

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

QUALITY PACKAGING, INC.

Plaintiff,

v.

STAND FAST GROUP, LLC d/b/a  
THE STANDFAST GROUP, LLC

Defendant.

Case No. 21-cv-02187

**COMPLAINT**

Plaintiff, Quality Packaging, Inc. ("Quality Packaging"), by and through its counsel, Reinhart Boerner Van Deuren, s.c., for its Complaint against Defendant The Standfast Group, LLC ("StandFast"), alleges as follows:

**PARTIES**

1. Quality Packaging, Inc. is a Wisconsin corporation with a principal place of business located at 851 Sullivan Drive, Fond du Lac, Wisconsin 54935.
2. On information and belief, Defendant Stand Fast Group, LLC d/b/a The Standfast Group, LLC is a Delaware limited liability company with a principal place of business located at 710 Kimberly Drive, Carol Stream, Illinois 60188.

**JURISDICTION AND VENUE**

3. Because this is an action for infringement under the patent laws of the United States, 35 U.S.C. § 271 *et seq.*, this Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. This Court has personal jurisdiction over Defendant because, upon information and belief, Defendant regularly transacts business in, has systematic activities in, and resides in this District.

5. Venue is proper in this District pursuant to 28 U.S.C. 1400(b) because, upon information and belief, Defendant has committed acts of infringement in this District, and has a regular and established place of business in this District.

### **BACKGROUND**

6. On December 31, 2013, U.S. Patent No. 8,616,372 (the "'372 Patent"), entitled "Recyclable Blister Pack and Process of Making," was duly and legally issued by the United States Patent & Trademark Office, from Application Serial No. 12/252,839, which was filed on October 16, 2008. A true and correct copy of the '372 Patent is attached to this Complaint as **Exhibit A**.

7. Plaintiff is the owner by assignment of the '372 Patent and possesses all rights to enforce the '372 Patent.

8. The '372 Patent claims, *inter alia*, an easily recyclable blister pack system and the process for making such recyclable blister packaging.

9. Plaintiff practices the '372 Patent through its RePaq product, which is sustainable packaging that offers the cost-savings and the convenience of pressure-sealed packaging.

10. Over the years, consumer packaging has evolved from simple cartons that protected the product, but which required opening the carton to view the contents, to blister/card packages that encapsulate the product while still allowing for viewing of the product, to thermoformed clamshell containers that allow tamper-proof viewing of the finished product.

11. Each step in the evolution of the packaging has increased the cost of the package, the amount of hydrocarbons required for manufacture, and reduced the opportunity for recycling the packaging materials containing the product.

12. Moreover, consumers are becoming increasingly concerned with the excessive amounts of plastic, cardboard, and paper associated with the packaging of consumer products, as are various environmental conservation groups.

13. In fact, some major product retailers began to express dissatisfaction with the options for consumer product packaging, especially those considered to have a high impact on the environment.

14. One such national retailer went so far as to develop a "sustainability scorecard" that measures the environmental impact of the packaging used for consumer products. The sustainability scorecard is used to reward suppliers that develop or utilize sustainable packaging products and technology.

15. The sustainability scorecard considers factors such as greenhouse gasses, material value, product-to-package ratio, cube utilization, cost of transportation, total recycled content, recovery value, renewable energy use, and innovativeness.

16. The RePaq product provides a packaging system that meets sustainability scorecard targets and offers significantly improved recyclability over prior systems.

17. The RePaq product provides a recyclable packaging system for consumer products capable of incorporating full color graphics, tamper and theft resistance, and use of recycled materials, while allowing lower energy use and greenhouse gas creation in its manufacture.

**The Infringing Product**

18. Defendant now offers for sale a direct knock-off of the RePaq product that it calls BlisFast (hereafter "BlisFast" or the "Infringing Product").

19. Defendant's BlisFast packaging utilizes Plaintiff's pioneering technology and infringes the '372 Patent.

20. In marketing its knock-off BlisFast product, Defendant copied the selling points shown on Plaintiff's RePaq product website and sales collateral, touting the benefits offered by Plaintiff's technology as disclosed in the '372 Patent and embodied in Plaintiff's RePaq product.

21. On information and belief, BlisFast comprises each and every limitation of at least Claims 1, 2, 9-13, 15, and 18-20 of the '372 Patent. A detailed claim chart showing how the BlisFast packaging meets each limitation of these claims is attached to this Complaint as **Exhibit B** and incorporated as though fully set forth herein.

22. Defendant is presently making, using, importing, offering for sale, and/or selling the infringing BlisFast packaging in the United States.

23. After discovering Defendant's blatant infringement, Plaintiff contacted Defendant twice in an attempt to stop the infringing conduct, but Defendant refused even to return Plaintiff's calls.

**COUNT I**  
**Infringement of the '372 Patent**

24. Plaintiff repeats and realleges Paragraphs 1 through 23 of the Complaint as though fully set forth herein.

25. Without permission or authorization from Plaintiff, and in violation of 35 U.S.C. § 271(a), Defendant is making, using, importing, offering to sell and/or selling the Infringing

Product. The Infringing Product infringes at least Claims 1, 2, 9-13, 15, and 18-20 of the '372 Patent as shown in more detail on Exhibit B.

26. Defendant's infringement of the '372 Patent is willful and deliberate.

27. As a direct and proximate result of Defendant's conduct, Plaintiff has suffered and will continue to suffer substantial injury and damages in an amount to be determined at trial, as well as irreparable harm for which Plaintiff has no adequate remedy at law unless Defendant is enjoined from infringing the '372 Patent.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for the following relief:

- a. A judgment in Plaintiff's favor that Defendant infringes the '372 Patent;
- b. A preliminary and permanent injunction enjoining Defendant and its agents, officers, directors, employees, and all persons in privity or active concert or participation with them, directly or indirectly, from making, using, importing, selling or offering for sale the Infringing Product or otherwise infringing the '372 Patent;
- c. A judgment and award that Defendant account for any pay to Plaintiff Quality Packaging damages adequate to compensate for Defendant's infringement of the '372 Patent, including lost profits, but in any event no less than a reasonable royalty;
- d. A judgment and award of supplemental damages sustained by Plaintiff for continuing post-verdict infringement of the '372 Patent until final entry of judgment;
- e. A judgment that Defendant's infringement of the '372 Patent is willful;
- f. An award of treble damages due to the willful and deliberate nature of Defendant's infringement;

- g. An order finding this case to be exceptional under 35 U.S.C. § 285 and awarding Plaintiff its costs, expenses, and disbursements incurred in this action, including reasonable attorney's fees, as permitted by law;
- h. An award of pre-judgment interest, post-judgment interest, and costs; and
- i. Such other and further relief as the Court deems just and proper.

**JURY DEMAND**

Plaintiff demands a trial by jury on all issues so triable pursuant to Federal Rule of Civil Procedure 38(b).

Date: April 22, 2021

/s/ Paul J. Stockhausen

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