

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

BILT-SAFE TECHNOLOGIES, INC.,)
)
Plaintiff,)
)
v.)
)
PERFECT FIT INDUSTRIES, INC.,)
)
Defendant.)
_____)

Civil Action No.: 2:04cv231
BOS

COMPLAINT

The plaintiff, Bilt-Safe Technologies, Inc., for its Complaint against the defendant alleges:

JURISDICTION AND VENUE

1. This is an action for infringement of United States Letters Patent Number 6,222,162, which arises under the Patent Laws of the United States (Title 35, U.S.C.). This Court has jurisdiction over the subject matter pursuant to 28 U.S.C. §1331 and 28 U.S.C. §1338(a).

2. Venue properly resides in this judicial district pursuant to 28 U.S.C. §1400(b) and 28 U.S.C. §1391(b) and (c).

3. This Court has *in personam* jurisdiction over the defendant arising out of their acts of infringement in this judicial district, and their presence in this judicial district. On

information and belief, infringing products manufactured and sold by the defendant have been, and are being, sold in the State of Tennessee and in this judicial district.

THE PARTIES

4. Plaintiff, Bilt-Safe Technologies, Inc. (hereinafter “Bilt-Safe”), is a corporation duly organized and existing under the laws of the State of Tennessee, and has a place of business at 229 South Main Avenue, Erwin, Tennessee 37650.

5. Upon information and belief, defendant, Perfect Fit Industries, Inc., is a corporation duly organized and existing under the laws of the State of North Carolina, and has places of business at 8501 Tower Point Drive, Charlotte, North Carolina 28227 and 201 Cuthbertson Street, Monroe, North Carolina 28110.

THE FACTS

6. On April 24, 2001, United States Letters Patent Number 6,222,162 (hereinafter “the ‘162 Patent”) was duly and legally issued to Barry P. Keane for an “ELECTRIC BLANKET AND CONTROL.” On or about October 23, 2002, the entire right, title and interest in and to the ‘162 Patent and the invention thereof was assigned to Inotec Incorporated (hereinafter “Inotec”).

7. On or about November 7, 2002, Bilt-Safe acquired from Inotec an exclusive license to make, use, sell and offer for sale, products under the ‘162 Patent, and pursuant to such license Bilt-Safe acquired the right to enforce such patent against third parties.

8. The invention of the ‘162 Patent is of great utility and value to plaintiff, and plaintiff is presently in the business of manufacturing and selling products embodying the invention of such patent.

9. Defendant, Perfect Fit, has been, and still is, infringing the '162 Patent by making, selling, and/or using, and/or inducing others to make, use and/or sell, products embodying the patented invention of the '162 Patent, all to the great loss and injury of plaintiff, and will continue to do so unless enjoined by this Court, thereby further injuring and irreparably damaging plaintiff.

10. On information and belief, such infringement by defendant has been, and continues to be, willful, deliberate and with conscious disregarding for the rights of plaintiff.

11. As a direct and proximate result of the aforesaid infringement, plaintiff has been, and will be, greatly and irreparably damaged and has been, and will be, deprived and prevented from receiving, if such further infringement is not permanently restrained by the Court, all the gains and profits to which plaintiff is lawfully entitled and which it would have derived and received, and would now be deriving and receiving, but for the aforesaid infringement.

PRAYER FOR RELIEF

Wherefore, plaintiff, Bilt-Safe, prays for judgment as follows:

1. That the Court enter judgment in favor of plaintiff finding that United States Letters Patent Number 6,222,162 has been infringed by the defendant, Perfect Fit;
2. That a permanent injunction issue restraining and enjoining defendant, Perfect Fit, and its officers, agents, servants and employees from further acts of infringement of the '162 Patent;
3. That the defendant, Perfect Fit, be required to account for all of its gains, profits, and advantages realized from its infringement and unlawful use and practice of the '162 Patent;

4. That the plaintiff, Bilt-Safe, be awarded actual damages against the defendant, Perfect Fit, for its acts of patent infringement;

5. That plaintiff, Bilt-Safe, be awarded an amount adequate to compensate it for such infringement and not less than a reasonable royalty for the use made by defendant, Perfect Fit, of the invention covered by the '162 Patent, together with interest and costs as fixed by this Court, as provided by 35 U.S.C. §284, such use including, but not limited to, the marketing and sale of other components which could reasonably be anticipated to have been sold along with products incorporating the invention of the '162 Patent;

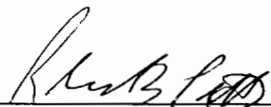
6. That plaintiff, Bilt-Safe, be awarded pre-judgment interest on any damages award to Bilt-Safe;

7. That plaintiff, Bilt-Safe, be awarded treble damages on account of the willful, intentional, and deliberate character of defendant's infringing acts, as provided by 35 U.S.C. §284; and,

8. That plaintiff, Bilt-Safe, be awarded its attorney fees and costs, as provided by 35 U.S.C. §285

Respectfully submitted,

BILT-SAFE TECHNOLOGIES, INC.



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