

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION**

Cor-A-Vent Inc.	)	
Plaintiff	)	
	)	
v.	)	Civil Action No. _____
	)	
Designer Cabinets Inc. d/b/a DCI Products	)	
Defendant	)	
	)	

**COMPLAINT**

Plaintiff, Cor-A-Vent Inc. (“Cor-A-Vent” or “Plaintiff”) for its Complaint states as follows:

**The Parties**

1. Cor-A-Vent is a corporation organized and existing under the laws of the State of Indiana and has its principal place of business at 2529 Lincolnway West, Mishawaka, Indiana 46546.
2. Cor-A-Vent is the owner of United States Patent No. 5,704,834.
3. Cor-A-Vent is a manufacturer of roof vent and other venting products designed for structures and an innovator of such products.
4. Upon information and belief, Defendant Designer Cabinets Inc. ("DCI" or "Defendant") is a corporation, organized and existing under the laws of the State of Pennsylvania and has its principal place of business at Clifton Industrial Center, 100 Mill Road, Clifton Heights, Pennsylvania 19018.

### **Jurisdiction and Venue**

5. This Court has original jurisdiction over the subject matter of this action pursuant to the provisions of Title 28, United States Code (“U.S.C.”) §§ 1331 and 1338(a), because the action arises under the Patent Laws of the United States, Title 35 U.S.C. § 100, et. seq.

6. Upon information and belief, DCI is subject to personal jurisdiction in this district because, *inter alia*, it directly and through its agents regularly does, solicits, and transacts business in the Northern District of Indiana and has committed the acts alleged herein within this district and elsewhere.

7. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b) and (c) and § 1400(b).

### **COUNT I**

#### **Infringement of United States Patent No. 5,704,834**

8. Cor-A-Vent hereby incorporates by reference the allegations set forth in paragraphs 1 through 7 as if fully set forth herein.

9. On January 6, 1998, United States Patent No. 5,704,834 (the “’834 Patent”), entitled “Moisture Resistant Roof Vent” was duly and legally issued and is owned by Cor-A-Vent. A copy of the ’834 Patent is attached hereto as Exhibit A.

10. Possessing all substantial rights to the ’834 Patent and the ’834 Patent being in full force and effect, Cor-A-Vent has the right to sue for any infringement thereof and the right to recover damages for infringement of that patent.

11. Upon information and belief, DCI is infringing the ’834 Patent, either directly, by inducement, or contributorily, by making, using, selling, offering for sale, importing or supplying roof vent products, including DCI’s SmartRidge® II product, all in violation of 35 U.S.C. § 271 et seq., and will continue to do so unless enjoined by this Court. Web pages showing DCI’s

infringing product are attached as Exhibit B, and an installation manual for DCI's infringing product is attached as Exhibit C.

12. On information and belief, DCI has derived and received, and will continue to derive and receive, gains, profits, and advantages from the acts of infringement in an amount that is not presently known to Cor-A-Vent. By reason of DCI's acts of infringement, Cor-A-Vent has suffered and is suffering damages and is entitled to monetary relief in an amount to be determined at trial.

13. DCI's acts of infringement are causing great and irreparable harm to Cor-A-Vent and will continue to cause great and irreparable harm to Cor-A-Vent, for which Cor-A-Vent has no adequate remedy at law, unless enjoined by this Court.

14. Upon information and belief, DCI has been aware of the '834 Patent, including the subject matter claimed therein, since at least as early as 2010.

15. Upon information and belief, DCI's continued infringement of the '834 Patent is willful and justifies a trebling of damages pursuant to 35 U.S.C. § 284. Further, this is an exceptional case supporting an award of reasonable attorneys' fees pursuant to 35 U.S.C. § 285.

### **RELIEF REQUESTED**

WHEREFORE, Cor-A-Vent requests that the Court enter a judgment in Cor-A-Vent's favor against DCI, and provide Cor-A-Vent the following relief:

A. Order, adjudge and decree that DCI has infringed the '834 Patent in violation of 35 U.S.C. § 271;

B. Issue preliminary and permanent injunctive relief prohibiting DCI and its respective parents, subsidiaries, principals, officers, directors, agents, attorneys, employees and all others in privity with it from infringing the '834 Patent pursuant to 35 U.S.C. § 283.

C. Award Cor-A-Vent its damages for patent infringement, and pre-judgment and post-judgment interest and costs against DCI pursuant to 35 U.S.C. § 284.

D. Order, adjudge and decree that DCI's infringement of the '834 Patent has been deliberate and willful;

E. Order, adjudge and decree that DCI's infringement of the '834 Patent has been exceptional under 35 U.S.C. § 285;

F. Treble said damage award under 35 U.S.C. § 284;

G. Award Cor-A-Vent its reasonable attorneys' fees under 35 U.S.C. § 285; and

H. Award such other and further relief as the Court may deem just and proper.

**JURY DEMAND**

Pursuant to Federal Rule of Civil Procedure 38(b), Cor-A-Vent hereby demands a trial by jury for each and every issue so permitted by law and statute.

FAEGRE BAKER DANIELS LLP

By: /s/ Daniel Tychonievich  
David P. Irmischer (15026-02)  
111 East Wayne, Suite 800  
Fort Wayne, Indiana 46802  
Tel: 260.424.8000  
Fax: 260.460.1700  
david.irmscher@faegrebd.com

Daniel Tychonievich (19604-71)  
202 S. Michigan Street, Suite 1400  
South Bend, Indiana 46601  
Tel: 574.234.4149  
Fax: 574.239.1900  
daniel.tychonievich@faegrebd.com  
edward.sullivan@faegrebd.com

ATTORNEYS FOR PLAINTIFF,  
COR-A-VENT INC.