

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

STOWE WOODWARD, L.L.C.)	
)	
Plaintiff,)	Civil Action No: 5:04cv00001
)	
v.)	
)	
SENSOR PRODUCTS, INC. and)	
METSO PAPER USA, INC.)	AMENDED COMPLAINT AND JURY
)	DEMAND
Defendants.)	
_____)	

Plaintiff, Stowe Woodward, L.L.C. ("Stowe Woodward"), by and for its amended complaint against defendants, Sensor Products, Inc. ("SPI") and Metso Paper USA, Inc. ("Metso"), alleges as follows:

I. THE PARTIES

1. Plaintiff Stowe Woodward is a limited liability company formed under the laws of the State of Delaware and having a principal place of business at 8207 Valley Pike, Middletown, Virginia.

2. Upon information and belief, defendant SPI is a corporation that is incorporated under the laws of the State of New Jersey, having a place of business at 188 Rt. 10, Suite 307, East Hanover, New Jersey 07936.

3. Upon information and belief, defendant Metso is a corporation that is incorporated under the laws of the state of Delaware, having a place of business at 2900 Courtyards Drive, Norcross, Georgia, 30071-1554.

II. JURISDICTION

4. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

5. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

6. On information and belief, defendant SPI sells products and does business in this district generally, advertises in trade journals and by e-mail directed to residents and companies in this district, and advertises the product at issue in this Amended Complaint on a web page or web pages, thereby offering such products for sale in this district.

7. On information and belief, defendant Metso sells products and does business in this district generally and advertises the product at issue in this Amended Complaint on a web page or web pages, thereby offering such products for sale in this district.

8. Venue is proper in this judicial district under 28 U.S.C. §§ 1391 and 1400.

III. CAUSE OF ACTION FOR PATENT INFRINGEMENT

9. On May 27, 2003, United States Patent No. 6,568,285 ("the '285 Patent"), entitled *Nip Width Sensing System and Method*, was duly and legally issued to Stowe Woodward as assignee of Robert H. Moore and William B. Kennedy, the inventors named in United States Provisional Patent Application No. 60/075,237, filed February 19, 1998, and United States Patent Application No. 09/252,203, filed February 18, 1999. A true and accurate copy of the '285 Patent is attached as Exhibit A.

10. Since the issuance of the '285 Patent, plaintiff Stowe Woodward has been and remains the owner of all right and title to the '285 Patent, including the right to recover for past and current infringement.

11. The invention of the '285 Patent was developed at plaintiff Stowe Woodward by Robert H. Moore and William B. Kennedy.

12. Plaintiff Stowe Woodward is engaged in the business of, *inter alia*, selling devices for detecting and measuring a nip width between rolls of a press nip.

13. On information and belief, defendant SPI is engaged in the business, *inter alia*, of manufacturing, offering for sale, and selling devices for detecting and measuring a nip width between rolls of a nip press, including the E-nip® system.

14. On information and belief, defendant SPI has been, for a time past, and is currently infringing, contributing to the infringement of, and/or inducing the infringement of, directly or indirectly, the '285 Patent by, among other things, making, using, selling, importing, and/or offering for sale, devices for detecting and measuring a nip width between rolls of a nip press, including the E-nip® system, within the territorial boundaries of the United States that is covered by one or more claims of the '285 Patent.

15. On information and belief, defendant SPI's infringement of the '285 Patent has been and is willful, and will continue unless enjoined by this Court. Plaintiff Stowe Woodward has suffered, and will continue to suffer, irreparable injury as a result of this willful infringement. Pursuant to 35 U.S.C. § 284, plaintiff Stowe Woodward is entitled to damages for infringement and treble damages for the willful infringement of the '285 Patent. Pursuant to 35 U.S.C. § 283, plaintiff Stowe Woodward is entitled to a preliminary and a permanent injunction against further infringement of the claims of the '285 Patent.

16. On information and belief, defendant Metso is engaged in the business, *inter alia*, of offering for sale, and selling devices for detecting and measuring a nip width between rolls of a nip press, including the E-nip® system.

17. On information and belief, defendant Metso has been, for a time past, and is currently infringing, contributing to the infringement of, and/or inducing the infringement of, directly or indirectly, the '285 Patent by, among other things, using, selling, importing, and/or offering for sale, devices for detecting and measuring a nip width between rolls of a nip press, including the E-nip® system, within the territorial boundaries of the United States that is covered by one or more claims of the '285 Patent.

18. On information and belief, defendant Metso has actively induced infringement of the '285 Patent by, among other things, asking SPI to develop and manufacture devices for detecting and measuring a nip width between rolls of a nip press, including the E-nip® system, within the territorial boundaries of the United States that is covered by one or more claims of the '285 Patent.

19. On information and belief, defendant Metso's infringement of the '285 Patent has been and is willful, and will continue unless enjoined by this Court. Plaintiff Stowe Woodward has suffered, and will continue to suffer, irreparable injury as a result of this willful infringement. Pursuant to 35 U.S.C. § 284, plaintiff Stowe Woodward is entitled to damages for infringement and treble damages for the willful infringement of the '285 Patent. Pursuant to 35 U.S.C. § 283, plaintiff Stowe Woodward is entitled to a preliminary and a permanent injunction against further infringement of the claims of the '285 Patent.

20. On August 3, 2004, United States Patent No. 6,769,314 (the '314 Patent), entitled *Nip Width Sensing System and Method*, was duly and legally issued to Stowe Woodward as assignee of Robert H. Moore and William B. Kennedy, the inventors named in United States Provisional Patent Application No. 09/252,203, filed February 18, 1999. A true and accurate copy of the '314 patent is attached as Exhibit B.

