Superior Mark” adhesive tape by Defendant has a direct impact on ShieldMark’s market share.

19. For every infringing sale of “Superior Mark” by Defendant, ShieldMark is deprived of revenue to which it is entitled.

20. If Defendant is allowed to continue to produce and sell “Superior Mark” to consumers, ShieldMark will suffer irreparable harm based on both the erosion to its market share and the damage to its reputation as an innovator and supplier of high quality adhesive tape.

21. Defendant has infringed, contributed to, and/or induced infringement of one or more claims of the ‘292 Patent by making, using, offering to sell, selling within the United States, and/or importing into the United States adhesive tapes including those presently sold under the name(s) “Superior Mark Tape”.

22. On information and belief, Defendant’s infringement of the ‘292 Patent has been willful and deliberate.

23. As a direct and proximate result of Defendant's infringement of the '292 Patent, ShieldMark has suffered and continues to suffer damages.

24. ShieldMark has no adequate remedy at law and will be irreparably injured unless Defendant's acts of infringement are enjoined by this Court.

WHEREFORE, ShieldMark respectfully requests that the Court enter judgment in its favor and an award of the following relief:

A. Preliminary and permanent injunctive relief prohibiting Defendant, its agents, employees, licensees, and all those in privity with Defendant from engaging in acts of infringement of the '292 Patent;

B. Judgment that Defendant has infringed the '292 Patent in violation of 35 U.S.C. §271;

C. An award of all damages recoverable under the United States patent laws pursuant to 35 U.S.C. § 284, up to and including treble the amount of actual damages assessed for any willful infringement;

D. An award of attorneys' fees to the extent permitted under 35 U.S.C. § 285;

E. An award of all taxable costs; and

F. Such other and further legal and equitable relief as the Court deems appropriate.

DEMAND FOR A JURY TRIAL

Plaintiff ShieldMark hereby demands a trial by jury on all issues so triable.

Respectfully submitted,

/s/Martin J. Pangrace

W. Scott Harders (#0070598)
Martin J. Pangrace (#0073857)
BRENNAN, MANNA & DIAMOND, LLC
75 E. Market Street
Akron, OH 44308
Telephone: (330) 253-5060
Facsimile: (330) 253-1977
E-Mail: wsharders@bmdllc.com
mjpangrace@bmdllc.com

and

/s/Susan L. Gragel

Susan L. Gragel (#0002785)
GOLDSTEIN GRAGEL LLC
526 Superior Avenue, East, Suite 1040
Cleveland, Ohio 44114
Telephone: (216) 771-6633
Fax: (216) 771-7559
E-mail: sgragel@ggcounsel.com

and

/s/Mark B. Cohn

Mark B. Cohn (#0027878)
**DUBYAK, CONNICK, THOMPSON &
BLOOM, LLC**
3401 Enterprise Pkwy., Suite 205
Cleveland, Ohio 44122
Telephone: (216) 364-0500
Fax: (216) 364-0505
E-mail: mark@markcohnlaw.com

Attorneys for Plaintiff, ShieldMark, Inc.