

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF KENTUCKY  
LOUISVILLE DIVISION

**FILED**  
JEFFREYA. APPERSON, CLERK  
OCT 15 2003  
U.S. DISTRICT COURT  
WESTN. DIST. KENTUCKY

STOTS CORPORATION )

Plaintiff, )

v. )

VERMONT AMERICAN )  
CORPORATION )

Defendant. )

CASE NO. 3:02 CV-295-H

**AMENDED COMPLAINT**

The Plaintiff, the Stots Corporation ("**Stots**"), for its amended claim against the Defendant, Vermont American, Inc. ("**Vermont American**"), states as follows:

**I. INTRODUCTION**

1. This is an action for infringement of United States Patent No. 5,016,509 (the "**509 Patent**").

**II. JURISDICTION & VENUE**

2. This action arises under the patent laws of the United States of America, and more particularly, under 35 U.S.C. § 271, 281, 283, 284 and 285 and this Court has jurisdiction by virtue of 28 U.S.C. § 1338 (a).

**III. PARTIES**

3. Stots is a Kentucky corporation with its principal place of business located at 5204 Avish Lane, Harrods Creek, Kentucky.

4. Defendant, Vermont American Corporation, is a Delaware corporation registered to do business in Kentucky, and its principal office is located at National City Tower, Suite 2300 in Louisville, Kentucky.

#### IV. BACKGROUND

5. On the 21st day of May, 1991, United States Letters Patent No. 5,016,509 ("**'509 Patent'**") was duly and lawfully issued to and is still owed by Stots. (See **Exhibit A**).

6. Stots has given notice to the public of the '509 Patent by marking in accordance with the provisions of 35 U.S.C. § 287.

7. Defendant, Vermont American has itself and through its agents, without permission or license from Stots, unlawfully and wrongfully made, used, sold or offered for sale, and are now making, using, selling or offering for sale in direct competition with Stots within the United States a "combination hand guide and measuring tool for use with table mounted woodworking equipment" (hereinafter referred to as "**Saw Guide**").

8. Defendant's Saw Guides contain, embody and employ the invention described and claimed in the '509 Patent from which their design was copied, in violation of Stots' exclusive rights thereunder, and to the great loss and injury of Stots. The infringement by Defendant was knowing and willful.

#### V. CLAIMS

##### **Infringement and Inducement of Infringement**

9. Stots restates the allegations contained in paragraphs 1 through 8.

10. The actions of the Defendant constitute willful patent infringement and inducement of infringement.

11. Defendant has derived, received and will derive and receive from the aforesaid infringement of the '509 Patent, gains, profits and advantages in an amount to be proven at trial.

12. As a direct and proximate result of the aforesaid infringement, Stots has been

and will be greatly damaged and has been and will be deprived and prevented from receiving, if such further infringement is not restrained and enjoined by the Court, all the gains and profits to which Stots is lawfully entitled and which it would have derived and received and would now be deriving and receiving but for the aforesaid infringement and inducement of infringement by the Defendant.

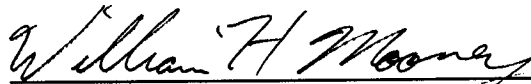
13. As a result, Plaintiff is entitled to, at a minimum, a reasonable royalty and/or lost profits and prejudgment interest and other damages and equitable relief as provided for by law which amounts should be trebled because of Defendant's willful infringement.

WHEREFORE, Plaintiff respectfully demands:

- a. That pursuant to 35 U.S.C. § 283 preliminary and permanent injunctions be issued restraining and enjoining Defendant and its officers, agents, servants and employees from directly or indirectly making or causing to be made, offering for sale, selling or causing to be sold, or using or causing to be used any product in accordance with or embodying any invention set forth and claimed in the '509 Patent;
- b. That Defendant be ordered to pay to Plaintiff such damages as have been sustained by Plaintiff as a result of said infringement and inducement of infringement by Defendant and that such amounts should be trebled because of Defendant's willful infringement;
- c. That Plaintiff recover judgment interest from Defendant pursuant to 35 U.S.C. § 284 on damages awarded to Plaintiff;
- d. That Defendant be ordered to pay to Plaintiff his reasonable attorneys' fees pursuant to 35 U.S.C. § 285;

- e. Trial by jury on all issues so triable; and
- f. Any and all other relief to which this Court deems Plaintiff to be entitled.

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was this 8<sup>th</sup> day of August, 2003, mailed via U.S. postal service, first class postage prepaid, to:

James E. Milliman  
Henry S. Alford  
Middleton & Reutlinger  
Brown & Williamson Tower  
401 S. Fourth Ave., Suite 2500  
Louisville, Kentucky 40202



Donald L. Cox