UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

GED INTEGRATED SOLUTIONS, INC.

and

NEWELL OPERATING COMPANY d/b/a Ashland Products, Inc.,

Plaintiffs,

vs.

DUROTECH INTERNATIONAL, INC.,

Defendant.

CASE NO. 5:06CV1327

JUDGE JUDGE ADAMS

COMPLAINT FOR PATENT INFRINGEMENT

TRIAL BY JURY DEMANDED

MAG. JUDGE GALLAS

For their Complaint against Defendant Durotech International, Inc., ("Durotech"), Plaintiffs GED Integrated Solutions, Inc. ("GED") and Newell Operating Company d/b/a Ashland Products, Inc. ("Newell"), state as follows.

NATURE OF THE ACTION AND PARTIES

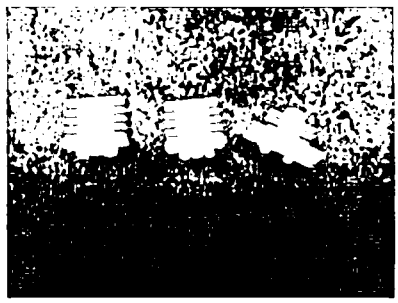
1. This is a civil action under the patent laws of the United States, specifically 35 U.S.C. §§ 271, 281, 283, 284 and 285, for infringement of U.S. Patent No. 5,313,761 (the "'761 Patent") and U.S. Patent No. 5,678,377 (the "'377 Patent").

2. Plaintiff GED is an Ohio Corporation with principle place of business is located at9280 Dutton Drive, Twinsburg, OH 44087-1967. GED is the owner by assignment of the patents at issue in this matter.

3. Plaintiff Newell is a Delaware corporation having a regular and established place of business at 790 West Commercial Avenue Lowell. Indiana 46356. Newell is an exclusive licensee under the patents at issue in this matter.

4. Defendant Durotech. on information and belief. is a South Carolina corporation. located at 3001 Hwy. 417. Woodruff. SC 29388.

5. Durotech is believed to manufacture, sell and offer for sale. certain "muntin bar clips" throughout North America, and in particular has sold or offered for sale the clips within the geographical region encompassed by the Northern District of Ohio federal district. At least certain of the models of muntin bar clips at issue in this matter are depicted to the right of this paragraph.



6. On May 24. 1994. the United States Patent and Trademark Office issued the '761 Patent, naming Edmund A. Leopold as the inventor, entitled "Insulating Glass Unit." A copy of the '761 Patent is attached hereto as Exhibit A. GED owns the '761 Patent and Newell is an exclusive licensee thereunder.

7. On October 21. 1997. the United States Patent and Trademark Office issued the '377 Patent, naming Edmund A. Leopold as the inventor. entitled "Insulating Glass Unit." A copy of the '377 Patent is attached hereto as Exhibit B. GED owns the '377 Patent and Newell is an exclusive licensee thereunder.

8. This action for patent infringement is authorized by 35 U.S.C. § 281. The federal courts have original and exclusive jurisdiction of the action pursuant to 28 U.S.C. § 1338(a). Venue is appropriate in this district by virtue of 28 U.S.C. § 1391(d) and § 1400.

FIRST CLAIM

9. Durotech makes, sells, offers for sale and/or imports into the United States muntin bar clips which infringe claims of the '761 Patent either literally or pursuant to the doctrine of equivalents, induces others so to infringe, and/or contributes to the infringement thereof by others.

10. Durotech is not authorized to practice the invention of the '761 Patent.

11. If Durotech is permitted to continue its infringement of the '761 Patent, GED and Newell will be irreparably injured from the erosion of their patent rights in the '761 Patent.

12. GED and Newell have suffered economic loss from the infringement of the '761 Patent by Durotech, and are entitled to be made whole therefor by an award of money damages in their favor.

13. Durotech's infringement of the '761 Patent is believed to be willful and without reasonable justification, entitling GED and Newell to enhanced damages pursuant to 35 U.S.C. § 284 and to an award of attorneys' fees and costs pursuant to 35 U.S.C. § 285.

SECOND CLAIM

14. Durotech makes, sells, offers for sale and/or imports into the United States muntin bar clips which infringe claims of the '377 Patent either literally or pursuant to the doctrine of equivalents, induces others so to infringe, and/or contributes to the infringement thereof by others.

15. Durotech is not authorized to practice the invention of the '377 Patent.

16. If Durotech is permitted to continue its infringement of the '377 Patent, GED and Newell will be irreparably injured from the erosion of their patent rights in the '377 Patent.

17. GED and Newell have suffered economic loss from the infringement of the '377 Patent by Durotech, and are entitled to be made whole therefor by an award of money damages in their favor.

18. Durotech's infringement of the '377 Patent is believed to be willful and without reasonable justification, entitling GED and Newell to enhanced damages pursuant to 35 U.S.C. § 284 and to an award of attorneys' fees and costs pursuant to 35 U.S.C. § 285.

WHEREFORE, GED and Newell demand a trial by jury of the aforesaid claims, and pray for judgment against Durotech as follows:

A. for temporary, preliminary and permanent injunctive relief enjoining Durotech, its successors and assigns, and all those acting in concert with them, from continued infringement of the '761 and '377 patents.

B. for an accounting of all damages and a judgment for general damages against Durotech as compensation for Durotech's wrongful use, exploitation and infringement of the '761 and '377 patents.

C. for an increase in the aforesaid money damages to three times their amount, pursuant to 35 U.S.C. § 284.

D. for an award of pre-judgment and post-judgment interest on the aforesaid trebled general damages award.

E. for an award of attorneys' fees and costs occasioned by the maintenance of this action.

F. for such other and further relief at law or in equity as the Court shall deem just and proper.

JURY DEMAND

A trial by jury is demanded for the claims stated herein.

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