

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TAPCO INTERNATIONAL CORPORATION,

Plaintiff,

vs.

BOSS PRODUCTS CORPORATION,

Defendant.

00-72216

Civil Action No.:

DENISE PAGE HOOD

Howard & Howard
law for business

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HOWARD & HOWARD ATTORNEYS, P.C.

By: JEFFREY A. SADOWSKI (P28163)

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MAGISTRATE JUDGE MORGAN

COMPLAINT

There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in this Complaint.

Plaintiff, Tapco International Corporation, by and through its attorneys, Howard & Howard

Attorneys, P.C., hereby complains against Defendant as follows:

PARTIES

1. Plaintiff, Tapco International Corporation, is a Michigan corporation with its principal place of business at 45657 Port Street, Plymouth, Michigan.

2. Plaintiff is in the business of manufacturing and selling building products and building accessories.

3. Upon information and belief, Plaintiff alleges that Defendant Boss Products Corporation ("Boss"), is a New York corporation with its principal place of business at 56 Ivy Way, Lancaster, New York 14086.

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U.S. DIST. COURT CLERK
EAST DIST. MICH.
DETROIT

4. Upon information and belief, Plaintiff alleges that Boss has conducted business in this Judicial District, including at a minimum, offering for sale and selling combined wall mounts and electrical outlet boxes, also known as Boss Siding Box #1 and Boss Siding Box #2 within this District, as well as distributing and/or inducing the distribution of brochures in this District bearing the products and an identification of Boss as the manufacturer of those products.

JURISDICTION

5. This action arises out of the Patent Laws of the United States, Title 35 United States Code.

6. Jurisdiction and venue with respect to the parties and the subject matter of this Complaint is conferred upon this Court under the provisions of Title 28, United States Code, Judiciary and Judicial Procedures §§ 1331, 1338, 1391 and 1400, as well as other pertinent sections and statutes.

GENERAL ALLEGATIONS

7. United States Patent No. 4,920,708 (the '708 Patent) entitled Wall Mounting Assembly (*see* Exhibit A) was duly and legally issued by the United States Patent and Trademark Office to Plaintiff on May 1, 1990.

PATENT INFRINGEMENT

8. Upon information and belief, Defendant Boss has manufactured, offered for sale, and sold wall mounting assembly products infringing the aforementioned patent as a product or by using a process to manufacture the product, which product and/or process infringes the aforesaid patent under 35 U.S.C. §§ 271(a), (b), and/or (c).

WHEREFORE, Plaintiff prays that:

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A. This Court permanently enjoin Defendant from infringing U.S. Patent No. 4,920,708;

B. This Court award Plaintiff damages pursuant to an accounting for damages in an amount based on its lost profits, but not less than a reasonable royalty, along with its costs in this action and its reasonable attorneys' fees as an exceptional case; and

C. This Court grant Plaintiff such other equitable relief as is just.

JURY DEMAND

Plaintiff hereby requests a trial by jury on all issues triable.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS, P.C.

By: 

Jeffrey A. Sadowski (P28163)

Melanye K. Johnson (P56618)

Attorneys for Plaintiff

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Dated: May 15, 2000

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ADDITIONAL
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THAT WERE NOT
SCANNED