

FILED

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

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CLERK, U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO, FLORIDA

STEFECO INDUSTRIES, INC., a Florida corporation,

Plaintiff,

CASE NO.: 6:05-w-30-0R-18DAB

vs.

ENGLEWOOD VENTURES, INC., a foreign corporation;

COMPLAINT

JURY TRIAL REQUESTED

Defendants.

_____ /

**ACTION FOR DECLARATORY JUDGMENT
UNDER 28 U.S.C. §2201 FOR NON-INFRINGEMENT**

COMES NOW Plaintiff Stefco Industries, Inc. ("Plaintiff") and for its complaint against Defendant Englewood Ventures, Inc. ("Defendant"), states:

PARTIES, JURISDICTION AND VENUE

1. Plaintiff is a Florida corporation with its regular and established place of business at 1006 Marley Drive, Haines City, Florida 33844.

2. Upon information and belief, Defendant Englewood Ventures, Inc., is a corporation organized and existing under the laws of Canada, and is the owner of United States Patent Nos. 6,510,964 B2 ('964 Patent), and 6,769,589, B2 ('589 Patent).

3. Upon further information and belief, Defendant is regularly engaged in interstate commerce throughout the United States including the State of Florida and within this judicial district and division.

4. As set out in greater detail below, Counts One and Two of this action are brought under the provisions of 28 U.S.C. §2201, seeking a declaration that Plaintiff has not infringed Defendant's patents.

5. The subject matter of Counts One and Two arise under the patent laws of the United States, and this Court therefore has jurisdiction over the subject matter under 28 U.S.C. §1338(a).

6. This Court has jurisdiction over the parties, and venue properly lies within this judicial district and division under 28 U.S.C. §1391(c).

COUNT ONE

Action for Declaratory Judgment of Non-Infringement of the '589 Patent

7. This Count One is an action by Plaintiff for declaratory judgment under 28 U.S.C. §2201 that Plaintiff's towel dispensers do not infringe Defendant's '598 patent.

8. Plaintiff here restates and incorporates by reference into this Count One the allegations of ¶¶1-7 above.

9. Plaintiff is engaged, *inter alia*, in the sale and distribution of paper towel dispensers.

10. Upon information and belief, Defendant is the owner of the '598 patent.

11. In a letter dated December 29, 2004, counsel for Defendant asserted that Plaintiff infringes Defendant's '589 patent.

11. The letter from Defendant's counsel presents a clear and immediate threat that Defendant will take legal action against Plaintiff alleging infringement of the '589 patent, and will likely do so in an inconvenient forum or against its customers or other third parties.

12. Faced with the prospect of being sued in an inconvenient forum, or having to indemnify parties who are not the real parties in interest, Plaintiff respectfully prays that this Honorable Court enter a judgment pursuant to 28 U.S.C. §2201 declaring that the design of Plaintiff's paper towel dispenser does not infringe upon Defendant's '589 patent.

COUNT TWO

Action for Declaratory Judgment of Non-Infringement of the '964 Patent

13. This Count Two is an action by Plaintiff for declaratory judgment under 28 U.S.C. §2201 that Plaintiff's towel dispensers do not infringe Defendant's '964 patent.

14. Plaintiff here restates and incorporates by reference into this Count Two the allegations of ¶¶1-7 above.

15. Upon information and belief, Defendant is the owner of the '964 patent.

11. In a letter dated December 29, 2004, counsel for Defendant asserted that Plaintiff infringes Defendant's '964 patent.

16. The letter from Defendant's counsel presents a clear and immediate

threat that Defendant will take legal action against Plaintiff alleging the infringement of the '964 patent, and will likely do so in an inconvenient forum or against its customers or other third parties.

17. Faced with the prospect of being sued in an inconvenient forum, or having to indemnify parties who are not the real parties in interest, Plaintiff respectfully prays that this Honorable Court enter a judgment pursuant to 28 U.S.C. §2201 declaring that the design of Plaintiff's paper towel dispenser does not infringe upon Defendant's '964 patent.

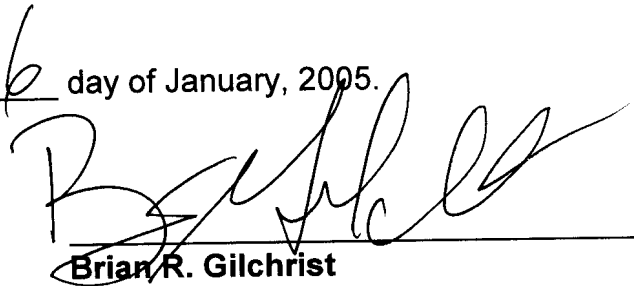
REQUEST FOR JURY TRIAL

Plaintiff requests a trial by jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that this Honorable Court enter a Judgment under 28 U.S.C. §2201 declaring that Plaintiff has not infringed upon Defendant's '589 or '964 patents, and such other and further relief as the Court deems just and proper.

Respectfully submitted this 6 day of January, 2005.

A handwritten signature in black ink, appearing to read "Brian R. Gilchrist", written over a horizontal line.

Brian R. Gilchrist

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