

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MALESSA PARTNERS, L.L.C., an Illinois)
limited liability company,)

Plaintiff,)

v.)

AMERIPRINT CORPORATION, an Illinois)
corporation,)

Defendant.)

Civil Action No. _____

DOCKETED
AUG 19 2002

JURY TRIAL DEMANDED

MAGISTRATE JUDGE DENLOW



COMPLAINT

Plaintiff, Malessa Partners, L.L.C. ("Malessa"), complains against Defendant, AmeriPrint Corporation ("AmeriPrint"), as follows:

THE PARTIES

1. Malessa is a limited liability company organized under the laws of the State of Illinois, with its principal place of business at 4100 W Grand Avenue, Chicago, Illinois 60651.
2. AmeriPrint is an Illinois corporation and, upon information and belief, has a principal place of business at 1401 W. Diggins Street, Harvard, Illinois 60033.

JURISDICTION AND VENUE

3. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. §271 et seq. The Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. §§1331 and 1338(a).

U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

1-1

4. Venue is proper in this District pursuant to 28 U.S.C. §§1391 and 1400(b) because AmeriPrint is subject to personal jurisdiction in this District. Upon information and belief, AmeriPrint resides in this District and has committed acts of infringement and has a regular and established place of business within this District.

COUNT I
(Infringement of U.S. Patent No. 6,182,572)

5. On February 6, 2001, U.S. Patent No. 6,182,572 (“the ‘572 Patent”) entitled “Method and Apparatus for Producing Multiple Cut Business Forms” was duly and legally issued on an application filed by John J. McKillip. A copy of the ‘572 patent is attached hereto as Exhibit A.

6. Malessa is the owner of all right, title and interest in the ‘572 Patent.

7. AmeriPrint has been and is willfully infringing the ‘572 Patent: by making, using, offering to sell, and/or selling those inventions patented in the ‘572 Patent within the United States, and upon information and belief, within this District; by inducing others to infringe the ‘572 Patent; and/or by contributing to the infringement by others of the ‘572 Patent. Unless enjoined by the Court, AmeriPrint will continue to infringe, induce the infringement of, and/or contributorily infringe the ‘572 Patent.

8. AmeriPrint was given written notice of its infringement of the ‘572 Patent on or about February 12, 2001.

9. Malessa has been damaged by AmeriPrint’s infringement, inducing infringement and/or contributory infringement of the ‘572 Patent.

10. AmeriPrint's conduct gives rise to increased damages pursuant to 35 U.S.C. §284.

11. This is an exceptional case giving rise to an award of attorney fees to Malessa pursuant to 35 U.S.C. §285.

COUNT II
(Infringement of U.S. Patent No. 6,389,971)

12. On May 21, 2002, U.S. Patent No. 6,389,971 ("the '971 Patent") entitled "Method and Apparatus for Producing Business Forms" was duly and legally issued on an application filed by John J. McKillip. A copy of the '971 patent is attached hereto as Exhibit B.

13. Malessa is the owner of all right, title and interest in the '971 Patent.

14. AmeriPrint has been and is willfully infringing the '971 Patent by making, using, offering to sell and/or selling those inventions patented in the '971 Patent within the United States and, upon information and belief, within this District; by inducing others to infringe the '971 Patent; and/or by contributing to the infringement by others of the '971 Patent. Unless enjoined by the Court, AmeriPrint will continue to infringe, induce the infringement of, and/or contributorily infringe the '971 Patent.

15. AmeriPrint was given written notice of its infringement of the '971 Patent on or about May 21, 2002.

16. Malessa has been damaged by AmeriPrint's infringement, inducing infringement and/or contributory infringement of the '971 Patent.

