

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

SYSTEMATION, INC.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. _____
)	
HART & COOLEY, INC.,)	
)	
Defendant.)	

COMPLAINT

Plaintiff Systemation, Inc., by its attorneys, for its complaint alleges as follows:

Nature of the Action

1. This is an action for patent infringement arising under the Patent Laws of the United States, Title 35, United States Code, § 101 et seq.

Parties

2. Plaintiff Systemation Inc. (“Plaintiff”) is a corporation organized and existing under the laws of the State of Texas and having an address at P.O. Box 6267, Providence, Rhode Island 02940.

3. Defendant Hart & Cooley, Inc. (“Defendant”), on information and belief, is a corporation organized and existing under the laws of the State of Delaware and having a place of business at 5030 Corporate Exchange Boulevard, Grand Rapids, Michigan 49512.

Jurisdiction and Venue

4. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338 because this matter arises under the patent laws of the United States, 35 U.S.C. § 101 et seq.

5. Defendant is subject to personal jurisdiction in this District because it is a corporation organized and existing under the State of Delaware and has availed itself of the rights and benefits of the laws of Delaware by virtue of incorporating in Delaware.

6. Venue is proper under 28 U.S.C. §§ 1391(c) and 1400(b).

Count I: Infringement of the '100 Patent

7. Plaintiff incorporates by reference and reallages the foregoing allegations as if stated fully herein.

8. Plaintiff is the owner by assignment of United States Patent No. 5,342,100 (“the ‘100 Patent”), entitled “Angle Plates For Transverse Duct Flanges,” which was duly and legally issued on August 30, 1994 to William V. Goodhue. A true and correct copy of the ‘100 Patent is attached hereto as Exhibit A.

9. On information and belief, Defendant has been and still is causing Plaintiff tortious injury by infringing the ‘100 Patent by manufacturing, selling and offering for sale angle plates for transverse duct flanges that are covered by one or more claims of the ‘100 Patent without authorization from Plaintiff, in violation of 35 U.S.C. § 271(a).

10. On information and belief, Defendant has been and still is causing Plaintiff tortious injury by actively inducing said infringement of the ‘100 Patent without authorization from Plaintiff, in violation of 35 U.S.C. § 271(b), and Defendant knew or should have known of the ‘100 Patent and that its actions would induce actual infringement of the ‘100 Patent.

11. Plaintiff has placed the required statutory notice on all angle plates manufactured and sold by it in compliance with 35 U.S.C. § 287, and Defendant is and has been aware of the ‘100 Patent.

12. Plaintiff, under 25 U.S.C. § 284, may recover damages adequate to compensate for Defendant's infringement.

13. Plaintiff has been and will continue to be irreparably harmed by Defendant's infringement, which will continue unless this Court enjoins Defendant.

14. Defendant's infringement of the '100 Patent has been and continues to be deliberate, willful, and knowing, justifying the assessment of treble damages under 35 U.S.C. § 284.

15. The Court should declare this case exceptional under 35 U.S.C. § 285 and award attorneys' fees and costs.

Prayer for Relief

WHEREFORE, Systemation, Inc. prays:

A. That this Court declare that Defendant has infringed and continues to infringe the '100 Patent and find such infringement willful;

B. That this Court grant a preliminary and final injunction restraining the Defendant, together with its officers, agents, servants, employees, attorneys, dealers, affiliated companies, and all those in active concert or participation with Defendant, from further infringement of the '100 Patent;

C. That this Court find and assess damages adequate to compensate for the Defendant's infringement of said patent, together with interest and costs, and increase such damages to three times the amount found or assessed because Defendant's infringement is and has been willful, pursuant to 35 U.S.C. § 284;

D. That this Court orders an accounting to determine the aforesaid damages and interest for Defendant's infringement of the '100 Patent;

E. That this Court award Plaintiff the costs of this action and Plaintiff's reasonable attorneys' fees pursuant to 35 U.S.C. §285; and

F. That this Court grant Plaintiff such other and further relief as the Court may deem just and proper.

Respectfully submitted,

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