

SEP 26 2000

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CLERK OF DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

IN UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO

ERICO INTERNATIONAL CORPORATION)
34600 Solon Road)
Solon, Ohio 44139)

Plaintiff,

v.

ARLINGTON INDUSTRIES, INC.)
1 Stauffer Industrial Park)
Scranton, Pennsylvania 18517)

Defendant.)

CIVIL ACTION NO.

1:00CV 2461

JUDGE NUGENT

MAG. JUDGE BAUGHMAN

**COMPLAINT
WITH JURY DEMAND**

For its Complaint against ARLINGTON INDUSTRIES, INC.

("ARLINGTON"), Plaintiff ERICO INTERNATIONAL CORPORATION ("ERICO")

states as follows:

1. Plaintiff ERICO is an Ohio corporation organized and existing under the laws of the State of Ohio, having its headquarters and principal place of business at 34600 Solon Road, Solon, Ohio.

2. Defendant ARLINGTON is a corporation organized and existing under the laws of the State of New York, having its headquarters and principal place of business at 1 Stauffer Industrial Park, Scranton, Pennsylvania 18517.

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. ERICO is the owner by assignment of United States Patent No. 5,964,434 ("the '434 Patent") entitled CABLE SUPPORT AND METHOD. The '434 patent was duly and legally issued by the United States Patent and Trademark Office ("PTO") on October 12, 1999. A copy of the '434 patent is attached as Exhibit A.

6. The '434 patent is still in force and effect and is presumed valid under the U.S. patent laws.

7. ARLINGTON has infringed and continues to infringe the '434 patent through its offer for sale and/or sale of infringing cable support devices including particularly fasteners designed particularly for use with low-voltage high-speed voice and data transmission cables.

8. ARLINGTON has also induced others to use such cable support devices that infringe the '434 patent within the Northern District of Ohio and elsewhere, and will continue to do so unless enjoined by this Court.

9. ARLINGTON has been at all relevant times aware of the '434 patent and has knowingly and willfully infringed the same.

10. ARLINGTON's infringement of the '434 patent has and will continue to cause ERICO damage and irreparable harm unless enjoined by this Court.

PRAYER FOR RELIEF

Plaintiff ERICO prays for the following relief:

1. A judgment that ERICO is the owner of the '434 patent.
2. A judgment that ARLINGTON has infringed and continues to infringe the '434 patent and has actively induced others to infringe the '434 patent.
3. A judgment that ARLINGTON's infringement has been willful.
4. A judgment against ARLINGTON awarding ERICO damages suffered by ERICO on account of ARLINGTON's infringement of the '434 patent.
5. A judgment that ERICO's damages be trebled and that punitive damages be assessed against ARLINGTON.
6. A preliminary injunction against ARLINGTON and any entity acting in concert with it, pursuant to 35 U.S.C. §283, preventing ARLINGTON and any such entity, from infringing the '434 patent.
7. A permanent injunction against ARLINGTON and any entity acting in concert with it, pursuant to 35 U.S.C. §283, preventing ARLINGTON and any such entity, from infringing the '434 patent.
8. A judgment that this is an exceptional case and that ERICO be awarded reasonable attorneys' fees.
9. A judgment that ARLINGTON be directed to pay ERICO its costs incurred herein and such other and further relief as the Court deems just and equitable.

Respectfully submitted,

ERICO INTERNATIONAL CORPORATION

By Its Attorneys



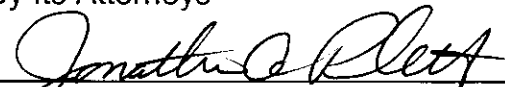
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JURY DEMAND

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

Respectfully submitted,

ERICO INTERNATIONAL CORPORATION
By Its Attorneys



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