

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

THE DERING CORPORATION,	:	
	:	
Plaintiff,	:	
	:	
vs.	:	CIVIL ACTION NO.
	:	
FELLOWES, INC. AND	:	
TARGET CORPORATION,	:	
	:	
Defendants.	:	JURY TRIAL DEMANDED

COMPLAINT

TO THE HONORABLE JUDGES OF THE  
UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Plaintiff, The Dering Corporation, brings this action for patent infringement against Defendants, Fellowes, Inc. and Target Corporation, and alleges as follows:

I. PARTIES

1. Plaintiff, The Dering Corporation (hereinafter "Dering"), is a corporation organized under the laws of the Commonwealth of Pennsylvania with its principal place of business at 1702 Hempstead Road, Lancaster, Pennsylvania 17601.

2. On information and belief, Defendant Fellowes, Inc. (hereinafter "Fellowes") is a corporation organized and existing under the laws of the state of Illinois and having a place of business at 1789 Norwood Avenue, Itasca, Illinois and

has done business within and/or is doing business within the Commonwealth of Pennsylvania and this judicial district.

3. On information and belief, Defendant Target Corporation (hereinafter "Target") is a corporation organized and existing under the laws of the state of Minnesota and having a place of business at 1000 Nicollet Mall, Minneapolis, Minnesota, and has done business within and/or is doing business within the Commonwealth of Pennsylvania and this judicial district.

## **II. JURISDICTION AND VENUE**

4. This is an action for patent infringement arising under Title 35 of the United States Code.

5. Jurisdiction is based on 28 U.S.C. § 1338(a) and 28 U.S.C. § 1331.

6. Venue is proper in this district by virtue of 28 U.S.C. § 1391(c) and 28 U.S.C. §1400(b).

## **III. PATENT INFRINGEMENT UNDER 35 U.S.C. § 271**

7. The allegations of paragraphs 1-6 above are incorporated herein by reference as though fully set forth here at length.

8. This cause of action arises under 35 U.S.C. § 271.

9. Plaintiff Dering is the exclusive licensee of United States Patent No. 6,021,894 ("the '894 patent"). A copy of the

'894 patent is attached hereto as Exhibit A.

10. The '894 patent was duly and lawfully issued to Robert P. Lakoski, et al. on February 8, 2000 for an invention for a folding data disk holder, and the '894 patent remains in force.

11. Plaintiff Dering is the exclusive licensee of United States Patent No. 5,713,463 ("the '463 patent"). A copy of the '463 patent is attached hereto as Exhibit B.

12. The '463 patent was duly and lawfully issued to Robert P. Lakoski, et al. on February 3, 1998 for an invention for a folding data disk holder, and the '463 patent remains in force.

13. On information and belief, Defendant Fellowes has infringed, contributed to and/or induced the infringement of the '894 patent and the '463 patent by making, using, selling, offering for sale, and/or importing into the United States products which infringe the '894 patent and the '463 patent. Said infringing activities have included, but are not limited to, sales of said products by Fellowes to Target for retail sale of said products to the public by Target at Target's retail stores, including but not limited to Target's stores within the Commonwealth of Pennsylvania and this judicial district.

14. On information and belief, Defendant Fellowes has infringed, contributed to and/or induced infringement of the '894 patent and the '463 patent with knowledge of the existence

of the patents, as the required statutory notices have been marked on all products made and sold under the patents; and Defendant Fellowes has done so knowing that its activities constituted or caused infringement of the patents, or with disregard for whether their activities constituted or caused such infringement.

15. On information and belief, Defendant Fellowes will in the future continue to infringe, contribute to and/or induce the infringement of the '894 patent and the '463 patent unless enjoined by this Court.

16. On information and belief, Defendant Fellowes has unlawfully derived, and/or is now unlawfully deriving, profits from its acts of infringement, contributing to and/or inducing infringement of the '894 patent and the '463 patent.

17. Plaintiff Dering has suffered, and continues to suffer, serious and substantial damages, including lost profits, resulting from Defendant Fellowes' infringement, contributing to and/or inducing infringement of the '894 patent and the '463 patent, including irreparable injury for which there is no adequate remedy at law.

18. On information and belief, Defendant Fellowes' acts of infringement have been willful and deliberate.

19. On information and belief, Defendant Target has

infringed, contributed to and/or induced the infringement of the '894 patent and the '463 patent by making, using, selling, offering for sale, and/or importing into the United States products which infringe the '894 patent and the '463 patent.

20. On information and belief, Defendant Target has infringed, contributed to and/or induced infringement of the '894 patent and the '463 patent with knowledge of the existence of the patents, as the required statutory notices have been marked on all products made and sold under the patents; and Defendant Target has done so knowing that its activities constituted or caused infringement of the patents, or with disregard for whether their activities constituted or caused such infringement.

21. On information and belief, Defendant Target will in the future continue to infringe, contribute to and/or induce the infringement of the '894 patent and the '463 patent unless enjoined by this Court.

22. On information and belief, Defendant Target has unlawfully derived, and/or is now unlawfully deriving, profits from its acts of infringement, contributing to and/or inducing infringement of the '894 patent and the '463 patent.

23. Plaintiff Dering has suffered, and continues to suffer, serious and substantial damages, including lost profits,

resulting from Defendant Target's infringement, contributing to and/or inducing infringement of the '894 patent and the '463 patent, including irreparable injury for which there is no adequate remedy at law.

24. On information and belief, Defendant Target's acts of infringement have been willful and deliberate.

**IV. DEMAND FOR RELIEF**

WHEREFORE, Plaintiff, Dering Corporation, prays that this Court:

a. enter a judgment against both Defendants, or each of them, for infringing, contributing to the infringement of, inducing the infringement of, or otherwise violating the '894 patent and/or the '463 patent;

b. enter a permanent injunction enjoining both Defendants, or each of them, and their officers, directors, employees, agents, servants, representatives and attorneys and those persons in active concert or participation with any of them who receive actual notice of the injunction by personal service or otherwise, from directly or indirectly infringing, contributing to the infringement of, inducing the infringement of, or otherwise violating the '894 patent and/or the '463 patent;

c. award Plaintiff damages adequate to compensate for the

infringement together with costs and interest, as provided in 35 U.S.C. § 284;

d. upon a finding of willful infringement, increase the award of damages up to three times the amount assessed as compensatory damages;

e. award Plaintiff interest, costs and attorneys' fees under 35 U.S.C. § 285;

f. order both Defendants, or each of them, to turn over to Plaintiff Dering Corporation, for destruction or other disposition, all products which infringe any claim of the '894 patent or the '463 patent that are in the possession, custody, or control of both Defendants, or each of them;

g. enter an Order placing reasonable but effective restrictions on the future transactions of both Defendants, or each of them, so as to assure their ability to pay, and to assure the prompt payment of, the judgment entered against one or both Defendants in this action; and

h. award Plaintiff such other and further relief as the Court deems just and proper.

Plaintiff, Dering Corporation, demands a trial by jury.

