

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

STYMILOCK, LLC)	
)	Case No.
Plaintiff,)	
)	
vs.)	<u>JURY TRIAL DEMANDED</u>
)	
HORNE BROTHERS CONSTRUCTION, INC.)	
)	
Defendant.)	

COMPLAINT

COMES NOW the Plaintiff, (hereinafter referred to as "Plaintiff" or "STYMILOCK") and for its Complaint against Defendant HORNE BROTHERS CONSTRUCTION, INC (hereinafter referred to as "Defendant"), alleges and says:

A. JURISDICTION AND VENUE

1. This civil action arises under the Patent Laws of the United States, United States Code, Title 35, Section 1 et seq., and in particular, 35 U.S.C. §§ 271.
2. Jurisdiction is proper in this Court under the provisions of 28 U.S.C. § 1338(a) in that the claims of the Complaint arise under the Patent Laws of the United States.
3. Venue is proper in this Court under 28 U.S.C. § 1391(b)(1), (2) and (c), and 28 U.S.C. § 1400(b). Upon information and belief, the Defendant conducts business in this district by, inter alia, the sale of products to customers in this district and division.
4. This Court has jurisdiction pursuant to 28 U.S.C. §1331.

B. PARTIES

5. Plaintiff is a limited liability company organized and existing under the laws of the State of North Carolina, with its principal place of business in Pineville, N.C.

6. Upon information and belief, Defendant is a business corporation organized and existing under the laws of the state of North Carolina, and has a principal place of business at 1662 Middle Loop, Fayetteville, NC 28302.

C. CLAIM FOR RELIEF AGAINST THE DEFENDANT

Patent Infringement

7. Plaintiff is the owner by assignment from the inventor of United States Patent No. 5,868,015, issued February 9, 1999 to David Andrew Eaker, and entitled "Multiple Access Locking Device", (hereinafter referred to as the "'015 Patent").

8. Defendant has infringed and continues to infringe the '015 Patent by making, using, selling and offering for sale in this District and elsewhere, multiple access locking device products that come within the scope of the '015 Patent in violation of the Patent Laws of the United States, including, inter alia, 35 U.S.C. § 271, or which contributorily infringe and induce infringement of the '015 Patent.

9. Defendant has direct knowledge of the '015 Patent and is nevertheless making, using, selling or offering for sale infringing products, and therefore is willfully infringing the '700 Patent.

10. These acts of infringement are irreparably harming and causing damage to Plaintiff and will continue to do so unless and until restrained by this Court.

WHEREFORE, Plaintiff prays:

A. That this Court preliminarily and permanently enjoin Defendant from infringing the '015 Patent, in accordance with 35 U.S.C. §283 and engaging in any advertising or sales of its infringing products;

B. That Plaintiff be awarded judgment against Defendant for damages resulting from their infringement of the '015 Patent, and that such damages be trebled in accordance with provisions of 35 U.S.C. §284, and for reasonable attorneys' fees in accordance with 35 U.S.C. §285;

C. That this Court award Plaintiff interest, cost and such further relief that this Court deems just and equitable;

D. That this Court order Defendant to pay Plaintiff all its reasonable taxable costs and attorneys' fees in a sum and manner deemed appropriate by this Court based on the deliberate and willful infringement by Defendant as set forth in this Complaint; and

E. That all issues so triable be tried to a jury.

This the 1st day of March, 2006.

Respectfully submitted,

s/W. Thad Adams, III
W. Thad Adams, III - Bar Number 000020
Attorney for the Plaintiff

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