

FILED

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MAY 17 2005

**U. S. DISTRICT COURT
EASTERN DISTRICT OF MO**

LEGGETT & PLATT, INCORPORATED; and
L&P PROPERTY MANAGEMENT COMPANY

Plaintiffs,

vs.

VUTEK, INC.

Defendant.

4 05 CV 00788 CDP

Jury Trial Demanded

COMPLAINT

COMES NOW Leggett & Platt, Incorporated and L&P Property Management Company (collectively, "Leggett & Platt"), by and through their attorneys, and for their Original Complaint against Vutek, Inc. ("Vutek"), state as follows:

Parties

1. Leggett & Platt, Incorporated, is a Missouri corporation organized and existing under the laws of the State of Missouri, having a principal place of business at Number 1 Leggett Road, Carthage, Missouri 64836.
2. L&P Property Management Company is a Delaware corporation organized and existing under the laws of the State of Delaware, having a principal place of business at 4095 Firestone Blvd., South Gate, California 90280.
3. Vutek, Inc., is a corporation organized and existing under the laws of the State of Delaware, having a principal place of business at One Vutek Place, Meredith, NH 03253.

Jurisdiction and Venue

4. Upon information and belief, defendant Vutek has been and is infringing, contributing to and/or actively inducing the infringement of U.S. Patent No. 6,755,518 in this judicial district and elsewhere in the United States by the manufacture, use, offer for sale, sale, distribution, and/or importation into the United States of products and/or methods covered under the scope of one or more of the claims of the U.S. Patent No. 6,755,518.

5. This Court has subject matter jurisdiction over this Complaint pursuant to 28 U.S.C. §§ 1331 and 1338(a) and under the patent laws of the United States, 35 U.S.C. § 1, *et seq.* This Court also has jurisdiction over this dispute pursuant to 28 U.S.C. §§ 1332(a) in that the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and diversity of citizenship exists among the parties.

6. This Court has personal jurisdiction over Vutek because, *inter alia*, on information and belief, it does business in this judicial district.

7. Venue in this district is proper pursuant to 28 U.S.C. §§ 1391 and 1400.

U.S. Patent Number 6,755,518

8. On November 21, 2001, U.S. Patent Application Serial No. 09/989,006, a Continuation-in-Part of application No. PCT/US01/27023 (filed on August 30, 2001), was filed with the United States Patent and Trademark Office, which application resulted in the United States Patent and Trademark Office duly and legally issuing United States Patent No. 6,755,518 on June 29, 2004 (the “‘518 Patent”).

9. A true and accurate copy of the ‘518 Patent is attached hereto as Exhibit A

10. Richard N. Codos is the true and sole inventor of the ‘518 Patent.

11. Inventor Codos assigned all of his rights in and to the ‘518 Patent to L&P Property Management Company.

12. L&P Property Management Company and Leggett & Platt own all right, title, and interests in, to, and under the '518 Patent.

13. The '518 Patent discloses and claims, *inter alia*, new, innovative, extremely useful, and valuable methods and apparatus for ink jet printing on rigid substrates.

14. The '518 Patent generally teaches and claims new methods and apparatus which employ a cold UV source on the printhead carriage to substantially cure or "freeze" ink on the surface of a substrate without thermally deforming the substrate.

15. Leggett & Platt has been, and is, in the business of researching, designing, making, using, offering for sale, selling, and distributing, cold UV printers which are covered by one or more of the claims of the '518 Patent.

16. Leggett & Platt also has been, and is, in the business of making, using, offering for sale, selling, reselling, and distributing certain parts, components, and resources, which are used on or in connection with its patented cold UV printers including, but not limited to, printing ink.

The Vutek Cold UV Printers

17. Vutek has been making, using, offering for sale, selling, and distributing cold UV printers including, without limitation, the VUTEK PressVu UV 200/600, PressVu UV 180/600 EC, and PressVu UV 180/360 EC cold UV printers (hereinafter the "Vutek Printers").

18. Upon information and belief, the Vutek Printers are UV-curing flatbed digital inkjet printers, which are designed and intended to directly print onto rigid substrates, such as poster board, foam board or rigid plastics.

19. Upon information and belief, the Vutek Printers include a printhead carriage that moves approximately parallel to a substrate.

20. Upon information and belief, the Vutek Printers each employ at least one cold UV curing assembly on the printhead carriage, adjacent to and moveable with such printhead, which is

oriented to direct UV energy onto the surface of the substrate at a printing station sufficiently close to where ink is being jetted onto the substrate to cure such ink. For example, upon information and belief, the Vutek Printers include two lamp housing assemblies – one on either side of the printer carriage – which produce light in the UV range to cure jetted ink.

21. Upon information and belief, the Vutek Printers each employ equipment, designs, and materials to produce cold UV in order to avoid thermal deformation of the substrate.

22. Upon information and belief, Vutek has had knowledge of the '518 Patent since at least as early as June of 2004.

Count I - Infringement Of The '518 Patent

23. Leggett & Platt incorporates by reference each and every allegation set forth in paragraphs 1 through 22 of its Complaint as if fully set forth and restated herein.

24. Upon information and belief, Vutek has been and still is directly infringing, inducing others to infringe, and/or contributing to the infringement of the '518 Patent by making, using, offering for sale, selling, distributing, and/or importing the Vutek Printers.

25. Unless enjoined by this Court, Vutek will continue its acts of infringement, to Leggett & Platt's substantial and irreparable harm.

26. Upon information and belief, Vutek's infringement of the '518 Patent has been willful, wanton, deliberate, and without license.

WHEREFORE, Leggett & Platt respectfully prays that the Court enter judgment in its favor and award the following relief against Vutek:

- A. Find that Vutek has infringed one or more of the claims of '518 Patent pursuant to 35 U.S.C. § 271;
- B. Find that Vutek's infringement was knowing and willful;
- C. Enjoin Vutek and its officers, directors, employees, agents, licensees, representatives,

affiliates, related companies, servants, successors and assigns, and any and all persons acting in privity or in concert with any of them, preliminarily and permanently, from further infringing upon any of the claims of the '518 Patent;

D. Order that an accounting be made to establish profits and damages arising out of Vutek's infringement of the '518 Patent;

E. Award Leggett & Platt actual damages pursuant to 35 U.S.C. § 284, in an amount to be determined at trial, as a result of Vutek's infringement upon the '518 Patent;

F. Award Leggett & Platt treble damages pursuant to 35 U.S.C. § 284 in an amount to be determined at trial, as a result of Vutek's knowing and willful infringement upon the '518 Patent;

G. Award Leggett & Platt its costs and reasonable attorneys' fees incurred in connection with this action pursuant to 35 U.S.C. § 285;

H. Order the recall of all of Vutek's existing products that are within the control of Vutek, its agents and distributors, that infringe upon one or more of the claims of the '518 Patent;
and

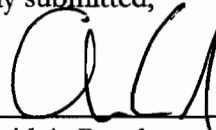
I. Award and grant Leggett & Platt such other and further relief as the Court deems just and proper under the circumstances.

Jury Demand

Leggett & Platt respectfully requests a jury trial on all issues so triable.

Respectfully submitted,

By: _____



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