

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

R&J MANUFACTURING COMPANY,)	
Plaintiff)	
vs.)	C.A. No. 14-cv-251
CONTEMPO CARD COMPANY, INC.,)	<u>Jury Trial Demanded</u>
Defendant)	

COMPLAINT

Plaintiff, R&J Manufacturing Company ("R&J" or "Plaintiff"), brings this action against, defendant, Contempo Card Company, Inc. ("Contempo" or "Defendant"), for patent infringement. By this Complaint, R&J seeks, *inter alia*, injunctive relief, monetary damages, and attorney's fees under 35 U.S.C. §§ 283, 284 and 285, and alleges as follows:

THE PARTIES

1. Plaintiff is a Rhode Island corporation, with its principal place of business at 1 Carding Lane, Johnston, RI 02919. R&J is the owner of numerous patents pertaining to anti-theft devices and tags. Among the patents owned by R&J is U.S. Letters Patents No. 8,590,699 which discloses embodiments of an anti-theft ring assembly and method of using the same.

2. Upon information and belief, Defendant is a Rhode Island corporation with a principal place of business located at 69 Tingley Street, Providence, RI 02903.

JURISDICTION AND VENUE

3. This action arises under the patent laws of the United States, 35 U.S.C. §§ 271, 281, 283-285.

4. This Court has original and exclusive jurisdiction over the subject matter of this Complaint pursuant to 28 U.S.C. § 1338(a) because this action arises under an act of Congress relating to patents. Jurisdiction is also conferred pursuant to 28 U.S.C. § 1331 because this is a civil action arising under the laws of the United States.

5. Plaintiff is informed and believes that this Court may properly exercise *in personam* jurisdiction over the Defendant because the Defendant is a Rhode Island Corporation and regularly does business in the state.

6. Venue is proper in this District under 28 U.S.C. § 1391 (b) and (c).

THE ASSERTED PATENT

7. United States Letters Patent No. 8,590,699 entitled “Anti-Theft Ring Assembly and Method of Using the Same” (the “‘699 patent”), issued on November 26, 2013 on an application filed on March 19, 2011. The ‘699 patent is assigned to R&J. A true and correct copy of the ‘699 patent is attached hereto as Exhibit A.

BACKGROUND FACTS

8. Defendant Contempo is a wholesale manufacturer of security devices.

9. Upon information and belief Contempo offers for sale, makes, uses and sells a “ring security device”, a photo of which is attached hereto as Exhibit B, which security device infringes one or more claims of the ‘699 patent (the “Accused Device”).

10. R&J provided written notice to Contempo by letter dated March 18, 2014 alleging infringement of the ‘699 patent by the Accused Device.

11. Upon information and belief, Contempo continues to offer for sale, make, use and sell the Accused Device.

12. As a direct and proximate result of Defendant's acts of infringement, the Plaintiff has suffered damages.

13. As a direct and proximate result of Defendant's acts of infringement the Plaintiff has suffered and continues to suffer irreparable harm for which there is no adequate remedy at law.

COUNT ONE

(Infringement of the '699 Patent - 35 U.S.C. § 271)

14. The Plaintiff incorporates paragraphs 1-13 *supra*, by reference and realleges them as originally and fully set forth herein.

15. Defendant has knowingly and intentionally infringed, and continues to infringe, the '699 patent by making, using, offering for sale, or selling, throughout the United States their ring security device, which is covered by claims of the '699 patent, and will continue to do so unless enjoined by this Court.

16. As a direct and proximate consequence of the Defendant's infringing acts, the Plaintiff has suffered and will continue to suffer injury and damages, and unless such acts and practices are enjoined by the Court, will continue to be injured in its business and property rights, and will suffer and continue to suffer injury and damages which are causing them irreparable harm and for which Plaintiff is entitled to relief under 35 U.S.C. §§ 283, 284 and 285.

17. Upon information and belief, the aforementioned infringement is knowing, intentional and willful.

WHEREFORE, Plaintiff R&J Manufacturing Company respectfully requests that this Court enter judgment in its favor and against Defendant Contempo Card Company, Inc., and requests relief as follows:

- A. Judgment entered in its favor and against Defendant on each count of the Complaint;
- B. Declaring that Defendant has infringed the '699 patent;
- C. Declaring that the foregoing infringement was willful and knowing;
- D. Declaring this to be an "exceptional" case within the meaning of 35 U.S.C. §285, entitling Plaintiff to an award of its reasonable attorney's fees in this action;
- E. Entry of a preliminary and thereafter permanent injunction prohibiting the Defendant from violating 35 U.S.C. § 271 by infringing the '699 patent, all pursuant to 35 U.S.C. § 283;
- F. Entry of a preliminary and thereafter permanent injunction ordering Defendant to recall and remove from retail establishments all devices that infringe the '699 patent;
- G. Award Plaintiff its damages in accordance with 35 U.S.C. § 284, including actual damages, compensatory damages in an amount no less than a reasonable royalty of Defendant's gross sales of all Accused Products, and treble damages;
- H. Award Plaintiff prejudgment interest;
- I. Award Plaintiff its costs, attorney's fees and expenses arising from this suit under 35 U.S.C. § 285;
- J. Entry of an Order that Defendant:
1. cease all sales of the Accused Product;
 2. remove the Accused Product from the Internet, catalogs, flyers, brochures, displays, advertisements and all other channels of trade;
 3. omit reference to the Accused Product from the Internet, future catalogs, future flyers, future brochures, future displays, future advertisements and all other channels of trade;

4. recall from its employees, subsidiaries, dealers, distributors, resellers and customers, any and all Accused Products and advertising of the Accused Product;
5. surrender for destruction, or other disposition at the election of Plaintiff, all extrusions, molds, dies, components-in-progress, components, production materials, products, castings, fixtures, prints, computer programs, solid modeling, models, prototypes, engineering records, and all means of manufacture associated with the production of the Accused Product; and

M. Grant Plaintiff such other relief as this Court deems just and proper

JURY DEMAND

Plaintiff demands a trial by jury on all counts of their Complaint so triable.

Respectfully submitted,

R&J MANUFACTURING COMPANY
By its attorneys,

Date: May 30, 2014

/s/ Jodi-Ann McLane
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