

assignee of the patents asserted in this Complaint has been recorded with the United States Patent and Trademark Office.

3. Upon information and belief, Defendant MeadWestvaco Packaging Systems, LLC ("MeadWestvaco") is a Delaware corporation having a regular and established place of business at 1040 W. Marietta Street, NW, Atlanta, Georgia, 30318.

JURISDICTION AND VENUE

4. This Complaint alleges claims for patent infringement arising under 35 U.S.C. 1, *et seq.*, and this Court has subject matter jurisdiction over this matter under 28 U.S.C. 1338(a). This Court has personal jurisdiction over MeadWestvaco directly through its presence and activities in this district.

5. Venue in this Court is proper under the provisions of 28 U.S.C. 1400(b).

FACTS

6. On September 16, 1997, United States Patent No. 5,666,789 was duly and legally issued on an invention entitled "Stacked Article Cartoning Apparatus". U.S. Patent No. 5,666,789 names Kelly W. Ziegler as the sole inventor. Graphic is the current owner of U.S. Patent No. 5,666,789. A true and accurate copy of U.S. Patent No. 5,666,789 as issued is attached as Exhibit A.

7. On December 2, 1997, United States Patent No. 5,692,361 was duly and legally issued on an invention entitled "Stacked Article Packaging Method". As issued, U.S. Patent No. 5,692,361 named Kelly W. Ziegler, Jeffrey A. Lashryo, and Gary J. Vulgamore as inventors. Graphic is the current owner of U.S. Patent No. 5,692,361. A true and accurate copy of U.S. Patent No. 5,692,361 as issued is attached as Exhibit B.

8. By Order of March 2, 2004, the United States District Court for the Northern District of Georgia determined that Kelly W. Ziegler is the sole inventor of the subject matter claimed in U.S. Patent No. 5,692,361 and ordered the Director of the United States Patent and Trademark Office to correct U.S. Patent No. 5,692,361 to reflect that Kelly W. Ziegler is the sole inventor of the subject matter claimed in such patent. A true and accurate copy of the Court's Order of March 2, 2004 is attached as Exhibit C.

9. Graphic manufactures and/or has manufactured for it machines which it leases to customers for use in loading containers into open-ended cartons in a stacked arrangement in accordance with the invention described and claimed in United States Patent Nos. 5,666,789 and 5,692,361. Graphic's machine is identified by and leased under its trademarks Twin Stack and QuickFlex TS.

10. Upon information and belief, MeadWestvaco has manufactured and/or

had manufactured for it and sold, offered for sale, or leased machines for loading containers into open-ended cartons in a stacked arrangement. Upon information and belief, many of these machines have been manufactured in this judicial district. These MeadWestvaco machines constitute infringement of United States Patent Nos. 5,666,789 and 5,692,361 by virtue of the manufacture, sale, offer for sale, lease, or use thereof. MeadWestvaco will continue such infringing acts unless enjoined by this Court. Upon information and belief, at least some of the MeadWestvaco machines have been marketed under the name DuoStack.

11. The manufacture and offer for sale, sale, or lease of the aforementioned MeadWestvaco machines by MeadWestvaco as well as its use by MeadWestvaco's customers has resulted in damages to Graphic, and such damages to Graphic will continue so long as such MeadWestvaco machines are sold, offered for sale, or leased by MeadWestvaco and/or used by customers of MeadWestvaco.

12. The aforesaid acts of infringement of United States Patent Nos. 5,666,789 and 5,692,361 include willful and deliberate infringement by MeadWestvaco.

PRAAYER FOR RELIEF

WHEREFORE, Graphic prays for an Order of this Court entering judgment:


- A. Holding that MeadWestvaco has infringed United States Patent No. 5,666,789 and United States Patent No. 5,692,361;
- B. Preliminarily and permanently enjoining MeadWestvaco, its officers, agents, employees, representatives, and all others acting in concert therewith, from further infringement of United States Patent No 5,666,789 and United States Patent No. 5,692,361;
- C. Ordering MeadWestvaco to withdraw its infringing machines from all of its customers;
- D. Awarding Graphic damages adequate to compensate for such infringement, but in no event less than a reasonable royalty for manufacture and sale or lease of the infringing machines and for the use of such machines by customers of MeadWestvaco, and increasing said damages three-fold by reason of the willful and deliberate nature of such infringement, together with interest and costs;
- E. Finding this to be an exceptional case and awarding Graphic its reasonable attorneys' fees; and
- F. Affording such further and other relief as this Court may deem just and

proper.

Graphic hereby respectfully demands a trial by jury.

Attorneys for Plaintiff

Date:

August 25, 2004 

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Exhibit A

US005666789A

United States Patent [19]

[11] **Patent Number:** 5,666,789

Ziegler

[45] **Date of Patent:** Sep. 16, 1997

- [54] **STACKED ARTICLE CARTONING APPARATUS**
- [75] **Inventor:** Kelly W. Ziegler, Crosby, Minn.
- [73] **Assignee:** Riverwood International Corporation, Atlanta, Ga.
- [21] **Appl. No.:** 518,582
- [22] **Filed:** Aug. 23, 1995

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Related U.S. Application Data

- [63] Continuation of Ser. No. 343,836, Nov. 22, 1994, Pat. No. 5,456,058, which is a continuation of Ser. No. 22,661, Mar. 1, 1993, abandoned.
- [51] **Int. Cl.⁶** **B65B 5/06; B65B 35/50**
- [52] **U.S. Cl.** **53/447; 53/48.1; 53/157; 53/252; 53/540; 53/566**
- [58] **Field of Search** **53/447, 566, 540, 53/157, 152, 156, 252, 251, 250, 48.1, 48.7, 48.5**

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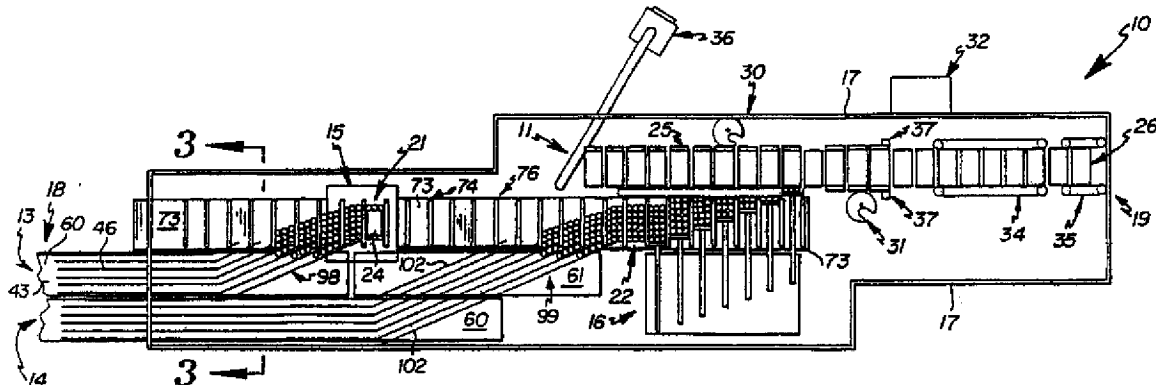
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Primary Examiner—James F. Coan
Attorney, Agent, or Firm—Joel D. Skinner, Jr.; Steve M. McLary

[57] **ABSTRACT**

A cartoning apparatus for loading stacked article groups into carton sleeves. The cartoning apparatus comprises at least two article infeed mechanisms, each supplying at least one stream of articles at a predetermined height or level. An article selection and transport mechanism intersecting the article infeed mechanisms to form and move a stream of stacked article groups of a predetermined pattern, a carton supply and transport mechanism synchronized and moving parallel with said article selection and transport mechanism to provide cartons with open ends facing the moving article groups, and an article group transfer mechanism constructed and arranged to move article groups into the open ends of the carton sleeves.