21. Since the issuance of the '314 Patent, plaintiff Stowe Woodward has been and remains the rightful owner of all right and title to the '314 Patent, including the right to recover for past and current infringement.

22. The invention of the '314 Patent was developed at plaintiff Stowe Woodward by Robert H. Moore and William B. Kennedy.

23. Plaintiff Stowe Woodward is engaged in the business of, *inter alia*, selling devices for detecting and measuring a nip width between rolls of a press nip.

24. On information and belief, defendant SPI is engaged in the business, *inter alia*, of manufacturing, offering for sale, and selling devices for detecting and measuring a nip width between rolls of a nip press, including the E-nip® system.

25. On information and belief, defendant SPI has been, for a time past, and is currently infringing, contributing to the infringement of, and/or inducing the infringement of, directly or indirectly, the '314 Patent by, among other things, making, using, selling, importing, and/or offering for sale, devices for detecting and measuring a nip width between rolls of a nip press, including the E-nip® system, within the territorial boundaries of the United States that is covered by one or more claims of the '314 Patent.

26. On information and belief, defendant SPI's infringement of the '314 Patent has been and is willful, and will continue unless enjoined by this Court. Plaintiff Stowe Woodward has suffered, and will continue to suffer, irreparable injury as a result of this willful infringement. Pursuant to 35 U.S.C. § 284, plaintiff Stowe Woodward is entitled to damages for infringement and treble damages for the willful infringement of the '314 Patent. Pursuant to 35 U.S.C. § 283, plaintiff Stowe Woodward is entitled to a preliminary and a permanent injunction against further infringement of the claims of the '314 Patent.

27. On information and belief, defendant Metso is engaged in the business, *inter alia*, of offering for sale, and selling devices for detecting and measuring a nip width between rolls of a nip press, including the E-nip® system.

28. On information and belief, defendant Metso has been, for a time past, and is currently infringing, contributing to the infringement of, and/or inducing the infringement of, directly or indirectly, the '314 Patent by, among other things, using, selling, importing, and/or offering for sale, devices for detecting and measuring a nip width between rolls of a nip press, including the E-nip® system, within the territorial boundaries of the United States that is covered by one or more claims of the '314 Patent.

29. On information and belief, defendant Metso has actively induced infringement of the '314 Patent by, among other things, asking SPI to develop and manufacture devices for detecting and measuring a nip width between rolls of a nip press, including the E-nip® system, within the territorial boundaries of the United States that is covered by one or more claims of the '314 Patent.

30. On information and belief, defendant Metso's infringement of the '314 Patent has been and is willful, and will continue unless enjoined by this Court. Plaintiff Stowe Woodward has suffered, and will continue to suffer, irreparable injury as a result of this willful infringement. Pursuant to 35 U.S.C. § 284, plaintiff Stowe Woodward is entitled to damages for infringement and treble damages for the willful infringement of the '314 Patent. Pursuant to 35 U.S.C. § 283, plaintiff Stowe Woodward is entitled to a preliminary and a permanent injunction against further infringement of the claims of the '314 Patent.

31. This case is exceptional and, therefore, plaintiff Stowe Woodward is entitled to attorneys' fees pursuant to 35 U.S.C. § 285.

IV. DEMAND FOR JURY TRIAL

32. Plaintiff Stowe Woodward demands a trial by jury on all disputed issues.

WHEREFORE, plaintiff Stowe Woodward prays for relief as follows:

A. That a judgment be entered by this Court that defendant SPI and defendant Metso have infringed the '285 and the '314 Patents, and that such infringement has been willful;

B. That a judgment be entered by this Court preliminarily and permanently enjoining defendant SPI, its officers, agents, servants, employees, attorneys, and those persons in active concert or participation with any of them and defendant Metso, its officers, agents, servants, employees, attorneys, and those persons in active concert or participation with any of them from further acts of direct or indirect infringement of the '285 and the '314 Patents;

C. That a judgment be entered by this Court ordering an accounting of damages by virtue of defendants' infringement of the '285 and the '314 Patents;

D. That a judgment be entered by this Court awarding damages to compensate plaintiff Stowe Woodward for defendants' infringement, pursuant to 35 U.S.C. § 284, including that said damages be trebled because of defendants' willful infringement;

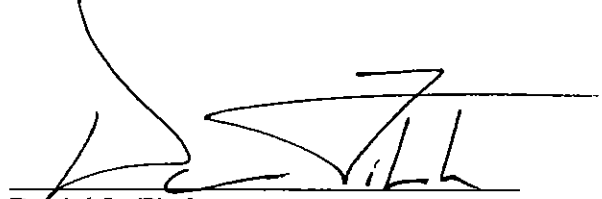
E. That a judgment be entered by this Court assessing pre-judgment and post-judgment interest and costs against defendants SPI and Metso, together with an award of such interest and costs, in accordance with 35 U.S.C. § 284;

F. That a judgment be entered by this Court directing defendants to pay plaintiff Stowe Woodward's attorneys' fees incurred in connection with this lawsuit pursuant to 35 U.S.C. § 285; and

G. That this Court award plaintiff Stowe Woodward such other and further relief as this Court may deem just and proper.

This 16th day of November 2005.

By:

A handwritten signature in black ink, appearing to read 'D. Fitch', written over a horizontal line.

Daniel L. Fitch
Wharton Aldhizer & Weaver PLC
Post Office Box 20028
Harrisonburg, Virginia 22801-7528
(540) 434-0316
(540) 434-5502

Myers Bigel Sibley & Sajovec, PA
Richard P. Vitek
Anna R. Carr
Post Office Box 37428
Raleigh, North Carolina 27627
(919) 854-1400
(919) 854-1401

ATTORNEYS FOR PLAINTIFF STOWE
WOODWARD, L.L.C.

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