

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

METSO PAPER KARLSTAD AB,)	
)	
Plaintiff,)	
)	
v.)	
)	Civil Action No. 1:04cv396
VALCO CINCINNATI, INC.)	Judge Dlott
411 Circle Freeway Drive)	Magistrate Judge Black
Cincinnati, Ohio 45246)	
)	
Serve to Statutory Agent:)	
Gregory T. Amend (at address above))	
)	
Defendant.)	
_____)	

COMPLAINT FOR FEDERAL PATENT INFRINGEMENT

1. Plaintiff Metso Paper Karlstad AB (“Metso”) is a corporation organized and existing under the laws of Sweden, having a primary place of business located at Karlstad, Sweden.

2. Defendant Valco Cincinnati, Inc. (“Valco”) is, on information and belief, an Ohio corporation organized and existing under the laws of the State of Ohio, having a principal place of business at 411 Circle Freeway Drive, Cincinnati, Ohio 45246, within this judicial district.

3. This is an action for federal patent infringement pursuant to 35 U.S.C. § 281. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a), and venue has been properly laid in this District pursuant to 28 U.S.C. §§ 1391(c) and 1400(b).

4. Metso is a leading manufacturer and supplier of equipment used in the manufacture of paper, including paper machine headboxes, press sections, paper reel-ups and other equipment used in a fully integrated papermaking line. Metso is considered one of the world leaders in this industry. Metso is also actively engaged in research and development efforts and regularly obtains patent protection on its innovative products.

5. Metso is the owner of all right, title, and interest in and to United States Patent No. 6,045,085. The '085 patent was originally issued on April 4, 2000, to Metso's predecessor in name, Valmet-Karlstad AB. The '085 patent is directed to an improved reel-up apparatus for a paper machine utilizing an adhesive dispensing system to facilitate the transfer of a formed paper web when changing full-width reels in order to minimize costly disruptions that can result from ineffective transfer operations.

6. On information and belief, Valco is also engaged in the manufacture of selected apparatus for use by manufacturers of paper products. Further, on information and belief, Valco has been manufacturing, selling, and installing an adhesive dispensing device and related equipment which is specifically designed for use in constructing the patented reel up assembly claimed in Metso's '085 patent.

7. Valco's provision of the specialized equipment and/or related installation constitute acts of contributory and/or direct patent infringement in derogation of 35 U.S.C. § 271.

8. Metso has previously given notice to Valco of its claims and concerns, but Valco has not, to Metso's knowledge, abated any of its relevant activity, nor has it provided any explanation or alleged justification for its conduct. Accordingly, Valco's acts of unauthorized manufacture and sale will apparently continue unabated unless and until enjoined by this Court.

9. On information and belief, Valco's acts of infringement have been committed in willful and deliberate disregard for Metso's patent rights and without reasonable justification therefor, thereby making this an exceptional case within the meaning of 35 U.S.C. § 285.

WHEREFORE, Metso Paper Karlstad AB prays for the entry of a judgment:

1. Holding that Valco has manufactured, sold, and installed adhesive dispensing devices and related equipment for aiding in the transfer of a reel that infringe relevant claims of the '085 patent;
2. Awarding Metso damages sufficient to compensate for such unauthorized acts of infringement in accordance with 35 U.S.C. §284, together with prejudgment interest;
3. Increasing the damages up to three times by virtue of the willful and deliberate nature of Valco's acts of infringement in accordance with 35 U.S.C. §284;

4. Awarding Metso its reasonable attorneys' fees and costs incurred in connection with this action;
5. Permanently enjoining Valco and any parties in privity therewith from any further acts of infringement; and
6. Awarding such other and further relief as the Court may deem just and proper.

Respectfully submitted,

METSO PAPER KARLSTAD AB

By: /s/Timothy C. Ammer (original signature
on file with Court)

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Instructions to the Clerk

Please serve a copy of the Complaint upon Defendant, by **Certified Mail, Return Receipt Requested**, at the address listed in the caption of the Complaint.

/s/Timothy C. Ammer (original signature on
file with Court)

TIMOTHY C. AMMER

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