

UNITED STATES DISTRICT COURT

FOR THE

DISTRICT OF NEW HAMPSHIRE

U.S. DISTRICT COURT
DISTRICT OF N.H.
FILED

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INTERNATIONAL LIQUID
PACKAGING DIVISION, LLC
Plaintiff,

vs.

MARUBENI CORPORATION
Defendant, and

MARUBENI AMERICA CORPORATION
Defendant, and

GLUERTEC TECHNICAL SERVICES GROUP, LLC,
Defendant.

* * * * *

Civil No. 04 - 6 - B

Jury Trial Demanded

COMPLAINT FOR PATENT INFRINGEMENT
AND
PETITION FOR INJUNCTION

I. Type of Proceeding

This is an action for patent infringement, seeking injunctive relief and damages, cost and fees, for the defendants' unlawful infringement upon the intellectual property of plaintiff.

II. Jurisdiction and Venue

This court is vested with jurisdiction over this matter under the patent laws of the United States, 35 U.S.C. §§ 271, et seq., and 28 U.S.C. §§ 1331, 1338(a).

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

III. Parties

The Plaintiff, International Liquid Packaging Division, LLC, is a New Hampshire entity with a place of business in Concord, New Hampshire. It is wholly owned by International Paper Box Machine Company, Geneva, Switzerland, an entity existing under the laws of Switzerland.

The Defendant, Marubeni Corporation, is a Japanese corporation with headquarters in Tokyo, Japan.

The Defendant, Marubeni America Corporation, is a New York corporation with headquarters at 450 Lexington Avenue, New York, New York 10017.

The Defendant, GluerTec Technical Services Group, LLC, is a New Hampshire entity with a place of business in Hudson, New Hampshire.

IV. Allegations Common To All Counts

The Plaintiff is engaged in the packaging industry manufacturing machinery which creates packaging for consumer markets. The machines are complex mechanical devices which are offered for sale worldwide.

The Plaintiff is the owner of certain U.S. Patents which it acquired from the now-defunct International Paper Box Machine Company ("IPBM").

The Defendants, Marubeni Corporation, and Marubeni America Corporation (collectively "Marubeni"), engage in a variety of businesses worldwide, including the packaging industry.

The Defendant, GluerTec Technical Services Group, LLC, ("GluerTec") is in the business of servicing machinery manufactured for the packaging industry by IPBM, formerly located in Nashua, New Hampshire. Upon information and belief, the principals of GluerTec are former employees of IPBM who formed GluerTec after IPBM went out of business.

GluerTec has, upon information and belief, infringed upon the Plaintiff's patents by unlawfully manufacturing and causing to be manufactured, certain equipment protected by the Plaintiff's patents.

Marubeni has, upon information and belief, infringed upon the Plaintiff's patents by unlawfully conspiring with GluerTec to manufacture and cause to be manufactured, certain equipment protected by the Plaintiff's patents.

Marubeni has also, upon information and belief, infringed upon the Plaintiff's patents by unlawfully using and selling certain equipment protected by the Plaintiff's patents.

V. COUNT ONE

Infringement of the '408 Patent

On August 17, 1993, the government of the United States duly issued patent number 5,236,408 describing a "Method and Apparatus for Forming Carton Blanks with Hemmed Edges," (the "'408 patent").

By purchase and assignment, the Plaintiff became the owner of the '408 patent in 2003.

Upon information and belief, the Defendants and each of them, have infringed upon, and continue to infringe upon the '408 patent, thereby damaging the Plaintiff, and will continue to do so unless enjoined.

The infringement by the Defendant is willful, entitling Plaintiff to enhanced damages.

VI. COUNT TWO

Infringement of the '932 Patent

On December 25, 1990, the government of the United States duly issued patent number 4,979,932 describing an "Apparatus and Method for Sealing Box Blanks," (the "'932 patent").

By purchase and assignment, the Plaintiff became the owner of the '932 patent in 2003.

Upon information and belief, the Defendants and each of them, have infringed upon, and continue to infringe upon the '932 patent, thereby damaging the Plaintiff, and will continue to do so unless enjoined.

The infringement by the Defendant is willful, entitling Plaintiff to enhanced damages.

ACCORDINGLY, The Plaintiff seeks relief in the following forms:

- A. A preliminary and permanent injunction preventing further infringement by the Defendants of the Plaintiffs' patents; and,
- B. Damages and an assessment of pre-judgment and post-judgment interest; and,
- C. A finding from this Court that the infringement alleged herein is willful, thereby entitling the

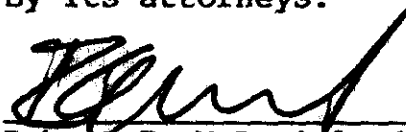
plaintiff to an award of up to three times the assessed damages; and,

- D. A finding from this Court that this case is exceptional under 35 U.S.C. § 285; and,
- E. An award of expenses, attorney's fees and costs of this action.

A Jury trial is demanded by the Plaintiff.

INTERNATIONAL LIQUID
PACKAGING DIVISION, LLC

By Its attorneys:



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VERIFICATION

I, Werner Wattering, have read the above facts and allegations and hereby assert that they are true and correct to the best of my knowledge and belief.

Werner Wattering
Werner Wattering

Sworn to and subscribed before me this 18 day of December 2003.

Toni A. Armano
Notary Public

TONI ARMANO
NOTARY PUBLIC
NEW HAMPSHIRE
MY COMM. EXPIRES 6/2005