18 Claims, 16 Drawing Sheets



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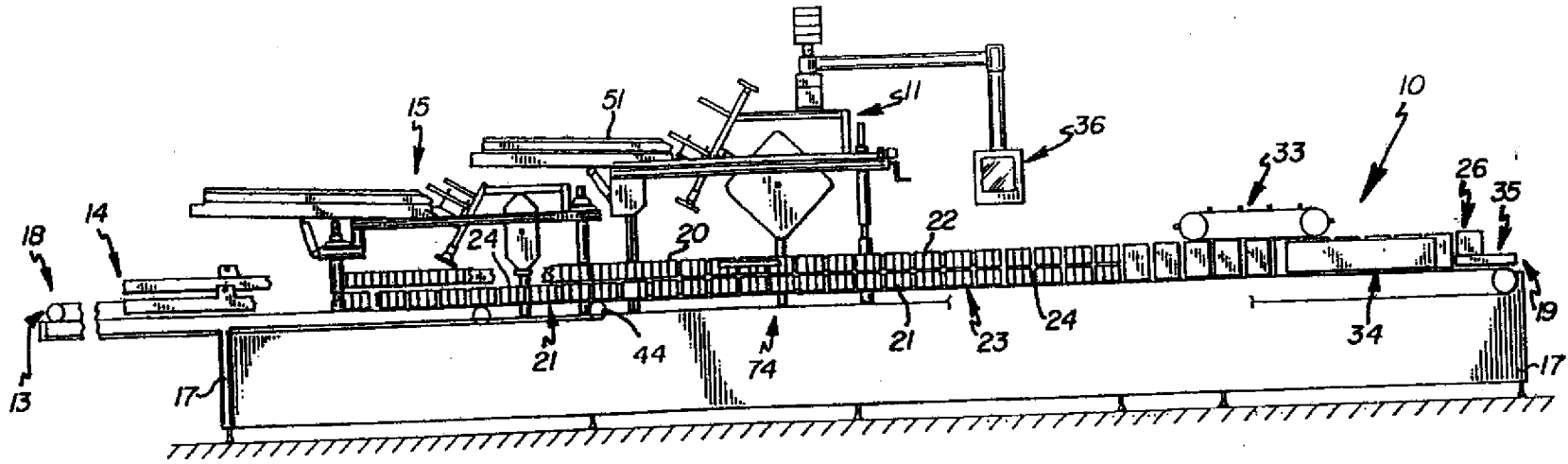


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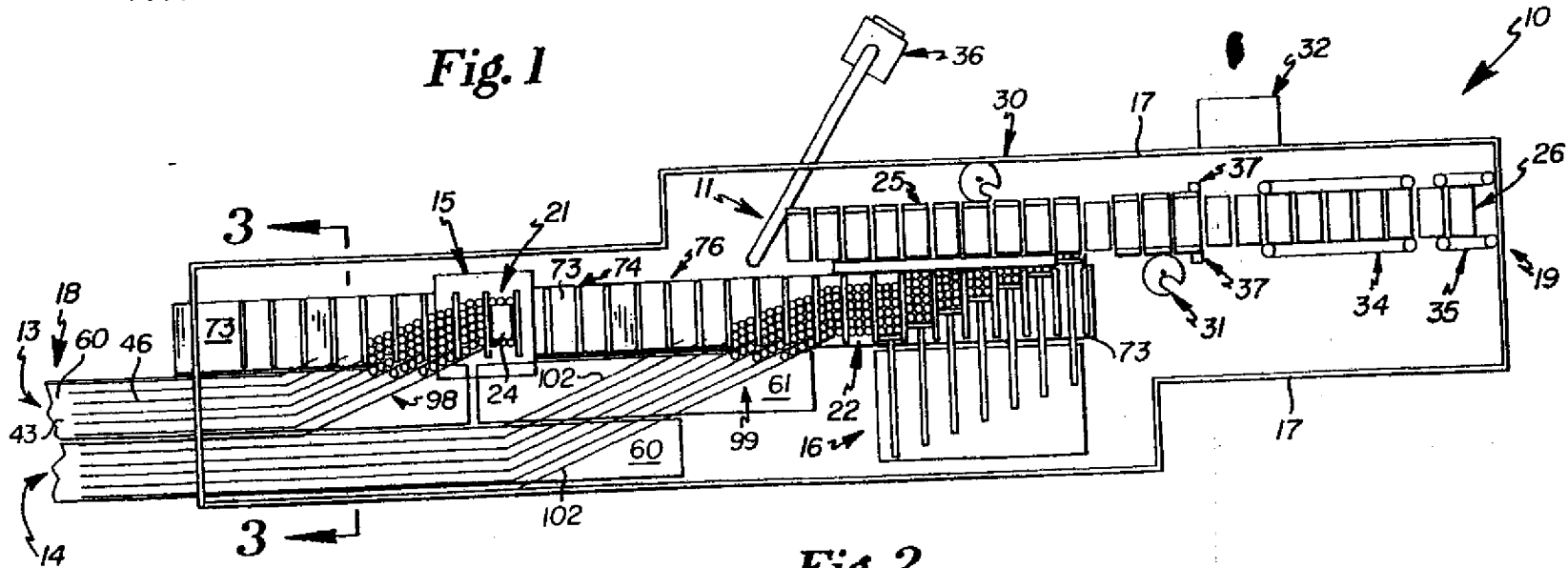


Fig. 2

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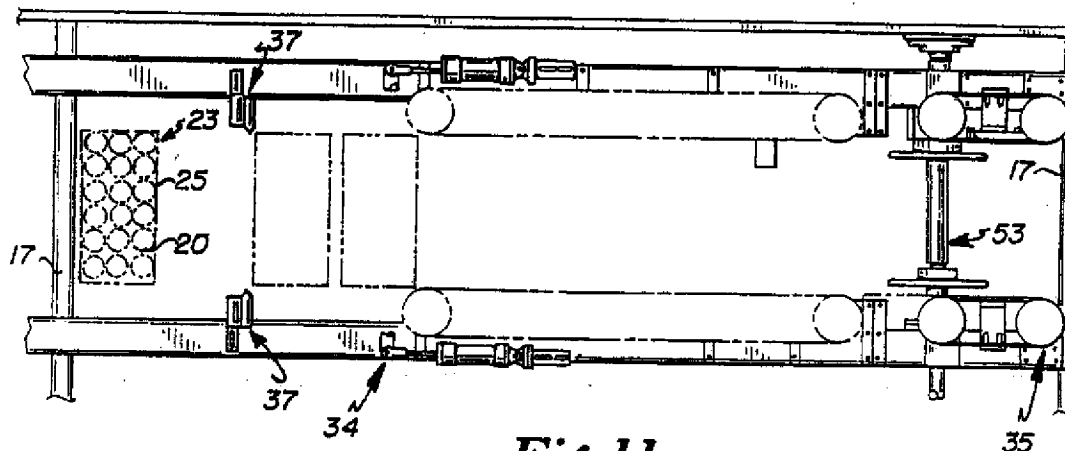


