

AC 153  
402486

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

Received From  
SEATTLE  
FEB 21 2001

FILED \_\_\_\_\_ ENTERED \_\_\_\_\_  
LODGED \_\_\_\_\_ RECEIVED \_\_\_\_\_  
FEB 23 2001 MR  
BY \_\_\_\_\_ CLERK OF DISTRICT COURT  
AT SEATTLE WESTERN DISTRICT OF WASHINGTON DEPUTY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

**C01-5099**  
RFB

ANCHOR WALL SYSTEMS, INC.,  
a Minnesota corporation,  
  
Plaintiff,

No. **C01-5099**  
COMPLAINT  
(Jury Trial Demanded)

v.

WESTBLOCK SYSTEMS, INC., an Oregon  
corporation, WESTBLOCK PACIFIC LLC, an  
Oregon limited liability company, and XYZ  
Corporation, an Entity or entities whose true  
identity is presently unknown to Plaintiff,  
  
Defendants.

Plaintiff, Anchor Wall Systems, Inc., states and alleges as follows:

**THE PARTIES**

1. Plaintiff, Anchor Wall Systems, Inc. ("Anchor Wall"), is a corporation organized and existing under the laws of the State of Minnesota and having its principal place of business at 5959 Baker Road, Minnetonka, Minnesota 55345-5973.

2. Defendant Westblock Systems, Inc. ("Westblock Systems"), is a corporation organized and existing under the laws of the State of Oregon and having places of businesses at 1690 Edgewater Street Northwest, Salem, Oregon 97304; and 1037 Broadview Drive, Fircrest, Washington 98466; and 917 Pacific Avenue, 6th Floor, Tacoma, Washington 98402. On information and belief, Westblock Systems designs and develops retaining wall blocks, including

1 composite masonry blocks. On information and belief, Westblock Systems encourages and assists  
2 third party manufacturers to make and sell these products throughout the United States in exchange  
3 for license fees. Westblock Systems does business in this district.

4 3. Defendant Westblock Pacific LLC ("Westblock Pacific") is a limited liability  
5 company organized and existing under the laws of Oregon and having a principal place of business  
6 at 1630 S.E. 101st, Portland, Oregon 97266. Westblock Pacific makes and sells retaining wall  
7 blocks, including composite masonry blocks, in this district and in northern Oregon. On information  
8 and belief, it does so with assistance and encouragement from Westblock Systems.

9 4. Defendant XYZ Corporation is an entity or entities whose identity is presently  
10 unknown to Anchor Wall. Defendant XYZ Corporation, upon information and belief, is part of an  
11 inter-related corporate structure including wholly and partially owned subsidiaries and/or affiliates  
12 of one or both of the named defendants, and Defendant XYZ Corporation infringes, contributes to  
13 the infringement or and/or induces infringement of two patents subject to Count I below. Anchor  
14 Wall has made a good faith effort through a reasonable and diligent search to attempt to discern the  
15 identity of Defendant XYZ Corporation, by searching databases Dunn & Bradstreet, news articles,  
16 Lexis corporate, and secretary of state of the States of Oregon and Washington. As a result of those  
17 searches, it appears that there are a number of entities having the same business address as defendant  
18 Westblock Systems. Further, the nature of the businesses listed at the same address of Westblock  
19 Systems are not listed or described in the databases to permit Anchor Wall to conclude at the time of  
20 filing suit that any or all of those businesses should properly be named as parties. Anchor Wall will  
21 be able to identify those entities that are defendants in this matter through discovery.

22  
23  
24  
25  
26

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

**COUNT I**  
**PATENT INFRINGEMENT**

5. This is a case for patent infringement arising under the Acts of Congress relating to patents, 35 U.S.C. §§ 271, 282 through 285. This Court has jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

6. On October 27, 1998, U.S. Patent No. 5,827,015 ("the '015 patent") entitled, "Composite Masonry Block" was duly and legally issued to Anchor Wall as assignee of the inventors Michael E. Woolford and Dick J. Sievert. Anchor Wall is the owner of the entire right, title, and interest in and to the '015 patent and has been and still is the owner thereof. A copy of the '015 patent is attached hereto as Exhibit A.

7. On November 7, 2000, U.S. Patent No. 6,142,713 ("the 713 patent") entitled, "Composite Masonry Block" was duly and legally issued to Anchor Wall as assignee of the inventors Michael E. Woolford and Dick J. Sievert. Anchor Wall is the owner of the entire right, title, and interest in and to the '713 patent and has been and still is the owner thereof. A copy of the '713 patent is attached hereto as Exhibit B.

8. Defendants have manufactured, used, offered to sell, sold and/or induced and/or contributed to the manufacture, use, offer to sell, and/or sale in the United States of one or more composite masonry blocks described by one or more claims of the '015 and '713 patents.

9. Defendants' aforesaid activities have been without authority and/or license from Anchor Wall, and, therefore, constitute infringement of the '015 and '713 patents.

10. Anchor Wall has been damaged by defendants' infringement of the '015 and '713 patents and will continue to be damaged in the future unless defendants are enjoined from infringing these patents.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

**PRAYER FOR RELIEF**

**WHEREFORE**, Anchor Wall prays for the following relief:

- A. A judgment that defendant has infringed United States Patent Nos. 5,827,015 and 6,142,713;
- B. Preliminary and permanent injunctions enjoining and restraining defendants, their officers, directors, agents, servants, employees, attorneys and all others acting under or through them from directly or indirectly infringing United States Patent Nos. 5,827,015 and 6,142,713;
- C. A judgment and order requiring defendants to pay damages under 35 U.S.C. § 284;
- D. An award of the costs and legal fees associated with this action, as permitted in exceptional cases by 35 U.S.C. § 285; and
- E. Such other and further relief as this Court may deem just and equitable.

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial by jury of all issues so triable.

Respectfully submitted,

Dated: February 16, 2001

By   
 Timothy P. Sullivan (WA Bar No. 29917)  
 MERCHANT & GOULD, P.C.  
 1191 Second Avenue, Suite 1500  
 Seattle, WA 98101-3420  
 Telephone: (206) 342-6200  
 Facsimile: (206) 342-6201

ATTORNEYS FOR PLAINTIFF  
ANCHOR WALL SYSTEMS, INC.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

Of Counsel:

Alan G. Carlson  
Jeffer Ali  
MERCHANT & GOULD P.C.  
3200 IDS Center  
80 South Eighth Street  
Minneapolis, MN 55402-4131  
Telephone: (612) 332-5300  
Facsimile: (612) 332-9081

Douglas A. Strawbridge  
ANCHOR WALL SYSTEMS, INC.  
5959 Baker Road, Suite 390  
Minnetonka, Minnesota 55345-5973  
Telephone: (952) 933-8855  
Facsimile: (952) 938-4114