

FILED

IN THE DISTRICT COURT OF THE UNITED STATES
Northern District of Ohio
(Western Division)

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CLARENCE U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
TOLEDO

GLENDAL BALSER
W. Unity, Ohio

CIVIL ACTION NO. 3:00CV7419

JUDGE: David A. Katz
AMENDED

Plaintiff

COMPLAINT

vs

MONTGOMERY WARD COMPANY
2040 S. Reynolds Rd.
Toledo, Ohio 43614

Defendant

Now comes Plaintiff and for her cause of action against Defendant sets forth the following:

1. Plaintiff is an individual and a resident of the State of Ohio, in this judicial district. Defendant has a place of business in Lucas County, Ohio where acts of infringement have occurred.
2. That on information and belief the defendant, Montgomery Wards, is a corporation and has a regular and established place of business at 2220 Southwyck Blvd. Toledo, Ohio within the Northern District of Ohio, and elsewhere in the United States, where it has committed and is still committing and will continue to commit acts of infringement complained of herein.
3. That jurisdiction is based upon the patent laws of the United States of America as set forth in U.S. Code, Title 28; Section 1338, Paragraph (a) as more fully hereinafter appears.

4. That on March 28, 2000, United States Letters Patent No. 6,041,985 were duly and legally issued to the plaintiff for an improved coat hanger and since that date plaintiff has been and still in the owner of such Letters Patent.

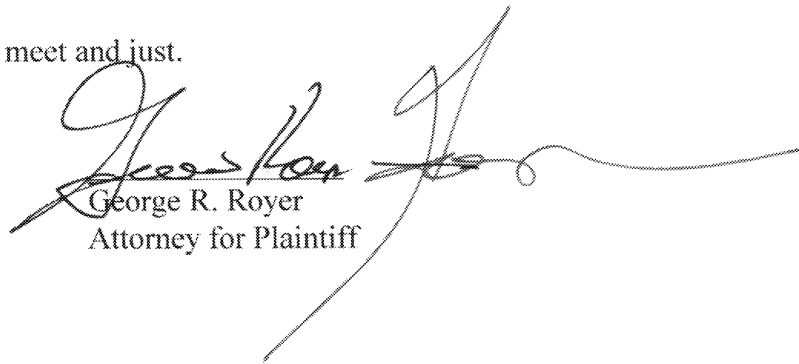
5. That the defendant since the issuance of said Letters Patent within and prior to the filing of this complaint, and within the Northern District of Ohio and elsewhere within the United States. Is infringing said Letters Patent of Plaintiff by making, using and/or selling or causing to be made and used and/or sold by others, the coat hanger product embodying the invention or improvements described and claimed in said patent, all unlawfully and willfully and without the license or consent of plaintiff, and in infringement of said Letters Patent and the plaintiff's rights thereunder.

6. That plaintiff has caused defendant to be notified in writing of its infringement of said Letters Patent and that defendant, notwithstanding such notice, and since the date of such notice, has continued and threatens to continue said infringement to the damage of plaintiff and has made or is making or threatening to make profits from said infringement which rightfully belong to plaintiff herein.

7. That plaintiff has been deprived of profits and has suffered damage by defendant's infringement and by the threat to continue said infringement, complained of herein; that plaintiff will be irreparable damaged by continued said infringement and by the threat of continued said infringement unless enjoined by this court; and that plaintiff has no means of ascertaining the extent of defendant's said infringement and the amount of plaintiff's damages resulting from said infringement except through the production of evidence thereof now in defendant's sole possession and control.

WHEREFORE, plaintiff demands a preliminary and perpetual injunction against further

infringement and threats of further infringement by defendant, against contributing to further infringement by others, and those controlled by defendant, and award to plaintiff of general damages as due compensation for making, using, or selling the inventions not less than a reasonable royalty therefore, together with such costs, and interest, as may be fixed by the court, an increase of the assessed damages to a sum not provided by law, and, an award of reasonable attorneys' fees to plaintiff, and for such other relief in the premises, as the equities in the case may require and which to the court may seem meet and just.



George R. Royer
Attorney for Plaintiff