

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

x		
Cardinal Saws & Blades, Inc. (A corporation)	:	
Plaintiff	:	Civil Action No.
v.	:	
NED Corporation (A corporation)	:	
and	:	
Glad Tech, Inc. (A corporation)	:	
Defendant	:	
x		

COMPLAINT

Plaintiff, herein complains and alleges as follows:

1. The Plaintiff, Cardinal Saws & Blades, Inc. is a company having corporate headquarters at 100 Barren Hill Road, Conshohocken, Pennsylvania which is under the venue of the United States District Court of the Eastern District of Pennsylvania.
2. There exists a diversity of citizenship between the Plaintiff and the Defendants.
3. On information and belief NED Corporation is a corporation that has corporate headquarters at 18 Grafton Street, Worcester, Massachusetts. NED Corporation also has a satellite office located on Glenwood Road in Hop Bottom, Pennsylvania.
4. On information and belief, Glad Tech, Inc. is a corporation that has corporate headquarters at 2800 Hart Street, Nashville, TN 37207.

COUNT I
PATENT INFRINGEMENT

5. This is an action for patent infringement arising under the patent laws of the United States, particularly, Title 35, United States Code, sections 271 and 281. This Court has subject jurisdiction pursuant to 28 U.S.C. Section 1331 and 1338 in that this Complaint raises federal questions under Title 35 of the United States Code.
6. Plaintiff is the exclusive licensor of United States Patent No. 6,736,126, entitled "Glide Plate Overlay And Glide Plate Assembly For A Cutting Saw And Retrofit Method For Manufacturing Same, which was issued on May 18, 2004 (Herein Plaintiff's Patent) The Plaintiff's patent was issued to Michael G. Schroer and Mark G. Schroer. A copy of the Plaintiff's patent is provided as Exhibit 1.
7. The Plaintiff's Patent is for an auxiliary guide plate that fits over the skid plate cutting saw. The Plaintiff's Patent has twenty (20) claims, which include ten (10) independent claims and ten (10) dependent claims.
8. Plaintiffs are in the business of manufacturing and selling auxiliary guide plates for use on concrete cutting saws of the type covered by the Plaintiff's Patent. The auxiliary guide plate sold by the Defendants is sold under the name "Early Entry Shield".
9. After the issuance of the Plaintiff's Patent, Defendants have begun to manufacture and sell auxiliary guide plates for concrete cutting saws.
10. At least some of the auxiliary guide plates manufactured and sold by Defendants are covered by at least one of the claims of the Plaintiff's Patent.
11. Defendant's infringement of Plaintiff's Patent is ongoing. Plaintiffs have been damaged by loss of sales and customers due to Defendants' infringements of Plaintiff's Patent. Plaintiff claims all damages including, but not limited to, all profits to which they are entitled.
12. Defendant's infringement of Plaintiff's Patent is willful and ongoing, Plaintiff therefore claims both treble damages, punitive damages and attorney's costs.

13. The harm to the Plaintiff resulting from the infringing acts is continuing and will continue unless enjoined by this Court.

COUNT II
UNFAIR COMPETITION

14. This Count arises under the Pennsylvania common law of unfair competition. Jurisdiction is pendant to Count I pursuant to 28 U.S.C. S1338(b). Venue is proper in this District under 28 U.S.C. 1391.
15. Plaintiff hereby realleges and incorporates herein the allegations of paragraphs 5-13, inclusive.
16. By committing the acts herein alleged, Defendants have been guilty of unfair competition, deceptive advertising and unfair trade practices, in violation of the Pennsylvania common law of unfair competition causing Plaintiff damages and loss of profits. Defendants' unlawful conduct will continue to damage Plaintiff unless enjoined by this Court, and Plaintiff has no adequate remedy at law.

COUNT III
VIOLATION OF THE PENNSYLVANIA UNFAIR TRADE
PRACTICES CONSUMER PROTECTION LAW

17. This is an action for unfair methods of competition and unfair and deceptive acts and practices in the conduct of Defendants' trade in violation of the Pennsylvania Unfair Trade Practices And Consumer Protection Law, 73 Pa. P.A. §201 et seq.
18. This cause of action is separate and independent of the cause of action set forth in Count I, but is between the same parties and is based on the same operative facts as set forth in Count I. Pendent jurisdiction of this Court for

Count IV is therefore present pursuant to 28 U.S.C. S1338(v). Venue is proper in this District under 28 U.S.C. 1391.

19. Plaintiff realleges and incorporates herein the allegations of paragraphs 5-18, inclusive.
20. By committing the acts herein alleged, Defendants have been guilty of unfair methods of competition and unfair and deceptive acts and practices in the conduct of its trade within the Commonwealth of Pennsylvania in violation of Pennsylvania Statutes, 73 Pa. P.S. §201 et seq., causing Plaintiff damages and loss of profits. Defendant's unlawful conduct will continue to damage Plaintiff unless enjoined by this Court.

WHEREFORE, Plaintiff prays:

a) That a preliminary and permanent injunction issue restraining Defendants, their agents, servants, employee, successors and assigns and all others in concert and privity with them from infringement of Plaintiff's Patent, from injuring Plaintiff's business, from unfairly competing with Plaintiff, and from engaging in unfair and deceptive trade practices.

b) That Defendants be required to account to Plaintiff for Defendants profits, the actual damages suffered by Plaintiff as a result of Defendants' acts of infringement, unfair competition, and unfair and deceptive trade practices together with interest and costs.

c) That Defendants be ordered to surrender for destruction all products, nameplates, labels, advertisements and other materials constituting infringement of Plaintiff's intellectual property.

d) That Defendants be compelled to pay Plaintiff's treble damages, punitive damages and statutory damages as well as attorney's fees, together with all costs of this suit; and

e) For such other and further relief as may be just and equitable.

Plaintiff,
Cardinal Saws & Blades, Inc.

BY: _____
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JURY DEMAND

Pursuant to F.R.C.P. Rule 38(b), Plaintiff demands a trial by jury on all issues.

Plaintiffs,
Cardinal Saws & Blades, Inc.

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