

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ILLINOIS TOOL WORKS INC.,

Plaintiff,

vs.

CHICAGO LAMINATING, INC.,

Defendant.

Civil Action No.:

Jury Trial Demanded

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff ILLINOIS TOOL WORKS INC. (“Plaintiff” or “ITW”) alleges as follows for this Complaint for Patent Infringement (“Complaint”) against Defendant CHICAGO LAMINATING, INC. (“Defendant” or “Chicago Laminating”):

JURISDICTION, VENUE AND PARTIES

1. This is an action for patent infringement under 35 U.S.C. §§ 271 *et seq.* brought by ITW against Chicago Laminating for its infringement of U.S. Patent No. 7,544,266 (“the ‘266 Patent”).

2. The ‘266 Patent is entitled “Process of Making Laminated Sheet and Product Made by the Process” and issued on June 9, 2009. The ‘266 Patent is directed to a process of making an improved sheet/card laminate for transaction cards, ID cards, and other similar products. A true and correct copy of the ‘266 Patent and its accompanying June 9, 2009 Certificate of Correction is attached hereto as Exhibit 1.

3. ITW is the owner of the ‘266 Patent.

4. This action arises out of Chicago Laminating’s direct, induced, and/or contributory infringement of the ‘266 Patent, as alleged more fully below.

5. ITW is a Delaware limited liability company with its principal place of business at 155 Harlem Ave., Glenview, IL 60025.

6. Chicago Laminating is an Illinois corporation, with its principal place of business at 125 Weiler Road, Arlington Heights, IL 60005.

7. This Court has subject matter jurisdiction over ITW's claims asserted herein pursuant to 28 U.S.C. §§ 1331 and 1338(a) because those claims arise under the patent laws of the United States, 35 U.S.C. §§ 1, *et seq.*

8. This Court has personal jurisdiction over Chicago Laminating, which conducts continuous and systematic business in Illinois, including in this judicial district. Chicago Laminating maintains its principal place of business in Illinois. In addition, in this judicial district, Chicago Laminating manufactures, offers for sale, sells, and/or uses the infringing processes at issue in this case and/or actively induces its customers' use of the infringing processes and/or contributes to its customers' use of the infringing processes.

9. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b) and 28 U.S.C. § 1400(b) because Chicago Laminating has committed acts of infringement in this judicial district and maintains its principal place of business in this judicial district.

COUNT I – PATENT INFRINGEMENT

10. ITW incorporates by reference the allegations in Paragraphs 1-9 above.

11. Chicago Laminating has infringed and continues to infringe the '266 Patent-in-suit under the Patent Laws of the United States, 35 U.S.C §§ 271 *et seq.* Chicago Laminating uses the infringing processes at issue in this case and/or actively induces its customers' use of the infringing processes and/or contributes to its customers' use of the infringing processes.

12. Chicago Laminating has infringed at least Claim 1 of the '266 Patent because Chicago Laminating uses, actively induces the use of, and/or contributes to the use of a process

for laminating sheets of a core substrate layer to produce sheets of core stock used in composite laminate sheets each comprising a plurality of sections which can be cut into individual cards, comprising the steps of:

A. continuously feeding a supply of generally flat sheets of a core substrate layer of a single material to a lamination nip;

B. continuously feeding an intermediate film or foil layer to the lamination nip, wherein the intermediate film or foil layer includes at least one security, functional or decorative feature or layer on a surface of the intermediate film or foil layer for each of the plurality of sections;

i. wherein the at least one security feature or layer comprises holographic imagery characterized by at least one of a holographic pattern, a custom image having demetallization of a vacuum deposited metal or other compounds or high refractive index, morphing holograms, barcodes, machine readable images, or arrays, or an ink or additive having at least one characteristic of UV fluorescent, photoluminescent, phosphorescent, IR absorbing/reflecting, color shifting (OVI or OVD), thermochromic, photochromic, taggants, markers, tracers, barcodes, readable images, arrays, or tamper-evident elements, or a vacuum deposited metal surface having at least one characteristic of being continuous, demetallized, brushed, or having decorative images, security images or effects, or UV or IR or optically variable components;

ii. wherein the at least one functional feature or layer comprises a performance coating or treatment having at least one characteristic of heat resistance, chemical resistance, UV resistance, abrasion resistance, modified coefficient of friction or antistatic property;

iii. wherein the at least one decorative feature or layer is at least one of a tint coat, texture coat, graphics, indicia, woodgrain, argent, stone or marble pattern;

C. laminating the intermediate film or foil layer to the sheets of core substrate layer to produce sheets of core stock; and

D. producing the composite laminate sheets by additionally applying at least one print layer or at least one overlay layer to an outer surface of intermediate film or foil layer wherein the at least one security, functional and/or decorative feature or layer for each of the plurality of sections are buried between the intermediate film or foil layer and the core substrate layer.