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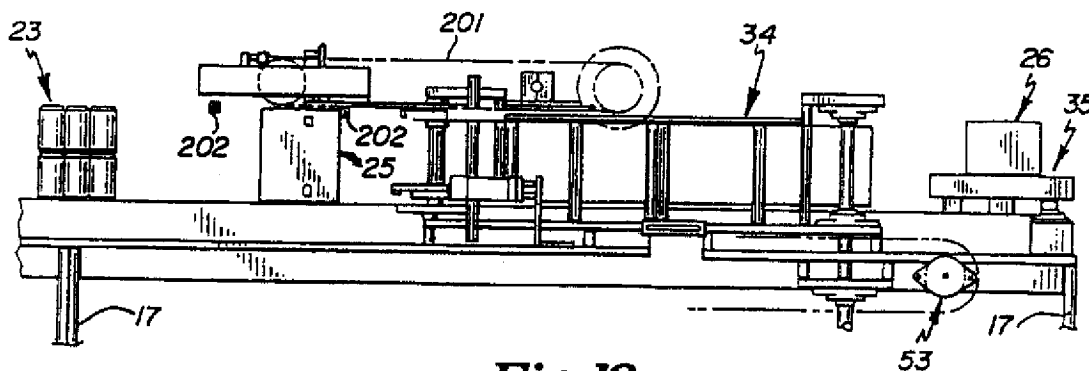


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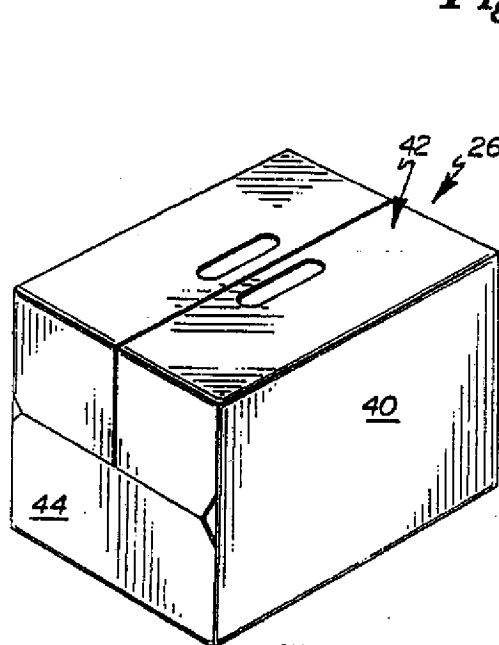


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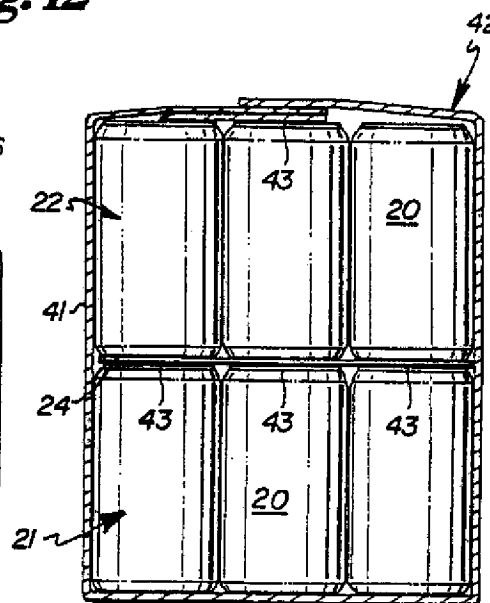
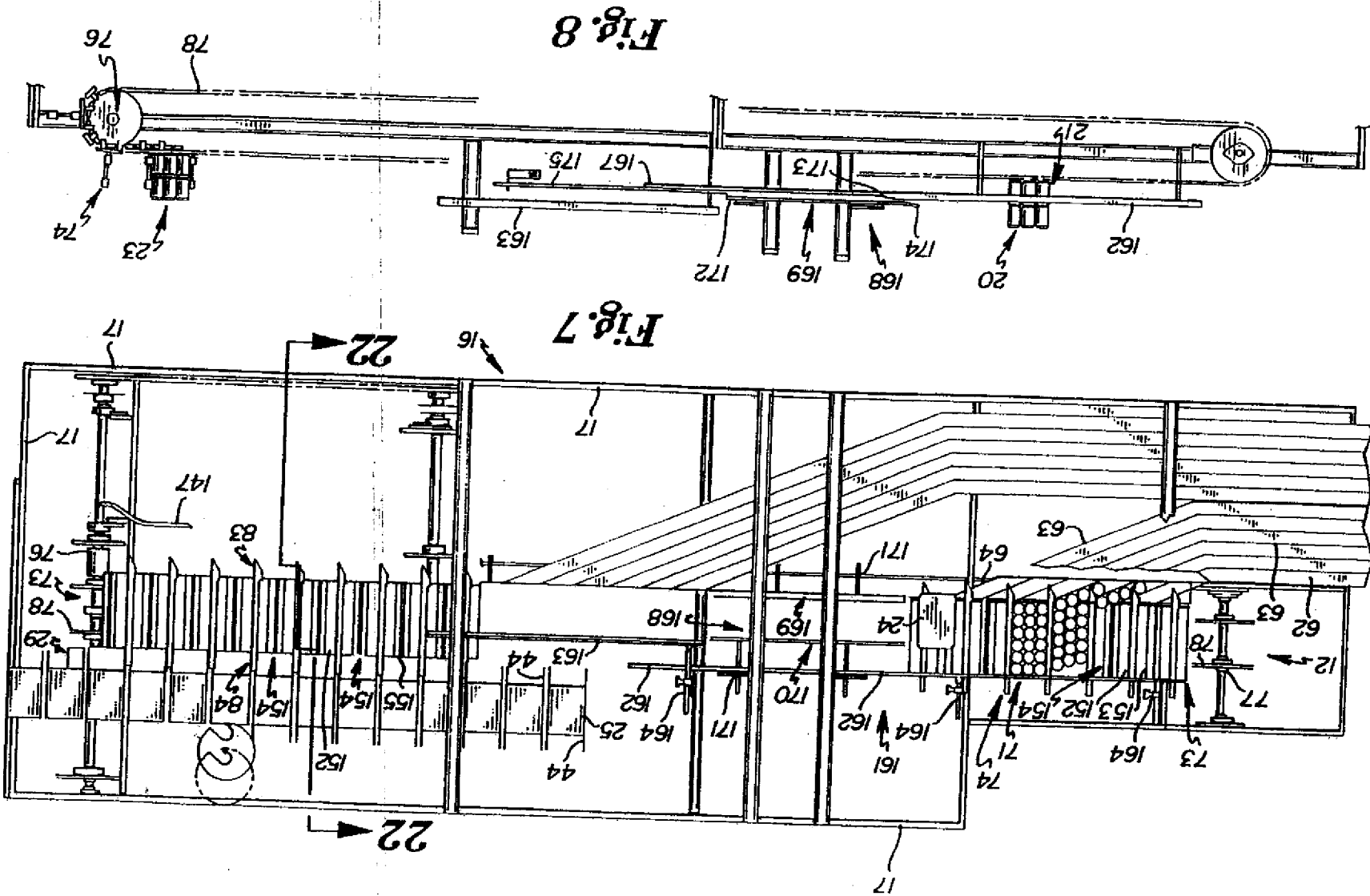


