

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

ORIGINAL

00C 2673

In the Matter of
JASON RAASCH

vs.

Case Number:



LITE RITE MANUFACTURING, INC.

JUDGE KOCORAS

APPEARANCES ARE HEREBY FILED BY THE UNDERSIGNED AS ATTORNEY(S) FOR:

JASON RAASCH

MAGISTRATE JUDGE LEVIN

| | | | |
|---|---|---|--|
| (A) | | (B) | |
| SIGNATURE |  | SIGNATURE |  |
| NAME | P. Matthew Glavin | NAME | |
| FIRM | Glavin & Associates, Ltd. | FIRM | |
| STREET ADDRESS | 222 North LaSalle Street - Suite 2160 | STREET ADDRESS | |
| CITY/STATE/ZIP | Chicago, IL 60601 | CITY/STATE/ZIP | |
| TELEPHONE NUMBER | (312) 201-1310 | TELEPHONE NUMBER | |
| IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) | 06190678 | IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) | |
| MEMBER OF TRIAL BAR? | YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> | MEMBER OF TRIAL BAR? | YES <input type="checkbox"/> NO <input type="checkbox"/> |
| TRIAL ATTORNEY? | YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> | TRIAL ATTORNEY? | YES <input type="checkbox"/> NO <input type="checkbox"/> |
| | | DESIGNATED AS LOCAL COUNSEL? | YES <input type="checkbox"/> NO <input type="checkbox"/> |
| (C) | | (D) | |
| SIGNATURE | | SIGNATURE | |
| NAME | | NAME | |
| FIRM | | FIRM | |
| STREET ADDRESS | | STREET ADDRESS | |
| CITY/STATE/ZIP | | CITY/STATE/ZIP | |
| TELEPHONE NUMBER | | TELEPHONE NUMBER | |
| IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) | | IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) | |
| MEMBER OF TRIAL BAR? | YES <input type="checkbox"/> NO <input type="checkbox"/> | MEMBER OF TRIAL BAR? | YES <input type="checkbox"/> NO <input type="checkbox"/> |
| TRIAL ATTORNEY? | YES <input type="checkbox"/> NO <input type="checkbox"/> | TRIAL ATTORNEY? | YES <input type="checkbox"/> NO <input type="checkbox"/> |
| DESIGNATED AS LOCAL COUNSEL? | YES <input type="checkbox"/> NO <input type="checkbox"/> | DESIGNATED AS LOCAL COUNSEL? | YES <input type="checkbox"/> NO <input type="checkbox"/> |

DOCKETED

MAY 04 2000

FILED-EDS
00 MAY -3 PM 12:10
CLERK COURT
U.S. DISTRICT COURT

JS 44
(Rev. 12/96)

CIVIL COVER SHEET

ORIGINAL

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

JASON RAASCH

Cook

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF
(EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS

LITE RITE MANUFACTURING, INC.

Cook

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT
(IN U.S. PLAINTIFF CASES ONLY)

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Glavin & Associates, Ltd.
222 North LaSalle Street - Suite 2160
Chicago, IL 60601 - Tel: (312) 201-1310

ATTORNEYS (IF 2000)

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100-2005
MAY -3 PM 12:10
CLERK
DISTRICT COURT

II. BASIS OF JURISDICTION (PLACE AN "X" IN ONE BOX ONLY)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | | | | | |
|--------------------------|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

MAGISTRATE JUDGE LEVIN
Citizen or Subject of a Foreign Country

IV. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judgment

V. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

| CONTRACT | TORTS | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES |
|--|--|--|--|--|
| <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability | PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury | <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability | <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark | <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 990 Other Statutory Actions |
| REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 280 All Other Real Property | CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights | PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence HABEAS CORPUS: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition | LABOR <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other | SOCIAL SECURITY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other |
| | | | FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609 | |

VI. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

28 U.S.C. §2201 declaratory judgment action concerning patent rights under 28 U.S.C. §1338

VII. REQUESTED IN COMPLAINT

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint

JURY DEMAND: YES NO

VIII. This case is not a refiling of a previously dismissed action.

is a refiling of case number _____, previously dismissed by Judge _____

DATE

May 3, 2000

SIGNATURE OF ATTORNEY OF RECORD

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JASON RAASCH,

Plaintiff,

vs.

LITE RITE MANUFACTURING, INC.,

Defendant.

00C 2673

JUDGE KOCORAS

MAGISTRATE JUDGE
DO NOT FILE

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CLERK
U.S. DISTRICT COURT

COMPLAINT FOR DECLARATORY JUDGMENT

Plaintiff JASON RAASCH, by and through his counsel, P. Matthew Glavin,

states as his complaint for declaratory judgment pursuant to 28 U.S.C. § 2201, as follows:

1. In this case, JASON RAASCH seeks a judgment declaring that he is the sole owner of all right, title and interest in and to certain patent applications and that Defendant LITE RITE MANUFACTURING, INC. has no such rights.

