

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

ILLINOIS TOOL WORKS INC.)	
)	
Plaintiff,)	
)	
v.)	Case No.: 11-cv-1034
)	
)	Jury Trial Requested
SAMUEL, SON & CO. LTD. and SAMUEL STRAPPING SYSTEMS, INC.,)	
)	
Defendants.)	

COMPLAINT

Plaintiff Illinois Tool Works Inc. (“ITW”) for its Complaint for infringement of United States Patent No. 7,625,628 (hereinafter “the ’628 patent”) against Defendants Samuel, Son & Co., Ltd. (“Samuel, Son & Co.”) and Samuel Strapping Systems, Inc. (“Samuel Strapping”) (collectively “Defendants”) alleges as follows:

PARTIES

1. Plaintiff ITW is a Delaware corporation, having a principal place of business within this judicial district at 3600 West Lake Avenue, Glenview, IL 60026. ITW is a leading global diversified manufacturer of engineered products and specialty systems. ITW, through its Signode division, manufactures, markets and sells a successful line of polyester strapping products covered by the claims of the ’628 patent.

2. Upon information and belief, Defendant Samuel Strapping is an Ohio corporation with a principal place of business located in Columbus, Ohio 43215. Upon information and

belief, Defendant Samuel Strapping is registered with the Illinois Secretary of State to do business in Illinois and has a place of business located at 1401 Davey Road, Suite 300, Woodridge, IL 60517.

3. Upon information and belief, Defendant Samuel Strapping is a wholly owned division of Defendant Samuel, Son & Co., a company organized and existing under the laws of Canada with a place of business located 2360 Dixie Road, Mississauga, Ontario, CN L4Y1Z.

4. According to the Samuel, Son & Co. website, "Samuel, Son & Co., Limited conveniently operates manufacturing and packaging locations from coast-to-coast in the United States," including the Samuel Strapping Systems location at 1401 Davey Road, Suite 300, Woodridge, IL 60517. Upon information and belief, Samuel, Son & Co. also has a place of business located at 330 Joe Orr Road, Building Chicago Heights, Illinois 60411.

6. Upon information and belief, Defendants transact business in the State of Illinois.

7. Upon information and belief Defendants have continuous and systematic contacts with the state of Illinois.

8. Upon information and belief, some of Defendants' infringing activities alleged herein occurred in the State of Illinois and in this judicial district.

JURISDICTION AND VENUE

9. This action arises under the patent laws of the United States, 35 U.S.C. §§ 100 *et seq.* This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

10. Venue is proper in this district pursuant to 28 U.S.C. §§ 1400(b) and 1391(b) and (c).

BACKGROUND

11. On December 1, 2009, the '628 patent was duly and legally issued to ITW for inventions entitled: "High Integrity Polyester Strapping." ITW has been assigned all right, title and interest in the '628 patent. A true and correct copy of the '628 patent is attached hereto as **EXHIBIT A.**

12. The '628 patent is directed to improved polyester strapping useful for binding objects such as pallets, bales, and large boxes.

13. Defendant Samuel Strapping and Defendant Samuel, Son & Co., through its wholly owned Samuel Strapping division, have manufactured, used, offered to sell and/or sold polyester strapping products that embody the patented invention.

COUNT I - INFRINGEMENT OF U.S. PATENT NO. 7,625,628

14. ITW incorporates by reference, as if fully set forth, each of the allegations set forth in paragraphs 1 through 13, inclusive.

15. Defendants have infringed and continue to infringe the '628 patent by manufacturing, using, offering for sale and/or selling, polyester strapping products in the U.S. that are covered by one or more claims of the '628 patent.

16. Defendants' acts of infringement have resulted in damages to ITW.

17. As a result of Defendants' infringement of the '628 patent, ITW has suffered irreparable injury and will continue to suffer irreparable injury and damage for which there is no adequate remedy at law, unless the Court enjoins Defendant from continuing their infringing activities.

RELIEF REQUESTED

WHEREFORE, ITW prays for entry of judgment against Defendants as follows:

- A. for a finding that Defendants have infringed ITW's '628 patent;
- B. for an Order permanently enjoining Defendants and its officers, agents, affiliates, servants and employees, and any and all persons acting under Defendants' authority, from infringing ITW's '628 patent and from continuing to manufacture, import, offer for sale or sell any product that infringes the '628 patent;
- C. for damages pursuant to 35 U.S.C. § 284;
- .D. for an assessment of interest and costs against Defendants;
- E. for a determination that this is an exceptional case and for an award to ITW of its attorneys' fees and expenses incurred in this action; and
- F. for such other and further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

ITW requests a jury trial on all issues properly triable to a jury.

HUSCH BLACKWELL, LLP

Dated: February 14, 2011.

By /s/ Sherry L. Rollo

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