Fig. 4



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Fig. 10

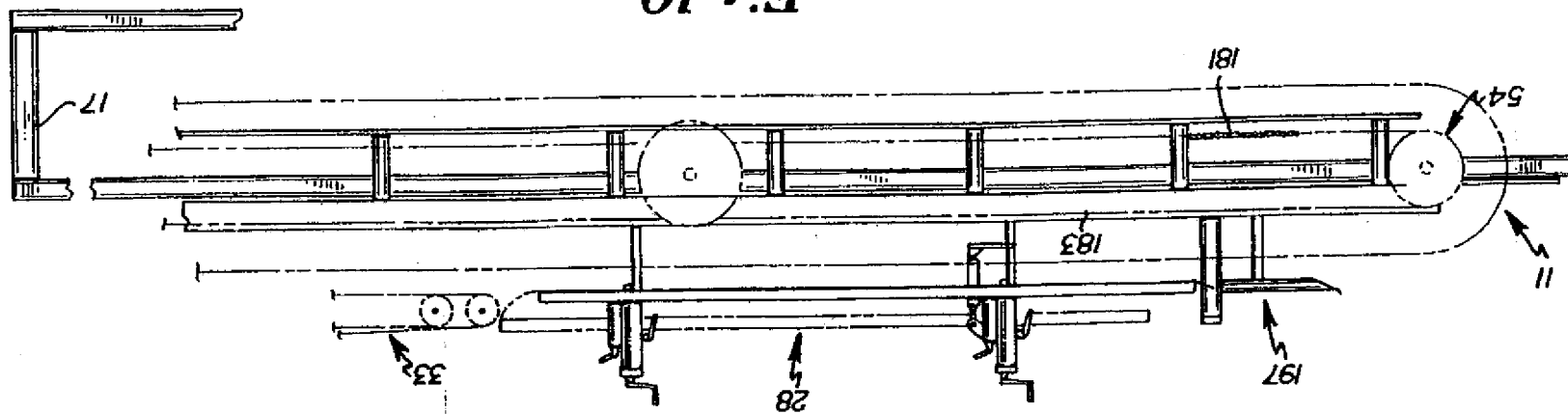
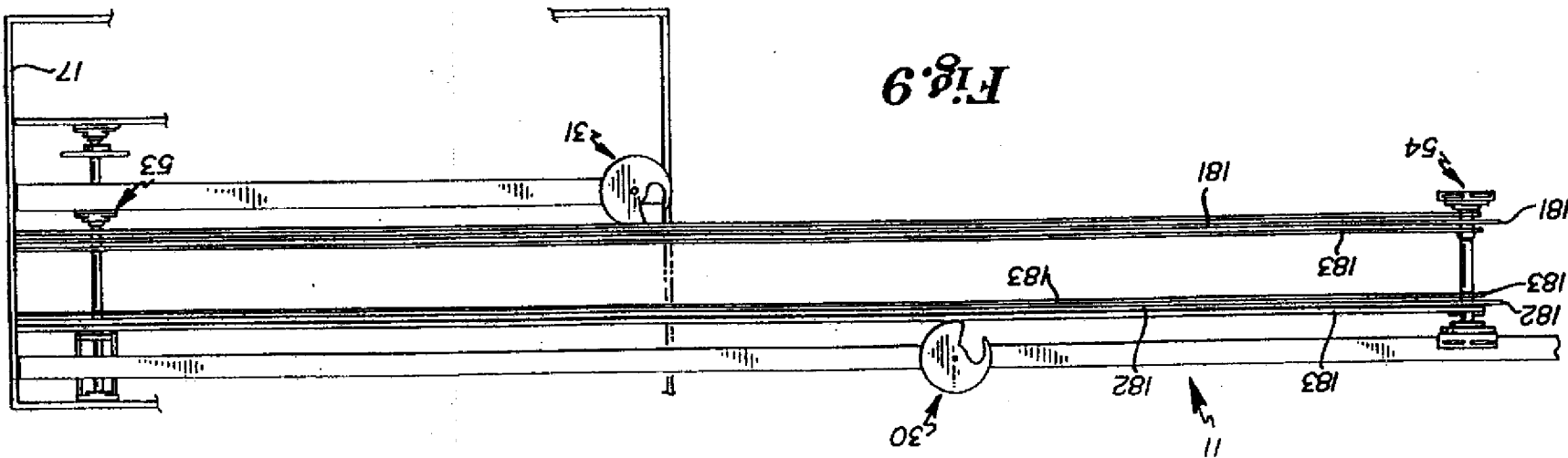


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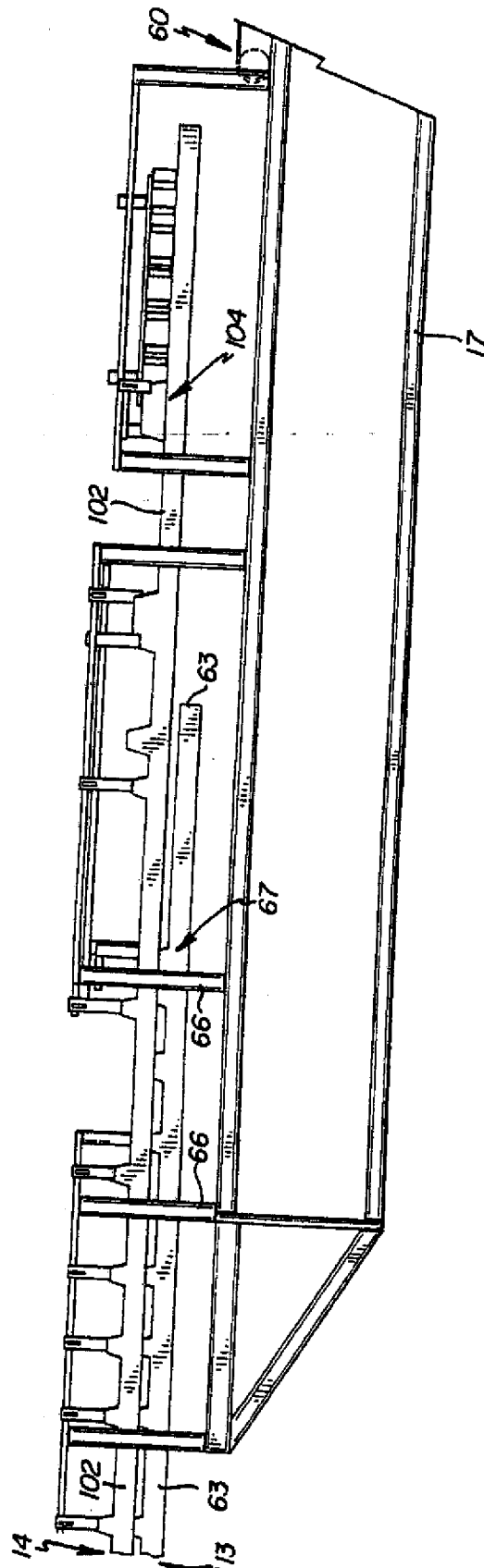


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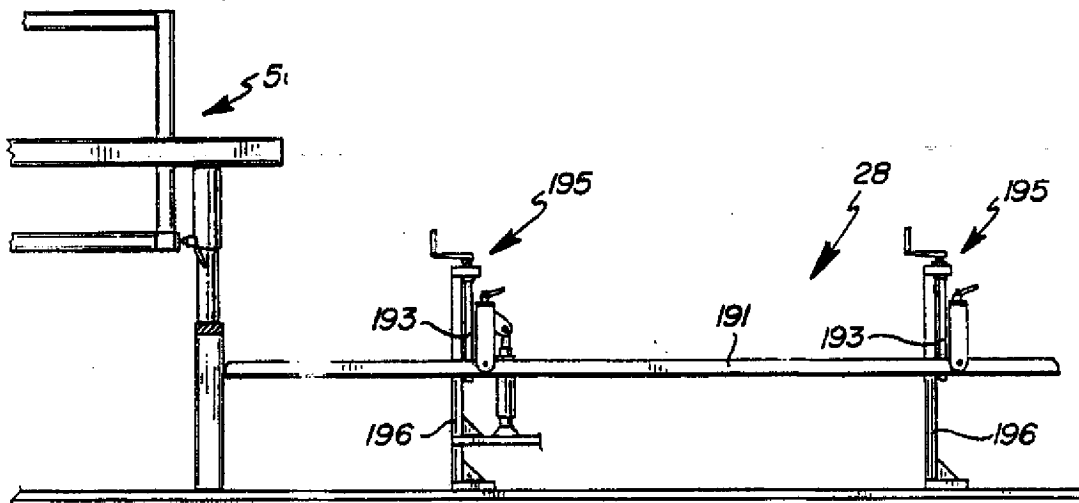


