

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

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ELECTRIC RESEARCH AND  
MANUFACTURING COOPERATIVE, INC.,

Plaintiff,

v.

No. \_\_\_\_\_

JURY DEMANDED

CENTRAL MOLONEY, INC.

Defendant.

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**COMPLAINT FOR PATENT INFRINGEMENT**

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COMES NOW Electric Research and Manufacturing Cooperative, Inc. a/k/a ERMCO ("ERMCO") by and through its attorneys, and for its Complaint for Patent Infringement would show the Court as follows:

**PARTIES, JURISDICTION AND VENUE**

1. ERMCO is a Delaware corporation with a principal place of business in the State of Tennessee at 2225 Industrial Road, Dyersburg, Tennessee 38024.
2. Defendant Central Moloney, Inc. ("Moloney") is an Arkansas corporation with a principal place of business at 2400 West 6th Avenue, Pine Bluff, Arkansas 71611.
3. This is a claim for infringement of United States Patent No. 6,851,555 (the "'555 Patent"). A true and correct copy of the '555 Patent is at EXHIBIT A.
4. This Court has jurisdiction over this Complaint under 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Moloney because it does business in this judicial district, is subject to general jurisdiction here and has infringed the '555 Patent in this judicial district.

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

### **COUNT I**

#### **INFRINGEMENT OF THE '555 PATENT**

7. ERMCO incorporates and realleges Paragraphs 1 through 6 of this Complaint.

8. On February 8, 2005 the '555 Patent, entitled "Stackable Pallet Bracket, Package, and Method" was duly and legally issued to ERMCO's predecessor in interest. ERMCO is the owner of the '555 Patent and any and all causes of action for infringement, including this action.

9. Moloney has infringed, and continues to infringe, the '555 Patent by making and/or using products and methods which infringe the '555 Patent in the Western District of Tennessee and elsewhere within the United States without the consent of ERMCO and will continue to do so unless enjoined by this Court.

10. Moloney has been advised of its infringement of the '555 Patent but has failed to cease and desist such infringement.

11. Upon information and belief Moloney's infringement of the '555 Patent has been willful and wanton.

12. Moloney's infringement of the '555 Patent has injured ERMCO and will continue to do so unless enjoined by this Court.

#### **DEMAND FOR RELIEF**

WHEREFORE, ERMCO asks this Court to:

a. Enter judgment for ERMCO on its Complaint;

- b. Enter a preliminary and permanent injunction enjoining Moloney and those in privity with or acting in concert with Moloney from further infringement of the '555 Patent during the remainder of the term for which the '555 Patent has been granted;
- c. Awarding ERMCO damages against Moloney adequate to compensate ERMCO for such acts of infringement and to increase the damages to three times the amount found or assessed in accordance with 35 U.S.C. § 284;
- d. Award ERMCO its reasonable attorney fees in accordance with 35 U.S.C. § 285 because this is an exceptional case;
- e. Award ERMCO interest and costs; and
- f. Award ERMCO such other and further relief as is just and proper.

Dated: March 17, 2008.

Respectfully submitted,

s/ Richard M. Carter  
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