THE PARTIES

2. Plaintiff JASON RAASCH is an individual residing in Cook County, Illinois.
3. Defendant LITE RITE MANUFACTURING, INC. ("LITE RITE") was an Illinois corporation that had its principal place of business in Northfield, Illinois, and which was dissolved voluntarily by unanimous vote of its shareholders on April 24, 2000.

JURISDICTION AND VENUE

4. Subject matter jurisdiction is proper pursuant to 28 U.S.C. §1338 and 28 U.S.C. §1331.
5. Venue is proper pursuant to 28 U.S.C. §1391(b) because the Defendant resides in this judicial district and a substantial part of the events or omissions giving rise to the dispute occurred in this judicial district.

LITE RITE

6. In 1997, JASON RAASCH and H. PATRICK KELLY founded LITE RITE, an Illinois corporation to market and sell products useful or necessary to industry and municipalities. Initially, JASON RAASCH owned 50% of the LITE RITE stock and H. PATRICK KELLY owned the remaining 50%.
7. JASON RAASCH is a product designer and licensed engineer. H. PATRICK KELLY is a person experienced in sales who represented to JASON RAASCH that he had favorable contacts within the City of Chicago.
8. At the time LITE RITE was founded, JASON RAASCH orally agreed to design and develop products that LITE RITE would be permitted to offer for sale and H. PATRICK KELLY orally agreed to market and sell the products.
9. No written agreement exists concerning the responsibilities or obligations of the founders.
10. At all relevant times, both JASON RAASCH and H. PATRICK KELLY were employed outside of LITE RITE. Both agreed that they would not accept a salary from LITE RITE; instead, they would divide the profits generated by LITE RITE according to their respective stockholdings, i.e., 50% to JASON RAASCH and 50% to H. PATRICK KELLY.
11. On or about April 15, 1999, JASON RAASCH transferred all of his LITE RITE stock to his wife and H. PATRICK KELLY transferred all of his LITE RITE stock to his wife. Also on or about April 15, 1999, both founders relinquished their respective Officer and Director positions with LITE RITE.

12. JASON RAASCH never agreed to grant, assign or otherwise convey to LITE RITE his right, title and interest in and to his inventions.
13. JASON RAASCH has never been an employee of LITE RITE.
14. JASON RAASCH was not paid for engineering and design work performed on products sold by LITE RITE.

JASON RAASCH'S INVENTIONS

15. During 1998 and 1999, JASON RAASCH, invented certain products, including: (a) a cover that fits various-sized electrical openings in light poles used in street lighting (the "Light Pole Cover"), and (b) a sewer line intake flow restrictor valve product designed to be installed in storm sewer systems to eliminate sewer system back-ups in residential communities (the "Vortech").
16. Thereafter, JASON RAASCH duly filed patent applications in his name, as inventor, for both his Light Pole Cover and Vortech inventions.
17. JASON RAASCH has never assigned his right, title and interest in or to his Light Pole Cover or Vortech inventions (or to his application for patent protection on either of his inventions) to LITE RITE, or any other person or entity.
18. JASON RAASCH has been advised that all claims set forth in his patent applications for his Light Pole Cover and Vortech inventions have been allowed by the United States Patent and Trademark Office, and that patents on his inventions will issue soon in his name.

LITE RITE's ASSERTED CLAIM OF RIGHT

19. Prior to the voluntary dissolution of LITE RITE, disagreements arose between its founders and their respective wives.

20. LITE RITE claims that it owns the Light Pole Cover and Vortech inventions and the patent applications relating to these inventions.
21. JASON RAASCH has never executed a written assignment of his patent applications relating to his Light Pole Cover or Vortech inventions.
22. JASON RAASCH denies LITE RITE's asserted claims concerning his inventions and the patent applications.
23. Now that LITE RITE has been dissolved, its assets will be collected in order to wind up and liquidate the business and its affairs.
24. An actual controversy exists between JASON RAASCH and LITE RITE concerning ownership of the Light Pole Cover and Vortech inventions and the patent applications relating to these inventions.

WHEREFORE, Plaintiff JASON RAASCH prays that this court enter an order declaring that he is the inventor of the Light Pole Cover and Vortech products and that he owns all right, title and interest in and to such inventions and all right, title and interest in and to the patent applications for these inventions.

Respectfully Submitted,

Glavin & Associates, Ltd.
222 North LaSalle Street
Suite 2160
Chicago, IL 60601
(312) 201-1310

By:



P. Matthew Glavin
ARDC 06190678

Attorneys for Plaintiff
JASON RAASCH