

# **COMPLAINT AND DEMAND FOR JURY TRIAL**

COMES NOW plaintiff CTI Building Systems, Inc. and, for its complaint against defendant SteelSpan, Inc. f/k/a Harvard Products of Illinois, Inc. a/k/a A-OK Harvard Products, states as follows:

## THE PARTIES

- Plaintiff CTI Building Systems, Inc. ("Plaintiff") is a Missouri corporation in good standing with its corporate headquarters and principal place of business at 131 East Washington, Kearney, MO 64060.
- 2. Defendant SteelSpan, Inc. f/k/a Harvard Products of Illinois, Inc. a/k/a A-OK Harvard Products ("Defendant") is an Illinois corporation in good standing with its corporate headquarters and principal place of business at 630 W. Blackman St. Harvard, IL 60033.

#### JURISDICTION AND VENUE

- The Court may exercise subject matter jurisdiction over the claims set forth in this complaint pursuant to 28 U.S.C. §1338.
- 4. The Court may exercise personal jurisdiction over Defendant in this action, as Defendant is transacting business in the State of Missouri through its purposeful shipment into the stream of commerce of infringing products, as set forth below, through an established distribution channel with foreseeable and actual entry of such infringing products into, and sale of such infringing products in, the State of Missouri. Additionally, service of process in this action on Defendant has been or will be effected pursuant to Fed. R. Civ. P. 4(e)(l),(h)(l), (k)(l)(A) and Mo. R. Civ. P. 54.06.
- 5. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 (c) and 1400(b).

## CLAIM FOR PATENT INFRINGEMENT

- 6. On June 20, 2000, United States Letters Patent No. 6,077,159 were duly and legally issued to Gerald W. Clayton for an invention denominated "Apparatus and Method for Passive Ventilation of Buildings" (the "159 Patent"). Earlier, on March 3, 1997, Gerald W. Clayton had assigned all right, title and interest in his 159 Patent to Plaintiff. At all times material to this action, then, Plaintiff has been, and still is, the owner of the 159 Patent and all rights of recovery for damages thereunder.
- 7. Since at least on or about June 20, 2000, Defendant has been infringing the 159 Patent by making, using and/or selling products embodying the patented invention and will continue to do so unless restrained by the Court.

WHEREFORE, Plaintiff CTI Building Systems, Inc. prays for (1) entry of judgment in its favor and against Steel Span, Inc. f/k/a Harvard Products of Illinois, Inc. on the Claim for Patent Infringement, (2) an accounting for damages, including lost profits, resulting from Defendant's infringement, and/or a reasonable royalty for such infringement pursuant to 35 U.S.C. § 284, (3) a trebling of such damages because of the knowing, willful and wanton nature of Defendant's conduct, (4) an assessment of interest, both prejudgment and postjudgment, on the damages so computed, (5) a finding of this case to be exceptional and an award of attorney's fees and costs incurred by Plaintiff in this action pursuant to 35 U.S.C. § 285, (6) a permanent injunction against Defendant's continued infringement of the 837 Patent or an award of a reasonable royalty for any future use by Defendant of the 837 Patent, and such other relief as the Court deems just and proper.

## **DEMAND FOR JURY TRIAL**

Pursuant to Fed. R. Civ. P. 38(b), Plaintiff demands a jury trial on all issues triable by jury.

Respectfully submitted,

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