

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE**

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	)	
RIVERSIDE MILLWORKS CO., INC.	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	CIVIL ACTION NO.:
	)	
APPLICATORS SALES & SERVICE, INC.,	)	
d/b/a PARADIGM WINDOW SOLUTIONS;	)	
JACKSON LUMBER & MILLWORK CO.	)	<b>AMENDED COMPLAINT</b>
INC.; LAVALLEY LUMBER; MIDDLETON	)	<b>AND DEMAND FOR JURY</b>
BUILDING SUPPLY	)	<b>TRIAL</b>
	)	
Defendants.	)	
-----X	)	

This is a civil action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 281-285. For its complaint against the defendants herein, plaintiff Riverside Millwork Co., Inc., (“RIVCO”) alleges and states as follows:

**PARTIES**

1. RIVCO is a corporation organized and existing under the laws of New Hampshire with a principal place of business at 77 Merrimack Street, Penacook, New Hampshire 03303-8800.
2. RIVCO is informed and believes that defendant Applicators Sales & Service, Inc. is a corporation organized under the laws of Maine with a principal place of business at 400 Warren Avenue, Portland, Maine 04104.
3. RIVCO is informed and believes that defendant Jackson Lumber & Millwork Co., Inc. is a corporation organized under the laws of Massachusetts with a principal place of business at 245 Market Street, Lawrence, Massachusetts 01843.

4. RIVCO is informed and believes that defendant LaValley Lumber is a corporation organized under the laws of New Hampshire with a principal place of business at 351 Sunapee Street, Newport, New Hampshire 03773.

5. RIVCO is informed and believes that defendant Middleton Building Supply is a corporation organized under the laws of New Hampshire with a principal place of business at 5 Kings Hwy, Middleton, New Hampshire 03887.

6. RIVCO is informed and believes that Paradigm Window Solutions (“Paradigm”) is a tradename of Applicators Sales & Service, Inc.

7. RIVCO is informed and believes that defendant Applicators Sales & Service, Inc. has registered to transact business in the State of New Hampshire as Applicator Sales & Service, Inc.

### **JURISDICTION AND VENUE**

8. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 and §§ 1338(a), 2001, and 2202.

9. This Court has personal jurisdiction over LaValley Lumber because, *inter alia*, they are citizens of New Hampshire.

10. This Court has personal jurisdiction over Middleton Building Supply because, *inter alia*, they are citizens of New Hampshire.

11. The Court has personal jurisdiction over Applicators Sales & Service, Inc. and Jackson Lumber & Millwork Co., Inc., because, *inter alia*, each has minimum contacts with

this forum as a result of business conducted in New Hampshire. Additionally, each defendant has infringed, actively induced others to infringe, or contributed to the infringement of United States Letters Patent No. 6,857,232 within New Hampshire.

12. Venue is proper pursuant to 28 U.S.C. § 1391(b) and § 1400(b).

**CLAIM FOR RELIEF**  
**(Infringement of US Patent No. 6,857,232)**

13. On February 22, 2005, United States Patent No. 6,857,232 (the “ ‘232 Patent”), entitled “Window and Door Casing”, was duly and legally issued by the United States Patent and Trademark Office. RIVCO owns the ‘232 Patent by assignment. A true and correct copy of the ‘232 Patent is attached hereto as Exhibit A.

14. Applicators Sales & Service, Inc. d/b/a Paradigm Window Solutions has been and is directly infringing, actively inducing others to infringe, and /or contributing to the infringement of the ‘232 Patent in this district and elsewhere.

15. Jackson Lumber & Millwork Co. Inc. has been and is directly infringing, actively inducing others to infringe, and /or contributing to the infringement of the ‘232 Patent in this district and elsewhere.

16. LaValley Lumber has been and is directly infringing, actively inducing others to infringe, and /or contributing to the infringement of the ‘232 Patent in this district and elsewhere.

17. Middleton Building Supply has been and is directly infringing, actively inducing others to infringe, and /or contributing to the infringement of the ‘232 Patent in this

district and elsewhere.

18. RIVCO is informed and believes that each of Jackson Lumber & Millwork Co., Inc.; LaValley Lumber; Middleton Building Supply, Applicators Sales & Service, Inc. will continue to infringe the '232 Patent unless and until it is enjoined by this Court.

19. RIVCO is informed and believes that Applicators Sales & Service, Inc. infringement of the '232 Patent is taking place with knowledge of the '232 Patent and is willful. By continuing to commit acts of infringement with full knowledge of the '232 Patent, Applicators Sales & Service, Inc. has failed to meet the required standard of care to avoid a finding of willful infringement.

20. Each of the Defendants has caused and will continue to cause RIVCO irreparable injury and damage by infringing the '232 Patent. RIVCO will suffer further irreparable injury, for which RIVCO has no adequate remedy at law, unless and until the Defendants are enjoined from infringing the '232 Patent.

WHEREFORE, RIVCO prays that this Court:

- A. Enter judgment that each of the Defendants has infringed the '232 Patent;
- B. Order each of the Defendants and their officers, agents, servants, employees, attorneys, and all persons in active concert or participation with any of them from infringing the '232 Patent;
- C. Award RIVCO damages in amounts sufficient to compensate it for the Defendants' infringement of the '232 Patent, together with prejudgment and post-judgment interests and costs, pursuant to 35 U.S.C. § 284;
- D. Treble the damages awarded to RIVCO against Applicators Sales & Service,

Inc., by reason of Applicators Sales & Service, Inc.'s willful infringement of the '232 Patent;

E. Declare this case to be "exceptional" under 35 U.S.C. § 285 and award RIVCO its attorneys' fees, expenses, and costs incurred in this action; and

F. Award RIVCO such other relief as this Court deems just and appropriate.

**DEMAND FOR JURY TRIAL**

RIVCO demands a trial by jury on all issues so triable.

DATED this 28<sup>th</sup> day of February 2006.

/s/ Todd A. Sullivan  
Todd A. Sullivan  
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Attorney for Plaintiff