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AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

PACIFIC INTERNATIONAL  
TOOL & SHEAR,  
a Washington corporation,

Plaintiff,

v

CERTAINTeed CORPORATION,  
a Pennsylvania corporation,

Defendant

CIVIL ACTION NO.  
**CV02 0839** z

COMPLAINT FOR PATENT  
INFRINGEMENT

JURY DEMAND

305800 Shiss

Plaintiff Pacific International Tool & Shear ("Pacific"), in and for its Complaint against  
defendant CertainTeed Corporation ("CertainTeed"), alleges as follows

**THE PARTIES**

1 Plaintiff Pacific is a Washington corporation with its principal place of business  
at 26130 Bond Road NE, Kingston, Washington, 98346



CV 02-0839 #1

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2 Defendant CertainTeed is a Pennsylvania corporation with its principal place of business at 750 East Swedesford Road, Valley Forge, Pennsylvania, 19482 CertainTeed conducts business in this judicial district and, upon information and belief, has committed or actively induced infringing acts in this district

#### JURISDICTION AND VENUE

3 This is an action for patent infringement under the patent laws of the United States, 35 U S C § 271 et seq. Jurisdiction is conferred upon this Court by 28 U S C §§ 1331 (federal question), 1332 (diversity) and 1338(a) (patent case)

4 Venue is proper in this District under 28 U S C § 1391(c) and 1391(d) because defendant is subject to personal jurisdiction in this district for the claims alleged herein

#### PLAINTIFF AND ITS RIGHTS

5 Pacific is a leading manufacturer, developer and marketer of building products, including tools for cutting fiber-cement siding and roof shakes As part of its ongoing development efforts, Pacific invented a new fiber-cement exterior siding panel, and a method for making the panel

6 The United States Patent and Trademark Office acknowledged the importance of Pacific's invention by issuing to Pacific United States Patent No 6,276,107 (the "'107 patent") on August 21, 2001 A copy of the '107 patent is attached hereto as Exhibit No 1

7 The '107 patent is valid and enforceable, and Pacific is the owner of the '107 patent and has the right to sue for infringement of the patent

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**DEFENDANT'S INFRINGEMENT**

8 CertainTeed is in the business of, among other things, manufacturing exterior building materials for new construction and home remodeling needs

9 On information and belief, CertainTeed has infringed the '107 patent  
10 CertainTeed has infringed because, among other things, it has made, offered for sale,  
11 distributed, used, and/or sold siding panels that infringe one or more claims of the '107 patent  
12 and/or has used the methods claimed in the patent

**CLAIM FOR PATENT INFRINGEMENT**

10 Pacific realleges and incorporates by reference as if fully set forth herein the allegations in paragraphs 1-9 above

11 CertainTeed has infringed one or more claims of the '107 patent

12 On information and belief, CertainTeed knew or should have known of the '107 patent, but has not taken any action to avoid infringement CertainTeed's infringement has thus been willful for the purposes of 35 U S C §285

13 CertainTeed will continue such infringement unless enjoined by this Court

**PRAYER FOR RELIEF**

WHEREFORE, Pacific prays for the following relief

1 For a preliminary and permanent injunction, enjoining CertainTeed, its agents, servants, employees and all those in privity with CertainTeed from making, using, selling or offering for sale any method or system infringing the '107 patent,

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2 For judgment in favor of Pacific and against CertainTeed awarding damages together with interest and costs to compensate for the infringement by CertainTeed of the '107 patent, such award to be tripled in accordance with 35 U S C § 284 or as otherwise permitted by law,

3 For judgment against CertainTeed for Pacific's costs of suit, including Pacific's reasonable attorneys' fees pursuant to 35 U S C § 285 or as otherwise permitted by law, and

4 For such other relief as the Court may deem just and proper

**JURY DEMAND**

Pursuant to Federal Rule of Civil Procedure 38(b), Pacific demands a trial by jury as to all issues so triable in this action

DATED this 16<sup>th</sup> day of April 2002

**PERKINS COIE LLP**

By 

Ramsey M Al-Salam, WSBA #18822  
Kirstin Larson, WSBA #31272

Attorneys for Pacific International Tool & Shear