13. Chicago Laminating has indirectly infringed, and continues to indirectly infringe, the '266 Patent under 35 U.S.C. §271(b) by knowingly and actively inducing infringement of one or more claims of the '266 Patent. Chicago Laminating is aware of the '266 Patent and, on information and belief, knows that the actions taken, as detailed above, constitute infringement of the '266 Patent or believed that there was a high probability that the actions infringed the '266 Patent and took deliberate steps to avoid learning of that infringement. Chicago Laminating has actively and knowingly encouraged and induced infringement of one or more claims of the '266 Patent, for example, by instructing, aiding, assisting, and encouraging its customers to directly infringe the patented processes described in the '266 Patent. The direct infringers for Chicago Laminating's induced infringement under 35 U.S.C. §271(b) include, without limitation, its customers that use the infringing processes.

14. Chicago Laminating has indirectly infringed, and continues to indirectly infringe, the '266 Patent under 35 U.S.C. §271(c) by, among other things, selling or offering to sell a material for use in practicing a patented process that has is not a staple article or commodity of

commerce suitable for substantial noninfringing use. Chicago Laminating is aware of the '266 Patent and, on information and belief, knows that the material may be used in a manner that may be covered by a claim of the '266 Patent. The direct infringers for Chicago Laminating's contributory infringement under 35 U.S.C. §271(c) include, without limitation, its customers that use the infringing processes.

15. Chicago Laminating's infringement of the '266 Patent has caused, and will continue to cause, significant damage to ITW. As a result, ITW is entitled to an award of damages adequate to compensate it for the infringement in an amount that is in no event less than a reasonable royalty pursuant to 35 U.S.C. §284. ITW is also entitled to recover prejudgment interest, post-judgment interest, and costs.

16. Although Chicago Laminating had knowledge of the '266 Patent before the filing of this Complaint, Chicago Laminating has nevertheless continued to infringe the '266 Patent, despite an objectively high likelihood that its actions constitute infringement of the '266 Patent. Accordingly, Defendants' infringement has been and continues to be willful, and ITW is entitled to enhanced damages under 35 U.S.C. §284.

17. As a result of Chicago Laminating's infringement of the '266 Patent, ITW has suffered irreparable harm and impairment of the value of its patent rights, and is now suffering, and will continue to suffer, the violation of its patent rights unless and until Chicago Laminating is permanently enjoined by this Court from infringing the '266 Patent under 35 U.S.C. §283. ITW has no adequate remedy at law and is entitled to a permanent injunction against Chicago Laminating.

PRAYER FOR RELIEF

WHEREFORE, ITW prays for relief as follows:

A. That this Court enter judgment in favor of ITW against Chicago Laminating;

- B. That this Court enter a permanent injunction prohibiting Chicago Laminating from infringing the '266 Patent directly, by inducement, and/or contributorily.
- C. That this Court award ITW compensatory damages for infringement of the '266 Patent, in an amount to be determined at trial, as well as interest thereon;
- D. That this Court award ITW its costs of suit;
- E. That this Court determine that Chicago Laminating's infringement is willful, and that ITW is entitled to collect enhanced damages up to three times the actual damages found or assessed;
- F. That this Court declare this an exceptional case under 35 U.S.C. §285 and award ITW its attorneys' fees and any other costs incurred in connection with this action; and
- G. That this Court grant such further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

ITW demands a trial by jury.

Dated: March 17, 2017

/Josh M. Kantrow/

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CERTIFICATE OF SERVICE

The undersigned certifies that on this 17th day of March, 2020 a copy of the foregoing has been electronically filed with the Clerk of the Court to be served by operation of the Court's electronic filing system to all counsel of record.

/Josh M. Kantrow/

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