

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

DOCKETED
AUG 29 2001

SOLAIA TECHNOLOGY LLC,)
)
Plaintiff,)
)
v.)
)
JEFFERSON SMURFIT CORPORATION,)
)
Defendant.)

01C 6641

Civil Action No.

JURY TRIAL DEMANDED

JUDGE HOLDERMAN

MAGISTRATE JUDGE ROSEMOND

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, Solaia Technology LLC ("Solaia"), complains of Defendant, Jefferson Smurfit Corporation ("Jefferson Smurfit"), as follows:

1. This is a claim for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code. This Court has exclusive jurisdiction over the subject matter under 28 U.S.C. § 1338(a).

2. Solaia is an Illinois limited liability company with its principal place of business in Chicago, Illinois. Solaia owns all right, title and interest in and has standing to sue for infringement of United States Patent No. 5,038,318 ("the '318 Patent"), entitled "Device For Communicating Real Time Data Between A Programmable Logic Controller And A Program Operating In A Central Controller."

3. Jefferson Smurfit is a Delaware corporation with operating facilities located in this judicial district, including those located in Carol Stream, Illinois, and elsewhere.

4. Venue is proper in this district under 28 U.S.C. §§ 1391 and 1400(b).

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5. Defendant Jefferson Smurfit has infringed the patent in suit through, among other activities, the use of the patented system along with its processes for industrial automation.

6. Jefferson Smurfit's infringement has injured Solaia, and Solaia is entitled to recover damages adequate to compensate it for such infringement, but in no event less than a reasonable royalty.

7. Jefferson Smurfit's infringement has been willful and deliberate and has injured and will continue to injure Solaia, unless and until this Court enters an injunction prohibiting further infringement and, specifically, enjoining further use of the patented system and corresponding processes and the further manufacture of products made through the use of the inventions claimed in the '318 patent.

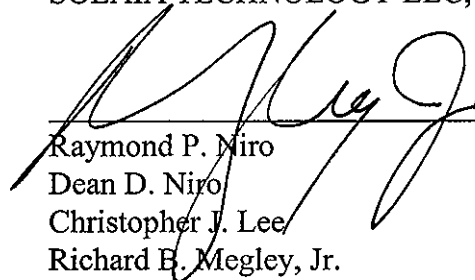
WHEREFORE, Plaintiff, Solaia, asks this Court to enter judgment against Defendant, Jefferson Smurfit, and against its subsidiaries, affiliates, agents, servants, employees and all persons in active concert or participation with them, granting the following relief:

- A. An award of damages adequate to compensate Solaia for the infringement that has occurred, together with prejudgment interest from the date infringement of the patents in suit began;
- B. Increased damages as permitted under 35 U.S.C. § 284;
- C. A finding that this case is exceptional and an award to Solaia of its attorneys' fees and costs as provided by 35 U.S.C. § 285;
- D. A permanent injunction prohibiting further infringement, inducement and contributory infringement of the patents in suit; and,
- E. Such other and further relief as this Court or a jury may deem proper and just.

JURY DEMAND

Solaia demands a trial by jury on all issues so triable.

SOLAIA TECHNOLOGY LLC,

A large, stylized handwritten signature in black ink, which appears to be "R. Megley, Jr.", is written over a horizontal line. The signature is written in a cursive style with a large, looping "M".

Raymond P. Niro

Dean D. Niro

Christopher J. Lee

Richard B. Megley, Jr.

NIRO, SCAVONE, HALLER AND NIRO

181 West Madison Street, Suite 4600

Chicago, Illinois 60602

Phone: (312) 236-0733

Cal

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

01C 6641

Civil Cover Sheet

JUDGE HOLDERMAN

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is authorized for use only in the Northern District of Illinois.

MAGISTRATE JUDGE ROSEMOND

Plaintiff(s): **Solaia Technology LLC**

Defendant(s): **Jefferson Smurfit Corporation**

County of Residence: Cook

County of Residence:

Plaintiff's Atty: **Raymond P. Niro
Niro, Scavone, Haller & Niro
181 W. Madison, Suite 4600,
Chicago, IL 60602
(312) 236-0733**

Defendant's Atty:

DOCKETED

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II. Basis of Jurisdiction: **3. Federal Question (U.S. not a party)**

III. Citizenship of Principle
Parties (Diversity Cases Only)

Plaintiff:- N/A
Defendant:- N/A

IV. Origin : **1. Original Proceeding**

V. Nature of Suit: **830 Patent**

VI. Cause of Action: **35 U.S.C. Sec. 1 et seq.**

VII. Requested in Complaint

Class Action: **No**
Dollar Demand:
Jury Demand: **Yes**

VIII. This case **Is NOT** a refiling of a previously dismissed case. (If yes case number __ by Judge __)

Signature:

[Handwritten Signature]

Date:

8/23/01

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If any of this information is incorrect, please go back to the Civil Cover Sheet Input form using the *Back* button in your browser and change it. Once correct, print this form, sign and date it and submit it with your new civil action. **Note: You may need to adjust the font size in your browser display to make the form print properly.** Revised: 06/28/00

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

Eastern Division

In the Matter of

Solaia Technology LLC

v.

Jefferson Smurfit Corporation

01C 6641

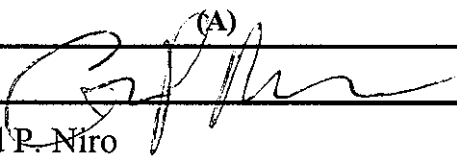
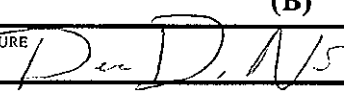
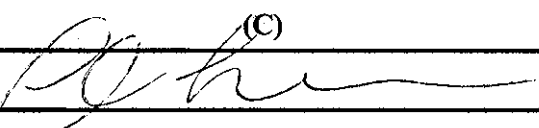
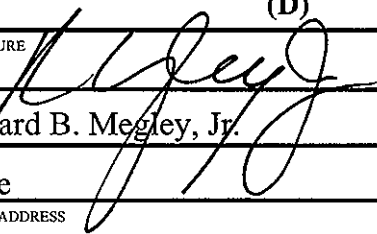
Case Number:

APPEARANCES ARE HEREBY FILED BY THE UNDERSIGNED AS ATTORNEY(S) FOR

JUDGE HOLDERMAN

Plaintiff, Solaia Technology LLC

MAGISTRATE JUDGE ROSEMOND

SIGNATURE ^(A) 		SIGNATURE ^(B)  DOCKETED	
NAME Raymond P. Niro		NAME Dean D. Niro	
FIRM Niro, Scavone, Haller & Niro		FIRM Same	
STREET ADDRESS 181 W. Madison, Suite 4600		STREET ADDRESS	
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IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) 2054930		IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) 6208064	
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		DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
SIGNATURE ^(C) 		SIGNATURE ^(D) 	
NAME Christopher J. Lee		NAME Richard B. Megley, Jr.	
FIRM Same		FIRM Same	
STREET ADDRESS		STREET ADDRESS	
CITY/STATE/ZIP		CITY/STATE/ZIP	
TELEPHONE NUMBER		TELEPHONE NUMBER	
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) 6216420		IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) 6229839	
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DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	

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