17. AmeriPrint's conduct gives rise to increased damages pursuant to 35 U.S.C. §284.

18. This is an exceptional case giving rise to an award of attorney fees to Malessa pursuant to 35 U.S.C. §285.

PRAYER FOR RELIEF

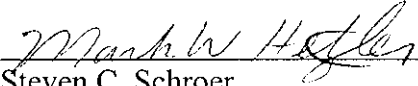
WHEREFORE, Malessa prays for:

1. Judgment that the '572 and '971 Patents are valid, enforceable and infringed by AmeriPrint;
2. Judgment that the infringement of the '572 and '971 Patents by AmeriPrint has been and is willful;
3. A preliminary and permanent injunction enjoining AmeriPrint, its officers, agents, servants, employees and those persons acting in active concert or participation with AmeriPrint from infringing, inducing infringement of, and/or contributorily infringing the '572 and '971 Patents;
4. An award of damages arising out of AmeriPrint's infringement, inducing infringement, and/or contributory infringement of the '572 and '971 Patents, together with pre-judgment and post-judgment interest;
5. An award of damages arising out of AmeriPrint's willful infringement, willful inducing infringement, and/or willful contributory infringement of the '572 and '971 Patents, together with pre-judgment and post-judgment interest;
6. Judgment that the damages be increased in accordance with 35 U.S.C. §284;
7. Judgment that this is an exceptional case and that Malessa be awarded its attorney's fees, costs and expenses incurred in this action in accordance with 35 U.S.C. §285; and
8. Such other and further relief as the Court may deem just and proper.

JURY DEMAND

Malessa demands trial by jury of all issues triable of right by a jury.

Date: August 16, 2002



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Attorneys for Malessa Partners, L.L.C.

Carl

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

020 5876

Civil Cover Sheet

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is authorized for use only in the Northern District of Illinois.

JUDGE MANNING

Plaintiff(s): MALESSA PARTNERS, L.L.C.

Defendant(s): AMERIPRINT CORPORATION

County of Residence: Cook

County of Residence: McHenry

Plaintiff's Atty: Mark W. Hetzler
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120 South LaSalle Street, Suite 1600
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312/577-7000

Defendant's Atty: Paul G. Juettner
GREER, BURNS & CRAIG,
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300 South Wacker Drive, Suite
2500, Chicago, IL 60606
312/360-0080

DOCKETED
AUG 19 2002

MAGISTRATE JUDGE DENLOW

II. Basis of Jurisdiction: 3. Federal Question (U.S. not a party)

III. Citizenship of Principal Parties
(Diversity Cases Only)

Plaintiff:- N/A
Defendant:- N/A

IV. Origin : 1. Original Proceeding

V. Nature of Suit: 830 Patent

VI. Cause of Action: 35 U.S.C. §271 et seq.

VII. Requested in Complaint

Class Action: No
Dollar Demand:
Jury Demand: Yes

VIII. This case IS NOT a refile of a previously dismissed case.

Signature: *Mark W. Hetzler*

Date: *August 16, 2002*

If any of this information is incorrect, please go back to the Civil Cover Sheet Input form using the *Back* button in your browser and change it. Once correct, print this form, sign and date it and submit it with your new civil action. **Note: You may need to adjust the font size in your browser display to make the form print properly.**

Revised: 06/28/00

1-2

NOTE: When the print dialogue box appears, be sure to uncheck the Annotations option.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

Eastern Division

In the Matter of

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Double click on question mark for appearance form instructions

MALESSA PARTNERS, L.L.C.

JUDGE MANNING

Case Number

020 5876

v.

AMERIPRINT CORPORATION

APPEARANCES ARE HEREBY FILED BY THE UNDERSIGNED AS ATTORNEY(S) FOR:

MALESSA PARTNERS, L.L.C.

MAGISTRATE JUDGE DENLOW

DOCKETED

AUG 19 2002

(A)		(B)	
SIGNATURE		SIGNATURE <i>Mark W. Hetzler</i>	
NAME Steven C. Schroer		NAME Mark W. Hetzler	
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IDENTIFICATION NUMBER 06250991		IDENTIFICATION NUMBER 06217209	
MEMBER OF TRIAL BAR? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		MEMBER OF TRIAL BAR? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
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		DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
(C)		(D)	
SIGNATURE <i>Jon A. Birmingham</i>		SIGNATURE	
NAME Jon A. Birmingham		NAME	
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IDENTIFICATION NUMBER 06271956		IDENTIFICATION NUMBER	
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13