

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
LEXINGTON DIVISION  
CIVIL ACTION NO. 5:04-334-JBC

Eastern District of Kentucky  
**FILED**

JUL 20 2004

AT LEXINGTON  
LESLIE G. WHITMER  
CLERK U.S. DISTRICT COURT  
PLAINTIFF

PROMOTIONAL CONTAINERS, INC.

v. **COMPLAINT**

GENERAL TECHNOLOGIES, INC.

DEFENDANT

Serve: Felix L. Sorkin  
P.O. Box 1503  
Stafford, TX 77477

1. Plaintiff, Promotional Containers, Inc., (hereinafter "Plaintiff") is a Nevada corporation with principal offices at Lexington, Kentucky.

2. Defendant, General Technologies, Inc. (hereinafter "Defendant") is a Texas corporation with principal offices at Stafford, Texas and doing business within this district.

3. This Court has jurisdiction over the parties and over the subject matter of this action under the patent laws of the United States, pursuant to the provisions of section 1338(a) of Title 28, United States Code. Venue properly lies within this judicial district, pursuant to the provisions of sections 1391(b) and (c), and/or 1400(b) of Title 28, United States Code.

4. United States Letters Patent No. 4,942,714 hereinafter "the '714 patent" for an invention entitled "REBAR AND BEAM BOLSTER, SLAB AND BEAM BOLSTER UPPER" duly and legally issued on July 24, 1990. A copy of the '714 patent is attached as Exhibit A.

5. United States Patent Design 324,643 (hereinafter “the ‘643 patent) for a design entitled “REBAR AND BEAM HIGHCHAIR” duly and legally issued on March 17, 1992. A copy of the ‘643 patent is attached as Exhibit B.

6. Plaintiff is the present assignee under the ‘714 and ‘643 patents and has the exclusive right to sue for infringement of these patents.

7. Defendant has, prior to the filing of this complaint, infringed the ‘714 patent by making, using, selling and offering to sell bolsters embodying the patented invention within the United States.

8. Defendant has, prior to the filing of this Complaint, infringed the ‘643 patent by making, using, selling and offering to sell rebar and beam highchairs that embody the patented design within the United States.

9. Defendant’s infringement will continue unless enjoined by this Court.

10. Defendant’s infringement of the patent-in-suit has been and continues to be willful and wanton.

WHEREFORE, Plaintiff prays for judgment:

A. that Defendant infringed the ‘714 and ‘643 patents;

B. permanently enjoining Defendant, its agents, attorneys, successors and assigns, and all persons acting on their behalf or within their control, from making, using, selling, offering to sell, importing or otherwise engaging in acts of infringement of the ‘714 and ‘643 patents;

- C. awarding actual damages for said infringement;
- D. awarding defendant's total profits with regard to design patent infringement pursuant to 35 U.S.C. §289;
- E. awarding treble damages pursuant to 35 U.S.C. §284;
- F. declaring this an exceptional case pursuant to 35 U.S.C. §285 and awarding Plaintiff its attorney fees, costs and expenses;
- G. trial by jury; and
- H. granting Plaintiff such further relief as this Court may deem proper.

Respectfully submitted,

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and

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BY:   
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