

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
CASE NO. 7:01 -CV- 146-F(1)

FILED

INTERROLL HOLDING AG,)
)
Plaintiff,)
)
v.)
)
CHARLES WINFIELD SCOTT and)
SST CONVEYER COMPONENTS, INC.,)
)
Defendants.)

AUG 27 2001

AMENDED
COMPLAINT

DAVID W. DANIEL, CLERK
US DISTRICT COURT, EDNC
BY DEP. CLERK

1. This is an action for patent infringement pursuant to 35 U.S.C. § 271. Jurisdiction is based on 28 U.S.C. § 1331 and 28 U.S.C. § 1338 (a). Venue is proper in this district under 28 U.S.C. § 1391(c) and § 1400(b).

2. Interroll Holding AG ("Interroll") is a corporation organized under the laws of Switzerland. Interroll Corp. is a subsidiary of Interroll and has its principal place of business in Wilmington, North Carolina.

3. Upon information and belief, SST Conveyor Components ("SST Conveyor") is a corporation having its principal place of business in Ohio. Upon further information and belief, SST Conveyor has continuous and systematic business contacts within the State of North Carolina and this judicial district.

4. Upon information and belief, Charles Winfield Scott is the primary owner and executive of SST Conveyor, as well as multiple other companies doing business in Loveland, Ohio, under names incorporating the term "SST" ("SST companies").

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5. Upon information and belief, Charles Winfield Scott was and is personally engaged and responsible for the infringing of and inducing the infringing of Interroll's patents as described herein.

6. Interroll is the owner of U.S. Patent No. 5,421,442 (the '442 patent) for a conveyor roller with a tapered shuttle. A copy of the patent is attached hereto as Exhibit 1.

FIRST CLAIM
Patent Infringement of the '442 Patent

7. Interroll realleges paragraphs 1 through 6 of this Complaint.

8. Upon information and belief, SST Conveyor and Charles Winfield Scott, through SST Conveyor and through SST companies, (referred to herein as "Defendants") manufacture a bearing insert and a conveyor roller with a bearing insert which are both sold, and/or offered for sale, by Defendants throughout the United States, including the State of North Carolina. Upon further information and belief, the bearing insert and conveyor roller with bearing insert directly infringe one or more claims of the '442 patent.

9. Defendants' infringing bearing inserts and conveyor rollers include products marketed and/or sold under the trade name "Frame Saver."

10. Upon information and belief, Defendants' infringing bearing inserts and conveyor rollers include products that Defendants have marked with "U.S. Patent No. 5,865,290."

11. Upon information and belief, Defendants' infringing bearing inserts and conveyor rollers include products that contain or utilize part number/title PIN-B7SH-SHAFT and/or PIN-A7TH-SHAFT.

12. Upon information and belief, Defendants sell their bearing inserts to others for use in the manufacture of conveyor rollers. Upon further information and belief, Defendants'

customers use the bearing insert to manufacture conveyor rollers that infringe one or more claims of the '442 patent.

13. The bearing insert, upon information and belief, is especially made, or especially adapted, for use in rollers, which infringe the '442 patent, is not a staple article or commodity of commerce, and does not have any substantial non-infringing uses.

14. Upon information and belief, Defendants have sold, and/or offered to sell, bearing inserts that are an infringement of the '442 patent and are, therefore, liable as a contributory infringers.

15. Upon information and belief, Defendants have induced others to infringe the '442 patent and are, therefore, liable for the infringements.

16. Upon further information and belief, Defendants continue to sell bearing inserts and conveyor rollers knowing that such products infringe the '442 patent.

17. Upon information and belief, Charles Winfield Scott acted in his own personal interest in his actions regarding the infringing bearing inserts and conveyor rollers and did not act in the interest of the SST companies.

18. Upon information and belief, Charles Winfield Scott knew or should have known his actions regarding the infringing bearing inserts and conveyor rollers infringed or induced others to infringe the '442 patent.

WHEREFORE, Interroll Holding AG prays that this court grant the following relief:

1. That Defendants be enjoined from making, using, selling, or offering to sell the bearing insert and conveyor roller that directly infringe the '442 patent;

2. That Defendants be enjoined from making, using, selling, or offering to sell the bearing insert or any other insert especially adapted for use in rollers that infringe the '442 patent;

3. That Defendants be ordered to pay damages on profits lost by Interroll as a result of the infringement of its patent or, at a minimum, pay damages equal to a reasonable royalty on all bearing inserts sold by Defendants;

4. That the court find the infringement by Defendants of the '442 patent to be willful.

5. That the court award Interroll its costs and reasonable attorneys fees; and

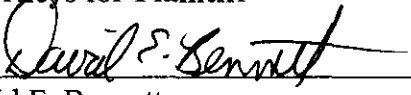
6. Such other relief as the court may deem just and proper.

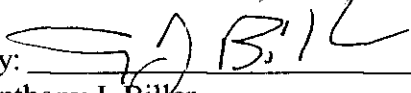
Demand for Jury Trial

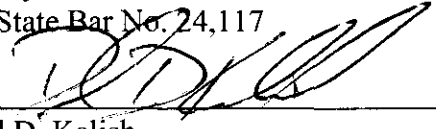
Plaintiff, Interroll Holding AG, herein demands a jury trial on all issues allowable by law.

This the 27th day of August, 2001.

Coats & Bennett, PLLC
Attorneys for Plaintiff

By: 
David E. Bennett
N.C. State Bar No. 12,864

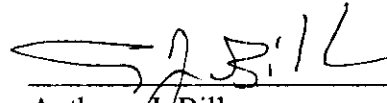
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CERTIFICATE OF SERVICE

I certify that the foregoing **AMENDED COMPLAINT** is being served this 27th day of August, 2001, on Defendant by sending a copy of the same by U.S. Mail, First Class, postage prepaid, addressed as follows:

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