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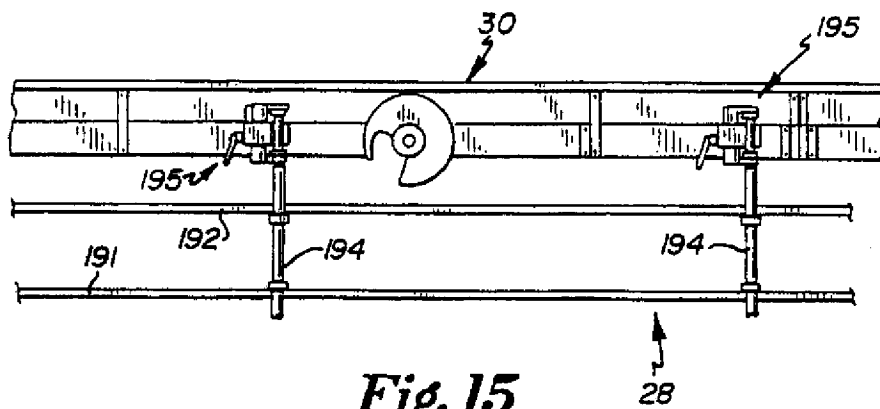


Fig. 15

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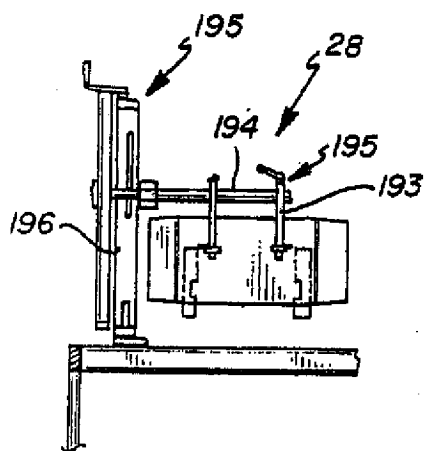


