

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

OLD RELIABLE WHOLESALE, INC.,)	
250 South Van Buren Ave.)	Case No.:
Barberton, Ohio 44203)	
)	
Plaintiff,)	Judge:
)	
v.)	
)	
CORNELL CORPORATON)	
808 South 3rd Street)	<u>COMPLAINT FOR</u>
Cornell, WI 54732)	<u>PATENT INFRINGEMENT</u>
)	
Defendant.)	JURY TRIAL DEMANDED

Plaintiff, Old Reliable Wholesale, Inc. (“ORW”), for its Complaint against Defendant, Cornell Corporation (“Cornell”), hereby demands a jury trial and alleges as follows:

PARTIES

1. ORW is a corporation organized under the laws of the State of Ohio, with its principal place of business at 250 South Van Buren Ave., Barberton, Ohio 44203
2. On information and belief, Cornell is a corporation organized under the laws of the State of Wisconsin, with a principal place of business at 808 South 3rd Street, Cornell, Wisconsin 54732.

JURISDICTION AND VENUE

3. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 271 *et seq.*

4. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a).

5. Defendant has committed acts of patent infringement in the Federal District for the Northern District of Ohio and elsewhere throughout the United States.

6. Venue is proper in this Court under 28 U.S.C. §§ 1391(c) and 1400(b), in that Cornell is subject to personal jurisdiction in this district and therefore resides in this district, and Cornell has and is committing acts of infringement in this district.

FACTUAL BACKGROUND

7. On December 3, 1991, U.S. Patent No. 5,069,950 (“the ‘950 patent”) was issued to Anthony J. Crookston, Sr. for an invention entitled INSULATED ROOF BOARD. ORW is the sole owner of the entire right, title, and interest in the ‘950 patent by virtue of assignment. A copy of the ‘950 patent is attached hereto as Exhibit A.

8. On information and belief, Cornell is willfully and deliberately infringing the '950 patent by importing, manufacturing, using, offering for sale, and/or selling insulated roof boards under the product names “Vent-Top Thermacal 1” and “Vent-Top Thermacal X¹.” Copies of Cornell’s promotional materials illustrating and describing its insulated roof boards are attached as Exhibit B and Exhibit C.

9. Cornell’s products are being imported, manufactured, used, sold and/or offered for sale without permission or license from ORW, and Cornell will continue such infringement unless enjoined by this Court. The importation, manufacture, use, offer for sale, and/or sale of such products in the United States are direct infringements of at least claims 1, 2, 3, 6, and 7 of the '950 patent.

10. As a direct and proximate result of Cornell’s infringement of the ‘950 patent, ORW has suffered and continues to suffer damages.

11. The required statutory notice has been placed on any products sold by ORW that are protected by the '950 patent.

WHEREFORE, ORW respectfully requests judgment in its favor and an award of the following relief:

- a. permanent injunctive relief prohibiting Cornell, its agents, employees, licensees, and all those in privity with Cornell from engaging in acts of infringement of the '950 patent;
- b. an award of all damages recoverable under the United States Patent Laws;
- c. an award of treble damages for Cornell's willful infringement;
- d. an award of attorneys' fees to the extent permitted under 35 U.S.C. § 285;
- e. an award of all taxable costs; and
- f. such other and further legal and equitable relief as the Court deems appropriate.

Respectfully submitted,

HAHN LOESER & PARKS LLP

By: /s/ R. Eric Gaum

R. Eric Gaum, Ohio Bar No. 0066573

regaum@hahnlaw.com

Walter Edward Crooks, Ohio Bar No. 0075249

wcrooks@hahnlaw.com

One GOJO Plaza, Suite 300

Akron, Ohio 44311-1076

(330) 864-5550 (voice)

(330) 864-7986 (facsimile)

Attorneys for Plaintiff

Old Reliable Wholesale, Inc.