

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

SYSTEMATION, INC.,

Plaintiff,

v.

CAPITAL HARDWARE SUPPLY, INC.,
ELGEN MANUFACTURING CO., INC.,
FRED YOSKOWITZ, and
DAVID YOSKOWITZ,

Defendants.

Civil Action No. _____

COMPLAINT

Plaintiff Systemation, Inc. for its complaint alleges -

1. This is an action for patent infringement arising under the Patent Laws of the United States, Title 35, United States Code. Jurisdiction is conferred on this Court by 28 U.S.C. §§1331 and 1338. Venue is proper under 28 U.S.C. §§ 1391(b) and (c) and 1400(b).

2. Plaintiff Systemation, Inc. is a corporation organized and existing under the laws of the State of Texas, and has a place of business at 57 Pojac Point, North Kingstown, Rhode Island 02852.

3. Defendant Capital Hardware Supply, Inc., on information and belief, is a corporation organized and existing under the laws of the State of New Jersey, and has a place of business at 300 Murray Hill Parkway, East Rutherford, New Jersey 07073.

4. Defendant Elgen Manufacturing Co., Inc., on information and belief, is an unincorporated association run by defendants Fred Yoskowitz and David Yoskowitz existing

under the laws of the State of New Jersey, and has a place of business at 300 Murray Hill Parkway, East Rutherford, New Jersey 07073.

5. Defendant Fred Yoskowitz, on information and belief, is a resident of the State of New Jersey and is an officer of defendant Capital Hardware Supply, Inc. and has a place of business at 300 Murray Hill Parkway, East Rutherford, New Jersey 07073. On information and belief, defendant Fred Yoskowitz directs and controls the operations of defendants Capital Hardware Supply, Inc. and Elgen Manufacturing Co., Inc. and was responsible for the acts of patent infringement complained of herein.

6. Defendant David Yoskowitz, on information and belief, is a resident of the State of New Jersey and is an officer of defendant Capital Hardware Supply, Inc. and has a place of business at 300 Murray Hill Parkway, East Rutherford, New Jersey 07073. On information and belief, defendant David Yoskowitz directs and controls the operations of defendants Capital Hardware Supply, Inc. and Elgen Manufacturing Co., Inc. and was responsible for the acts of patent infringement complained of herein.

7. Plaintiff Systemation, Inc. is the owner by assignment of United States Patent No. 5,342,100 entitled "Angle Plates For Transverse Duct Flanges" which was duly and legally granted on August 30, 1994 to William V. Goodhue. A copy of the patent is attached hereto as Exhibit A.

8. On information and belief, defendants have been and still are causing plaintiff tortious injury by infringing and willfully infringing said patent by manufacturing, selling and offering for sale angle plates for transverse duct flanges which use the inventions patented in said United States Patent No. 5,342,100, including offering for sale said angle plates in this judicial district, and defendants will continue to do so unless enjoined by this Court.

9. On information and belief, defendants have been and still are causing plaintiff tortious injury by actively inducing said infringement of said U.S. Patent No. 5,342,100, and defendants knew or should have known that their actions would induce actual infringement of said U.S. Patent No. 5,342,100.

10. Plaintiff and its licensees have placed the required statutory notice on all angle plates manufactured and sold by them, and plaintiff has given written notice to defendants of their infringement.

WHEREFORE, the plaintiff prays:

A. That this Court grant a preliminary and final injunction restraining the defendants from further infringement of the aforesaid patent;

B. That this Court find and assess damages adequate to compensate for the defendants' infringement of said patent, and increase such damages to three times the amount found or assessed;

C. That this Court have an accounting to determine the aforesaid damages and interest for patent infringement;

D. That this Court award the plaintiff the costs of this action and plaintiff's reasonable attorney fees, including under 35 U.S.C. § 285; and

E. That this Court grant such other relief as the Court may deem just and proper.

Respectfully submitted,

SYSTEMATION, INC.

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Attachment: Exhibit A - U.S. Patent No. 5,342,100