Fig. 16

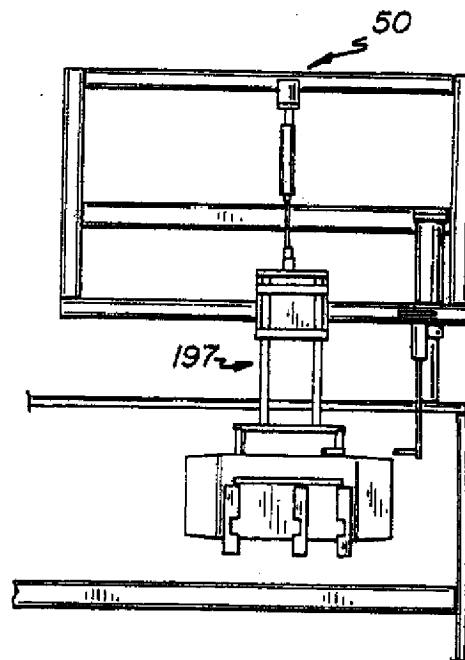


Fig. 17

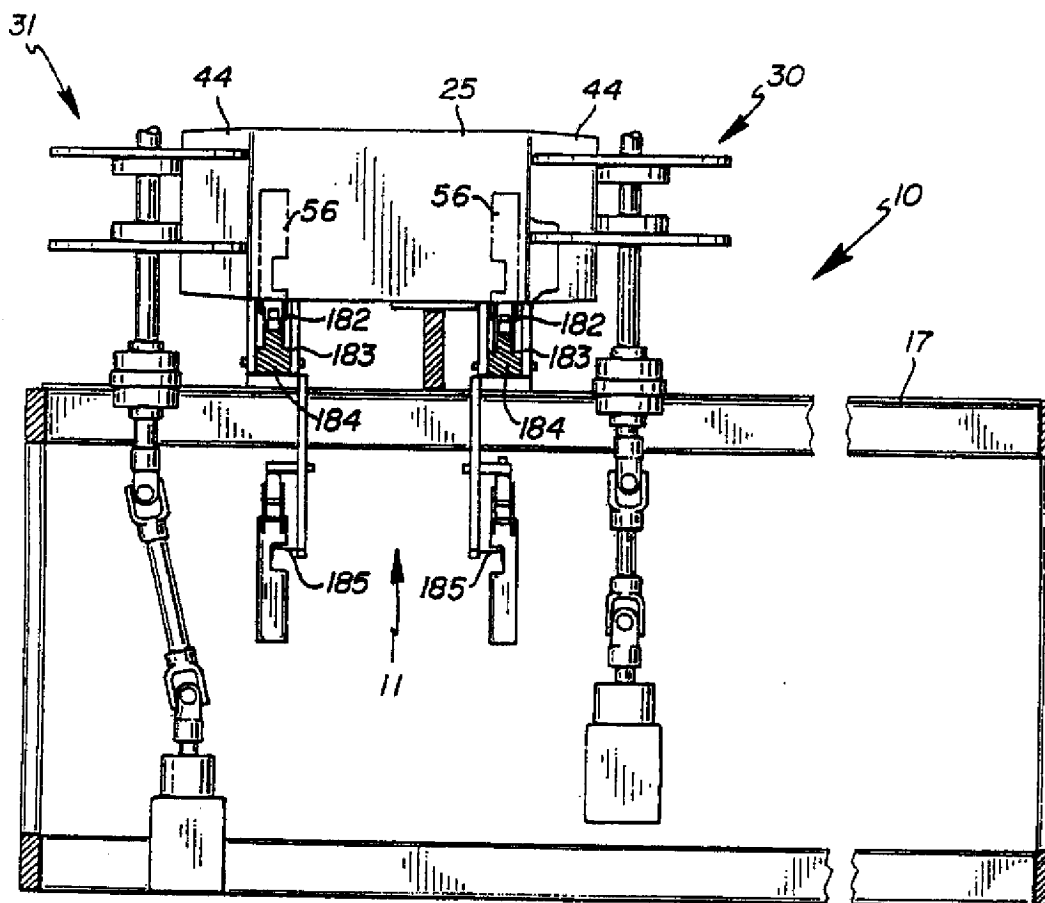


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