

FILED

2006 JAN 11 PM 3:15

U.S. DISTRICT COURT OF OHIO  
CLEVELAND

IN UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

RUBBERMAID INCORPORATED )  
3320 W. Market Street )  
Fairlawn, Ohio 44333 )

Plaintiff, )

v. )

PLANO MOLDING COMPANY )  
431 E. South Street (Route 34) )  
Plano, Illinois 60545 )

Defendant. )

CIVIL ACTION NO.

JUDGE: **5:06CV00074**

**JUDGE ADAMS**

**COMPLAINT FOR PATENT INFRINGEMENT**  
**(JURY DEMAND)**

For its Complaint against Defendant Plano Molding Company ("Plano"), Plaintiff Rubbermaid Incorporated ("Rubbermaid") states as follows:

**PARTIES**

1. Plaintiff Rubbermaid is a corporation organized and existing under the laws of the State of Ohio and having a place of business at 3320 W. Market Street, Fairlawn, Ohio 44333.
2. Upon information and belief, Defendant Plano is an Illinois corporation having a place of business at 431 E. South Street (Route 34), Plano, Illinois 60545 and is offering products for sale in the United States and this judicial district.

**JURISDICTION**

3. This action arises under the Patent Laws of the United States. Title 35, United States Code § 271(a). 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) and 1400(b).

**COUNT I: INFRINGEMENT OF U.S. PATENT NO. 6,983,854**

5. Rubbermaid incorporates by reference herein the allegations of Paragraphs 1-4 of its Complaint.

6. Rubbermaid is engaged in the manufacture and sale of storage products, among other things, and is the owner of U.S. Patent No. 6,983,854 (“the ‘854 Patent”) for an “Anti-Tip Rack For Long Handled Tools.” A true and accurate copy of the ‘854 Patent is attached as Exhibit A.

7. Plano has infringed and continues to infringe the ‘854 Patent through its manufacture, sale, offer for sale and/or use of storage products within the United States that embody one or more of the claims of the ‘854 Patent, as illustrated in the attached Exhibit B.

8. Plano has knowingly and willfully infringed the ‘854 Patent.

9. Plano’s infringement of the ‘854 Patent has and will continue to cause Rubbermaid damage and irreparable harm unless enjoined by this Court.

**PRAYER FOR RELIEF**

Plaintiff Rubbermaid prays for the following relief:

A. A judgment that Plano has infringed and continues to infringe Rubbermaid’s ‘854 Patent.

B. A judgment that Plano’s infringement has been willful.

C. A judgment against Plano awarding Rubbermaid damages pursuant to 35 U.S.C. § 284 on account of Plano's infringement of the '854 Patent.

D. A judgment that Rubbermaid's damages be trebled and that punitive damages be assessed against Plano in accordance with 35 U.S.C. § 284.

E. A preliminary injunction against Plano and its servants, agents, officers, employees, divisions, subsidiaries and any entity acting in concert with it, pursuant to 35 U.S.C. § 283, from infringing Rubbermaid's '854 Patent.

F. A permanent injunction against Plano and its servants, agents, officers, employees, divisions, subsidiaries and any entity acting in concert with it, pursuant to 35 U.S.C. § 283, from infringing Rubbermaid's '854 Patent.

G. A judgment that this is an exceptional case and that Rubbermaid be awarded reasonable attorney fees pursuant to 35 U.S.C. § 285.

H. A judgment that Plano be directed to pay Rubbermaid its costs incurred herein and such other and further relief as the Court deems just and equitable.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP



---

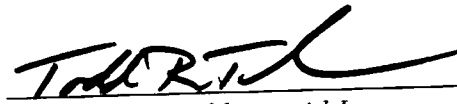
Todd R. Tucker, Reg. No. 0065617  
Thomas G. Fistek, Reg. No. 0077915  
1621 Euclid Avenue  
Nineteenth Floor  
Cleveland, Ohio 44115  
Telephone: (216) 621-1113  
Facsimile: (216) 621-6165  
Email: ttucker@rennerotto.com

*Attorneys for Rubbermaid Incorporated*

**JURY DEMAND**

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

Respectfully submitted,



---

*Attorney for Rubbermaid Incorporated*