



2. Defendant WHITLAM is a corporation organized and existing under the laws of the State of Michigan, having its headquarters and principal place of business at 24800 Sherwood Avenue, Centerline, Michigan.

3. This action arises under the Patent Law of the United States, Title 35, United States Code. This Court has jurisdiction under 28 U.S.C. §1338(a).

4. Venue is proper in this district under 28 U.S.C. §1391(b)(1) and (2).

5. AVERY is the owner by assignment of United States Patent No. 6,228,486 (“the ‘486 Patent”) entitled THERMAL TRANSFER LAMINATE and United States Patent No. 6,461,722 (“the ‘722 Patent”) entitled THERMAL TRANSFER LAMINATE. The ‘486 Patent was duly and legally issued by the United States Patent and Trademark Office (“PTO”) on May 8, 2001. A copy of the ‘486 Patent is attached as Exhibit A. The ‘722 Patent was duly and legally issued by the United States Patent and Trademark Office (“PTO”) on October 8, 2002. A copy of the ‘722 Patent is attached as Exhibit B

6. The ‘486 Patent and the ‘722 Patent are still in force and effect and are presumed valid under the U.S. patent laws.

#### **COUNT I: WHITLAM’S INFRINGEMENT OF THE ‘486 PATENT**

7. AVERY incorporates by reference herein the allegations of Paragraphs 1-6 of this Complaint.

8. WHITLAM has infringed and continues to infringe the ‘486 Patent through its sale, offer for sale and/or use of infringing heat-seal labels in this judicial district and elsewhere.

9. WHITLAM has knowingly and willfully infringed the ‘486 Patent.

10. WHITLAM's infringement of the '486 Patent has and will continue to cause AVERY damage and irreparable harm unless enjoined by this Court.

**COUNT II: WHITLAM'S INFRINGEMENT OF THE '722 PATENT**

11. AVERY incorporates by reference herein the allegations of Paragraphs 1-10 of this Complaint.

12. WHITLAM has infringed and continues to infringe the '722 Patent through its sale, offer for sale and/or use of infringing heat-seal labels in this judicial district and elsewhere.

13. WHITLAM has contributorily infringed and induced others to infringe the '722 Patent through its sale and offer for sale of infringing heat-seal labels in this judicial district and elsewhere.

13. WHITLAM has knowingly and willfully infringed the '722 Patent.

14. WHITLAM's infringement of the '722 Patent has and will continue to cause AVERY damage and irreparable harm unless enjoined by this Court.

**PRAYER FOR RELIEF**

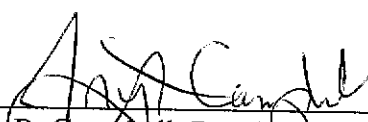
Plaintiff AVERY prays for the following relief:

1. A judgment that WHITLAM has infringed and continues to infringe the '486 Patent and the '722 Patent.

2. A judgment that WHITLAM'S infringement has been willful.

3. A judgment against WHITLAM awarding AVERY damages suffered by AVERY on account of WHITLAM'S infringement of the '486 Patent and the '722 Patent.
4. A judgment that AVERY'S damages be trebled and that punitive damages be assessed against WHITLAM.
5. A preliminary injunction against WHITLAM and any entity acting in concert with it, pursuant to 35 U.S.C. §283, preventing WHITLAM and any such entity, from infringing the '486 Patent and the '722 Patent.
6. A permanent injunction against WHITLAM and any entity acting in concert with it, pursuant to 35 U.S.C. §283, preventing WHITLAM and any such entity, from infringing the '486 Patent and the '722 Patent.
7. A judgment that this is an exceptional case and that AVERY be awarded reasonable attorney fees.
8. A judgment that WHITLAM be directed to pay AVERY its costs incurred herein and such other and further relief as the Court deems just and equitable.

Respectfully submitted,

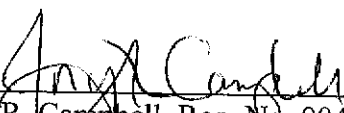
  
\_\_\_\_\_  
Jay R. Campbell, Reg. No. 0041293  
Todd R. Tucker, Reg. No. 0065617  
RENNER, OTTO, BOISSELLE & SKLAR, LLP  
1621 Euclid Avenue  
Nineteenth Floor  
Cleveland, Ohio 44115  
Telephone: (216) 621-1113  
Facsimile: (216) 621-6165

*Attorneys for Avery Dennison Corporation*

**JURY DEMAND**

Plaintiff AVERY respectfully requests a trial by jury as to all issues so triable.

Respectfully submitted,

  
\_\_\_\_\_  
Jay R. Campbell, Reg. No. 0041293  
Todd R. Tucker, Reg. No. 0065617  
RENNER, OTTO, BOISSELLE & SKLAR, LLP  
1621 Euclid Avenue  
Nineteenth Floor  
Cleveland, Ohio 44115  
Telephone: (216) 621-1113  
Facsimile: (216) 621-6165

*Attorneys for Avery Dennison Corporation*