

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE CHARLOTTE DIVISION

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U.S. DISTRICT COURT
W. DIST. OF N.C.

Case No. 5:03CV144

L.B. PLASTICS, INC.

Plaintiff,

vs.

RAILING DYNAMICS, INC.

Defendant

JURY TRIAL DEMANDED

COMPLAINT

COMES NOW the Plaintiff, L. B. Plastics, Inc. (hereinafter referred to as "L.B. Plastics") and for its Complaint against Defendant Railing Dynamics, Inc. (hereinafter referred to as "Defendant"), alleges and says:

A. JURISDICTION AND VENUE

1. This civil action arises under the Patent Laws of the United States, United States Code, Title 35, Section 1 et seq., and in particular, 35 U.S.C. §§ 271.
2. Jurisdiction is proper in this Court under the provisions of 28 U.S.C. § 1338(a) in that the claims of the Complaint arise under the Patent Laws of the United States.
3. Venue is proper in this Court under 28 U.S.C. § 1391(b)(1), (2) and (c), and 28 U.S.C. § 1400(b). Upon information and belief, the Defendant conducts business in this district.
4. This Court has jurisdiction pursuant to 28 U.S.C. §1331.

B. PARTIES

5. Plaintiff L.B. Plastics is a business corporation organized and existing under the laws of the State of North Carolina, with its principal place of business in Mooresville, N.C.

6. Upon information and belief, Defendant is a business corporation organized and existing under the laws of the state of New Jersey, and has its principal place of business at 135 Steelmanville Road, Egg Harbor Township, NJ 08234.

C. CLAIM FOR RELIEF AGAINST THE DEFENDANT

Patent Infringement

7. Plaintiff L.B. Plastics is the owner of all right, title and interest in and to United States Patent No. 5,956,920, issued September 28, 1999 and entitled "Modular Post Cladding Element, Post Cladding Assembly, and Method of Cladding a Post", (hereinafter referred to as the '920 Patent.")

8. Defendant has infringed and continues to infringe the '920 Patent by making, using, selling and offering for sale in this District and elsewhere, products that come within the scope of the '920 Patent in violation of the Patent Laws of the United States, including, inter alia, 35 U.S.C. § 271, or which contributorily infringe and induce infringement of the '920 Patent.

9. Plaintiff has put Defendant on notice of the '920 Patent. Defendant thus has knowledge of the '920 Patent and is nevertheless making, using, selling or offering for sale infringing products, and therefore is willfully infringing the '920 Patent.

10. These acts of infringement are irreparably harming and causing damage to Plaintiff L.B. Plastics and will continue to do so unless and until restrained by this Court.

WHEREFORE, Plaintiff prays:

A. That this Court preliminarily and permanently enjoin Defendant from infringing the '920 Patent, in accordance with 35 U.S.C. §283 and engaging in any advertising or sales of its infringing products;

B. That Plaintiff be awarded judgment against Defendant for damages resulting from their infringement of the '920 Patent, and that such damages be trebled in accordance with provisions of 35 U.S.C. §284, and for reasonable attorneys' fees in accordance with 35 U.S.C. §285;

C. That this Court order the impounding and destruction of all Defendant's products that infringe the '920 Patent;

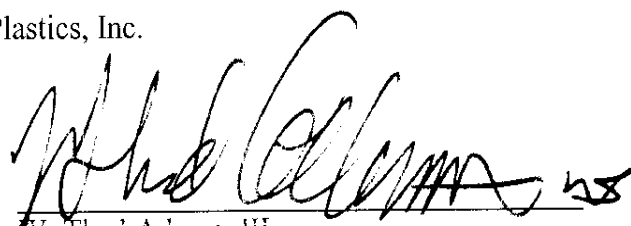
D. That this Court award Plaintiff interest, cost and such further relief that this Court deems just and equitable; and

E. That this Court order Defendant to pay Plaintiff all its reasonable taxable costs and attorneys' fees in a sum and manner deemed appropriate by this Court based on the deliberate and willful infringement by Defendant as set forth in this Complaint.

Respectfully submitted,

L.B. Plastics, Inc.

By:



W. Thad Adams, III
Attorney for the Plaintiff

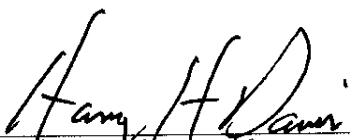
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VERIFICATION OF COMPLAINT

Harry H. Davis, being first duly sworn, deposes and says that he is the President of Plaintiff L. B. Plastics, Inc., that he has read the attached Complaint, and that the statements made therein are true except as to those matters stated upon information and belief, and as to those matters, he believes them to be true.

This, the 3rd day of November, 2003.




Harry H. Davis, President
L. B. PLASTICS, INC.

STATE OF NORTH CAROLINA

COUNTY OF IREDELL

I, McItroen hereby certify and acknowledge that Harry H. Davis, President of L. B. Plastics, Inc., after being duly sworn, appeared before me this day and executed the foregoing Verification of Complaint.

This, the 3 day of NOVEMBER, 2003.



Notary Public

My Commission Expires: 7-27-2008

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