

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MASSACHUSETTS
03-cv-11981-RGS

SYNVENTIVE MOLDING SOLUTIONS,)
INC.)

Plaintiffs)

vs.)

HI-TECH MOLD & ENGINEERING, INC.)

Defendants)

MAGISTRATE JUDGE Alexander

Civil Action No.

RECEIPT # 50933
AMOUNT \$ 150
SUMMONS ISSUED yes
LOCAL RULE 4.1 1
WAIVER FORM _____
MCF ISSUED _____
BY DPTY. CLK. F.O.W.
DATE 10-10-03

COMPLAINT AND JURY DEMAND

Plaintiff Synventive Molding Solutions, Inc. ("Synventive ") brings this civil action against defendant Hi-Tech Mold & Engineering, Inc., ("Hi-Tech").

JURISDICTION AND VENUE

1. This is an action for patent infringement and arises under the United States Patent Laws, 35 U.S.C. §101 *et seq.* The amount in controversy is in excess of \$75,000.
2. Jurisdiction and venue are proper in this Court pursuant to 28 U.S.C. §§1331 and 1338, and 28 U.S.C. §1391.

THE PARTIES

3. Plaintiff is, and at all times relevant to this Complaint, has been a Delaware corporation with places of business in this District. Plaintiff is engaged in the business of the design, development, sale and manufacture

of injection molding equipment. Plaintiff is the owner of U.S. Patent No. 6,419,870 (the '870 patent), (attached as Exhibit A), U.S. Patent No. 5,894,025 (the '025 patent), (attached as Exhibit B), and U.S. Patent No. 6,599,116 (the '116 patent), (attached as Exhibit C).

4. On information and belief, Defendant is a corporation and, at all relevant times, has conducted and/or transacted business generally in this District. On information and belief, defendant has sold and/or manufactured and/or used and/or advertised/promoted injection molding equipment in commerce, including Plaintiff's proprietary actuator product and design, which infringes one or more of the patents in suit.

COUNT 1 - PATENT INFRINGEMENT

5. This is a cause of action for patent infringement under 35 U.S.C. § 271 et seq. On information and belief defendant is making, using and selling and has, in the past, made, used and sold products which infringe the '870, '025 and '116 patents. At all relevant times, defendant has/had actual and constructive knowledge of the patents in suit including the scope and claim coverage thereof.
6. Defendant's aforesaid activities constitute a direct, contributory and/or inducement of infringement of the aforesaid patents in violation of 35 U.S.C. §271 et seq. Defendant's aforesaid infringement is and has, at all relevant times, been willful and knowing.

7. Plaintiff is suffering and will continue to suffer immediate and ongoing irreparable harm and monetary damage as a result of defendant's willful patent infringement.

EXCEPTIONAL CASE

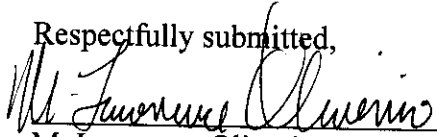
8. This is an exceptional case under 35 U.S.C. §285 in which plaintiff is entitled to attorney's fees incurred in connection with prosecuting this action.

WHEREFORE, Plaintiff requests that this Court enter judgment:

- A. Declaring that defendant's products, and all other of defendant's products shown by plaintiff to be encompassed by one or more of the asserted patents, and infringe said one or more of said patents;
- B. Awarding plaintiff its damages, and a doubling or trebling thereof, incurred as a result of defendants' willful infringement and unlawful conduct, as provided under 35 U.S.C. §284;
- C. Declaring that this is an exceptional case pursuant to 35 U.S.C. §285 and awarding plaintiff its attorneys fees incurred in having to prosecute this action;
- D. Ordering that defendant and all those in active concert or privity with defendant be temporarily, preliminarily and permanently enjoined from further infringement of U.S. Patent Nos. 6,419,870 (the '870 patent), U.S. Patent No. 5,894,025 (the '025 patent) and U.S. Patent No. 6,599,116 (the '116 patent); and
- E. Granting plaintiff such other and further relief as the Court deems just and proper.

PLAINTIFF HEREBY DEMANDS A JURY TRIAL.

Respectfully submitted,



M. Lawrence Oliverio, BBO # 378,755

Bruce D. Jobse, BBO #544,002

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