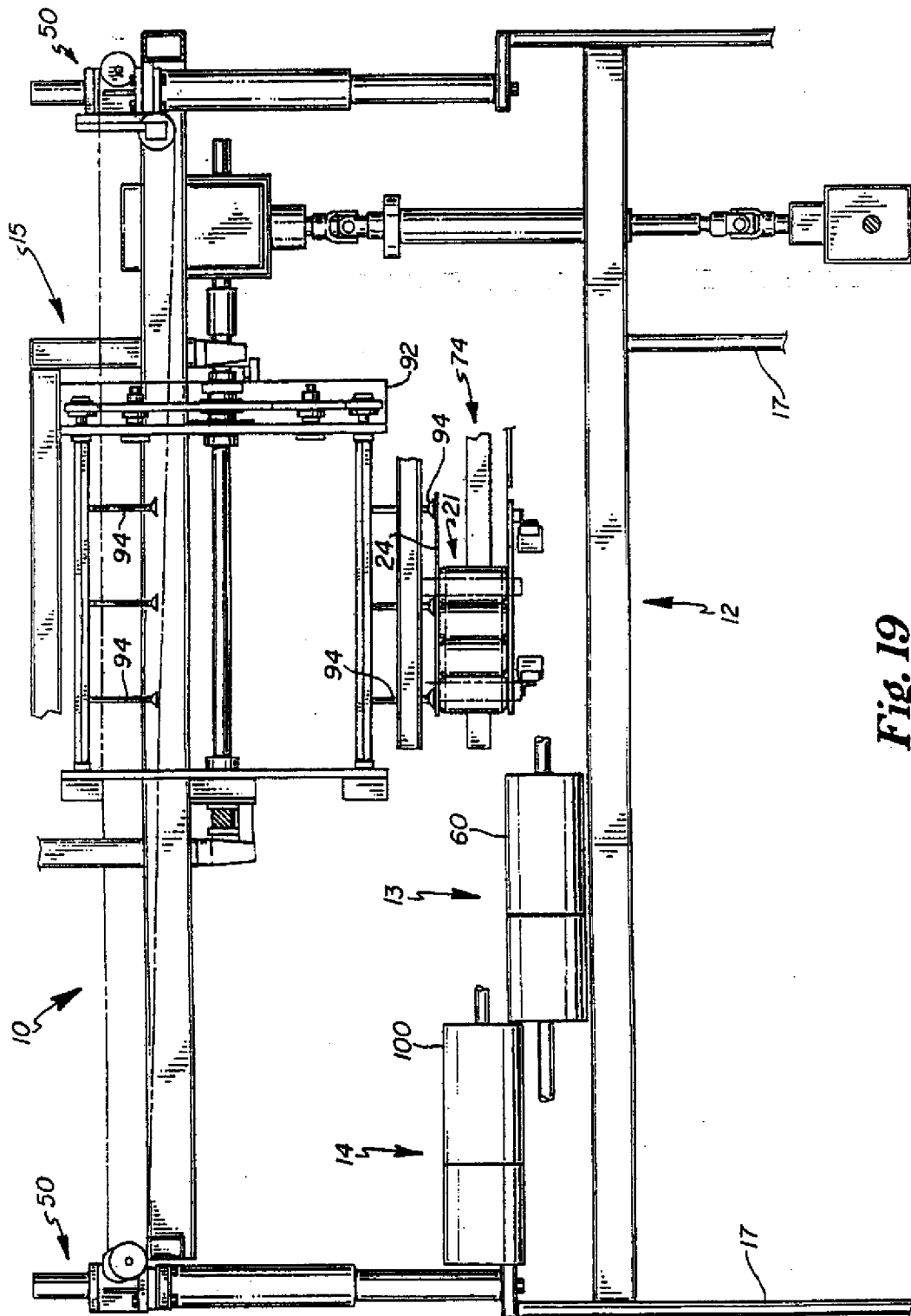


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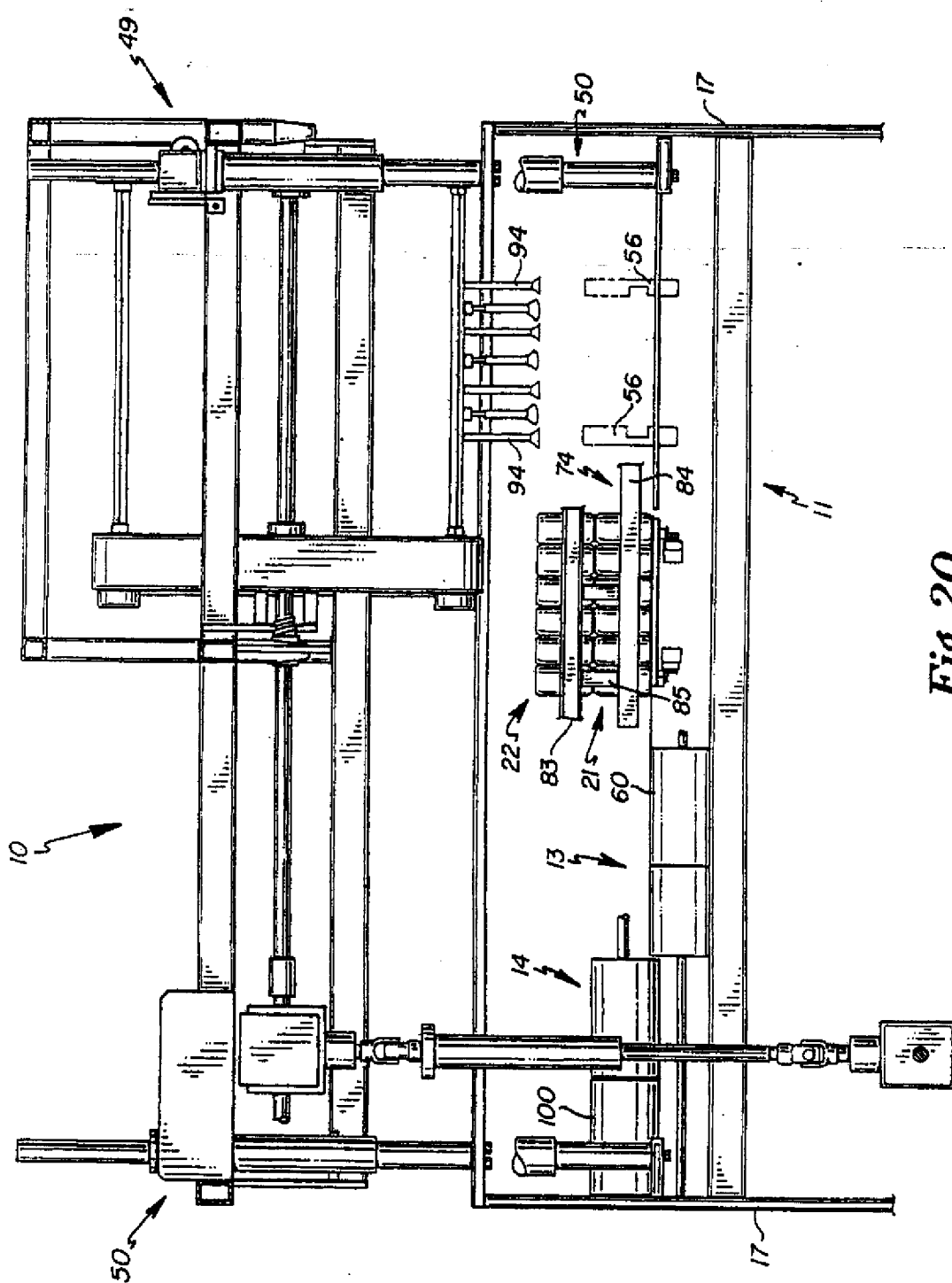
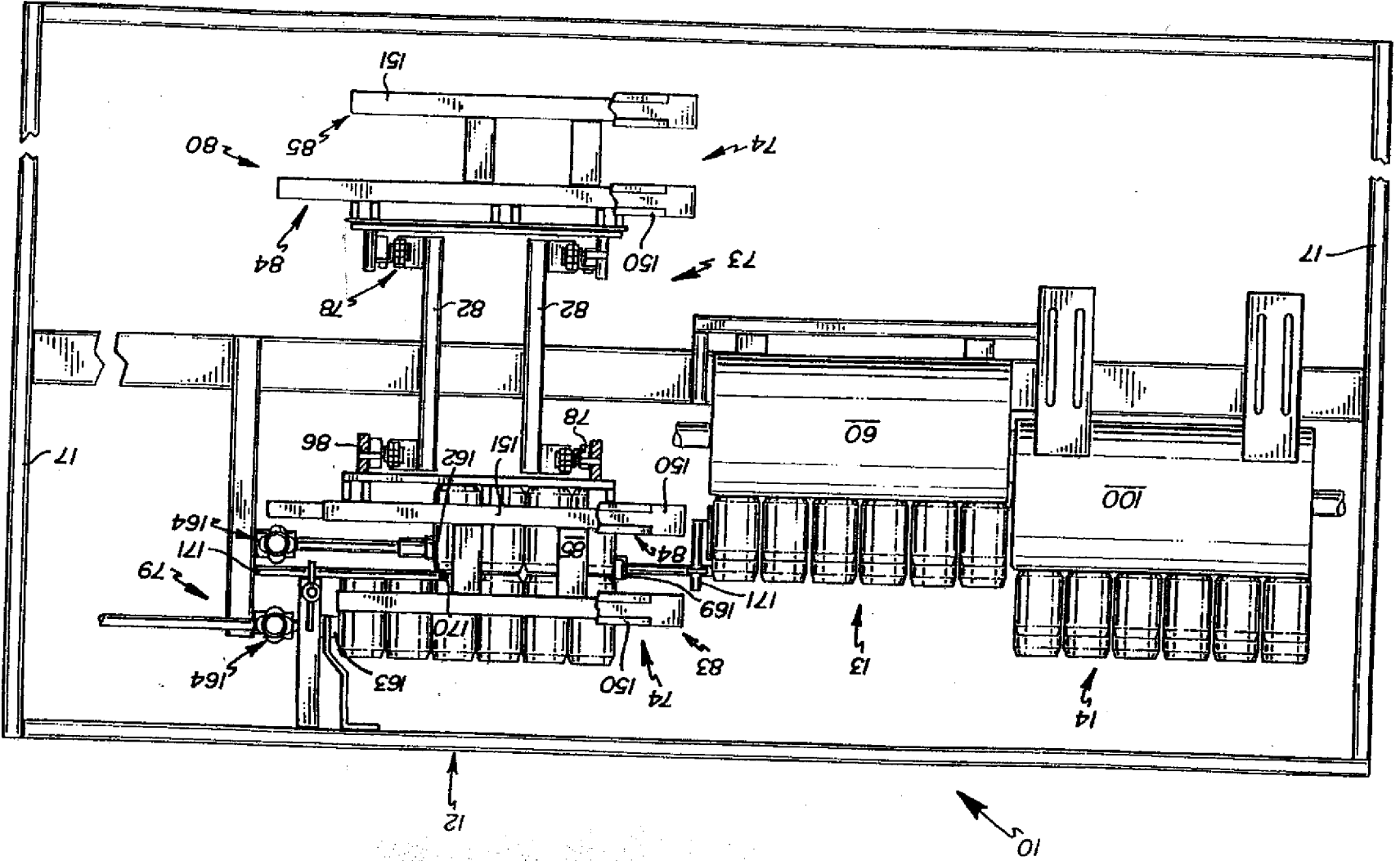


Fig. 20

Fig. 21



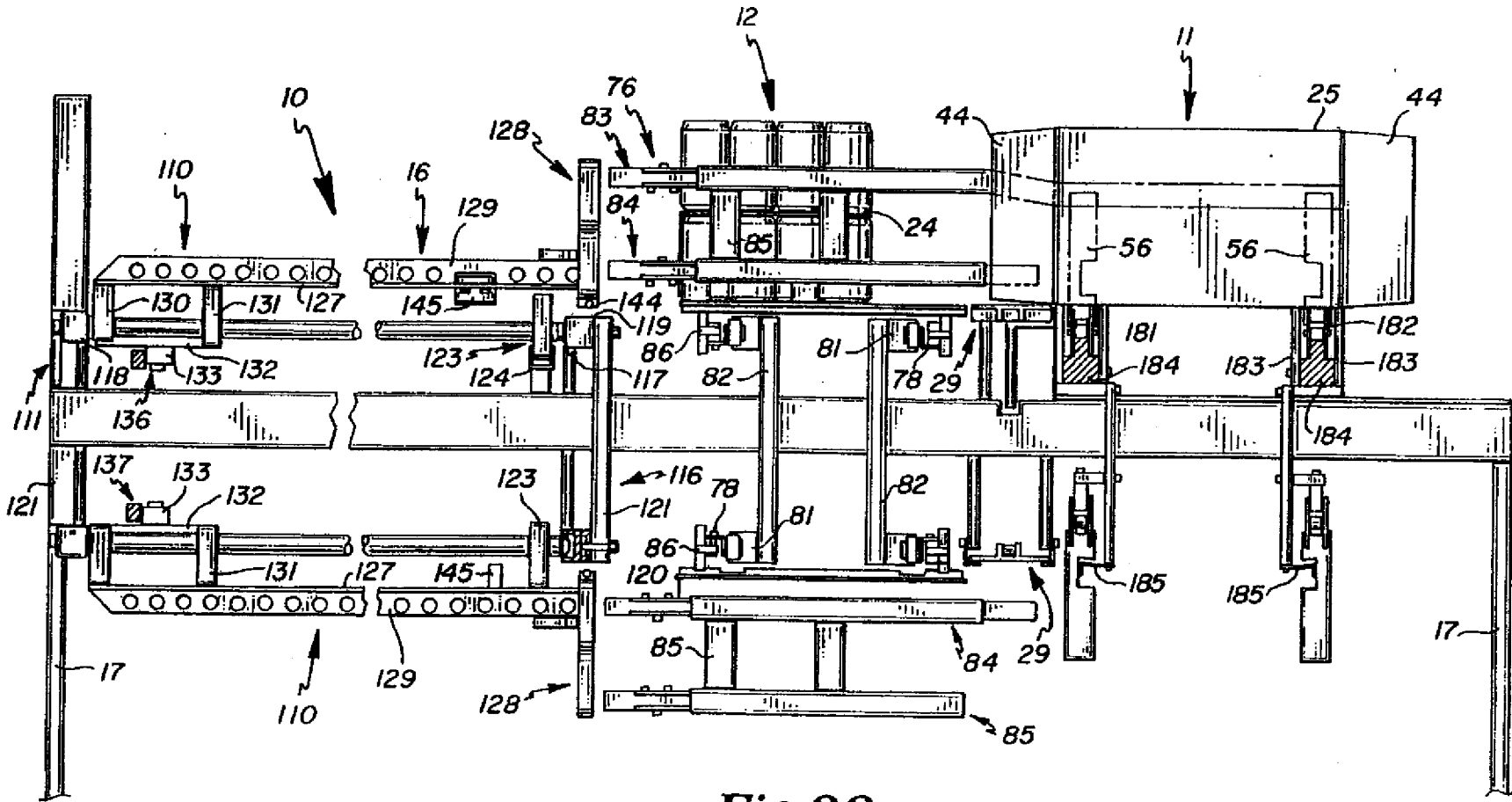


Fig. 22

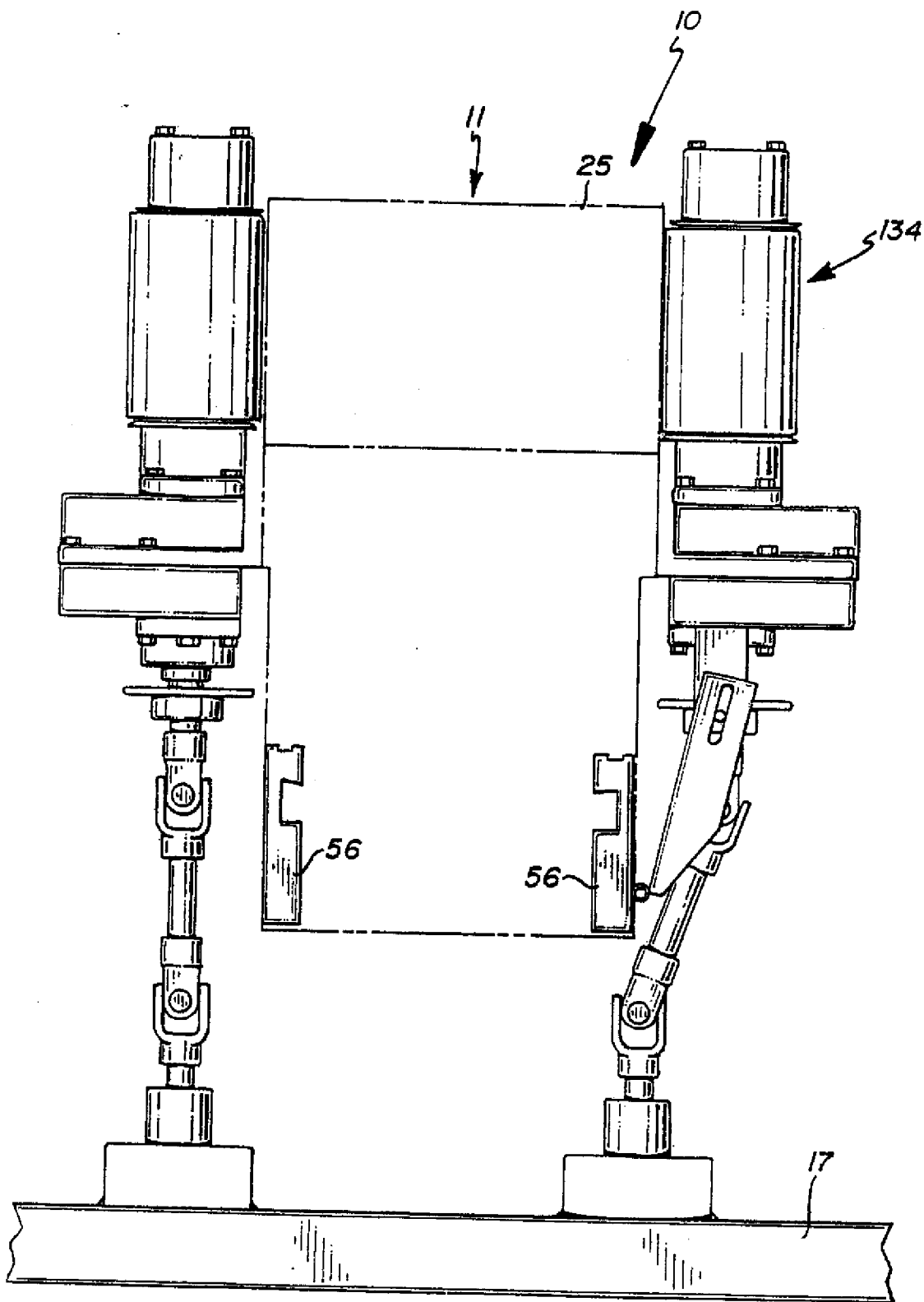


Fig. 24

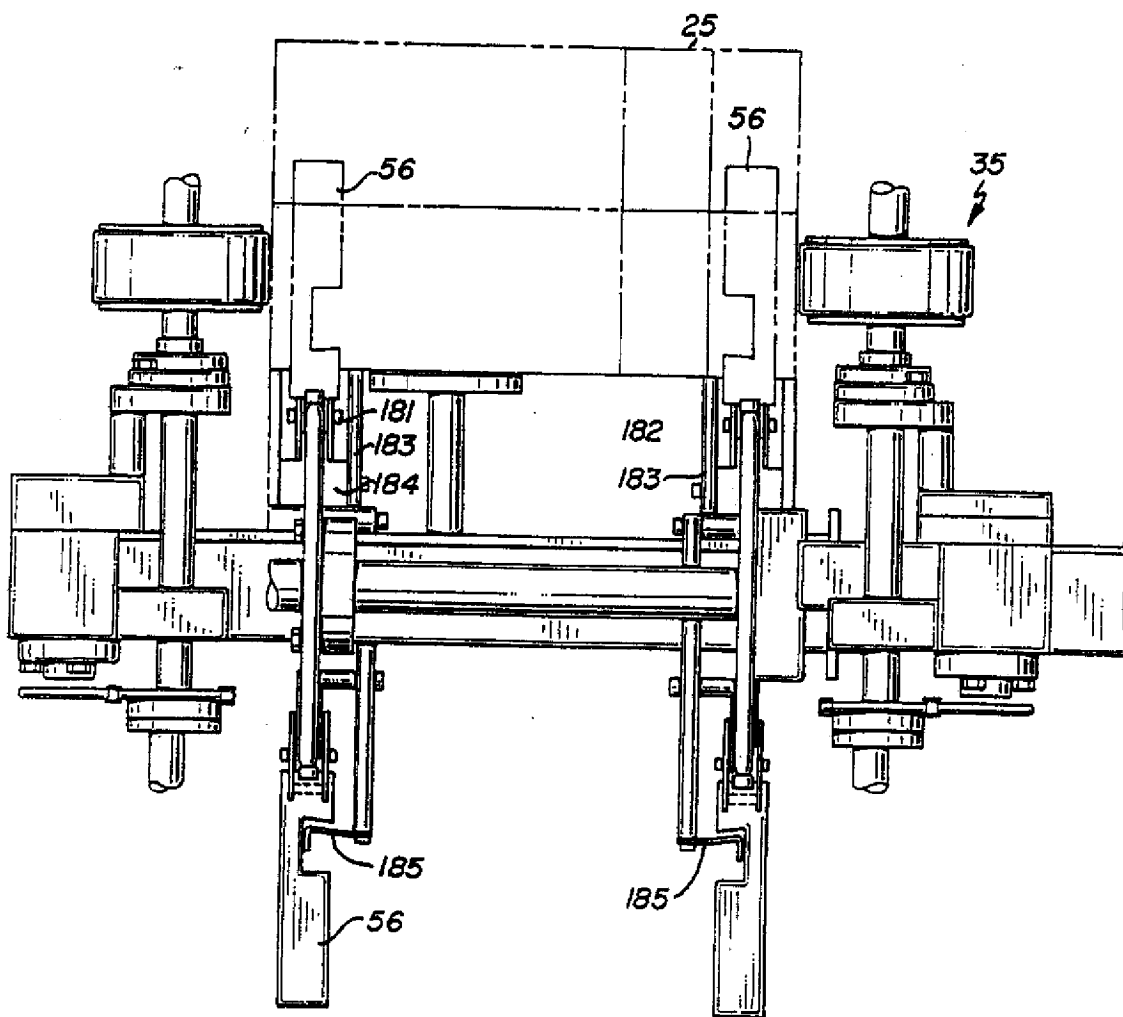


Fig. 25

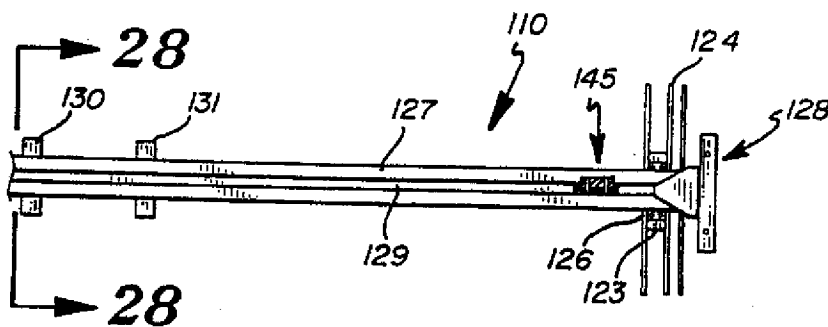


Fig. 26