

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ROME DIVISION**

TILLOTSON CORPORATION,	)	
d/b/a BEST MANUFACTURING	)	
COMPANY	)	
	)	
Plaintiff,	)	Civil Action No. :
v.	)	4:05-cv-232-HLM
	)	
TOP GLOVE SDN. BHD.; TG MEDICAL	)	
SDN. BHD.; TG MEDICAL (USA), INC,	)	
and TOP GLOVE CORP. BHD.	)	
	)	
Defendants.	)	

**AMENDED COMPLAINT**

---

Plaintiff TILLOTSON CORPORATION, d/b/a BEST  
MANUFACTURING COMPANY, (hereinafter "Tillotson"), for its complaint  
against Defendants TOP GLOVE SDN. BHD. (hereinafter "Top Glove"); TG  
MEDICAL SDN. BHD. (hereinafter "TG Medical"); TG MEDICAL (USA), INC.  
(hereinafter "TG Medical USA"); and TOP GLOVE CORP. BHD. ("Top Glove  
Berhad"), alleges as follows:

## **PARTIES**

1.

Plaintiff Tillotson is a Massachusetts corporation having a place of business in Georgia at Best Manufacturing Company, Edison Street, Menlo, Georgia 30731. Tillotson is engaged in the business of designing, using, manufacturing, offering for sale, and selling elastomeric materials and hand gloves made from elastomeric materials.

2.

Defendant Top Glove is a Malaysian company having a place of business at Lot 4969, Jalan Teratai, Batu 6; Off Jalan Meru; Klang, Selangor D.E., Malaysia 41050. It may be served through its US Agent, David Lim, Managing Director; TG Medical (USA), Inc.; 600 Camino Verde; South Pasadena, CA 91030. Top Glove is engaged in the business of making, using, offering for sale, and selling hand gloves made from elastomeric materials. On information and belief, Top Glove has conducted business in the Northern District of Georgia.

3.

In its business, Top Glove has committed tortious acts, including, without limitation, patent infringement within the Northern District of Georgia, as is more fully set forth herein.

4.

Defendant TG Medical is a Malaysian Corporation having a place of business at Lot 5091, Jalan Teratai, Batu 5; Off Jalan Meru; Klang, Selangor D. E., Malaysia 41050. It may be served through its US Agent, David Lim; 600 Camino Verde; South Pasadena, CA 91030. TG Medical is engaged in the business of making, using, offering for sale, and selling hand gloves made from elastomeric materials. On information and belief, TG Medical has conducted business in the Northern District of Georgia.

5.

In its business, TG Medical has committed tortious acts, including, without limitation, patent infringement within the Northern District of Georgia, as is more fully set forth herein.

6.

Defendant TG Medical USA is an Arizona Corporation having a place of business at 9517 East Rush Street, Unit B, South El Monte, California 91733, and is the U.S. branch of Defendant Top Glove. It may be served through its registered agent, David Lim; 600 Camino Verde; South Pasadena, CA 91030. TG Medical USA is engaged in the business of importing, offering for sale, and selling hand gloves made from elastomeric materials. On information and belief, TG Medical USA has conducted business in the Northern District of Georgia.

7.

In its business, TG Medical USA has committed tortious acts, including, without limitation, patent infringement within the Northern District of Georgia, as is more fully set forth herein.

8.

Defendant Top Glove Berhad is a Malaysian company having a place of business at Lot 4969, Jalan Teratai, Batu 6; Off Jalan Meru; Klang, Selangor D.E., Malaysia 41050. It may be served through its US Agent, David Lim, Managing Director; TG Medical (USA), Inc.; 600 Camino Verde; South Pasadena, CA 91030. Top Glove Berhad is engaged in the business of making,

using, offering for sale, and selling hand gloves made from elastomeric materials. On information and belief, Top Glove Berhad has conducted business in the Northern District of Georgia.

9.

In its business, Top Glove Berhad has committed tortious acts, including, without limitation, patent infringement within the Northern District of Georgia, as is more fully set forth herein.

### **JURISDICTION AND VENUE**

10.

This is an action for injunctive relief, damages, treble damages, interest, costs, and an award for attorney fees for Defendants' violations of the Patent Laws of the United States, Title 35 of the United States Code. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331, 1332, and 1338.

11.

Venue is proper in this Court under the provisions of 28 U.S.C. § 1391 and § 1400(b).

## **FACTS COMMON TO ALL COUNTS**

12.

Neil E. Tillotson and Luc G. DeBecker (hereinafter “the inventors”) have been involved in making, using, offering for sale, and selling hand gloves made from elastomeric materials for many years. Before May 11, 1990, the inventors conceived of a new and unobvious invention pertaining to hand gloves made from elastomeric materials.

13.

The inventors filed a patent application on May 11, 1990, directed to their invention. On May 14, 1991, United States Patent No. 5,014,362 was duly and legally issued for an invention titled “Elastomeric Covering Material and Hand Glove Made Therewith.”

14.

On November 13, 1995, the inventors filed an application for the reissue of United States Patent No. 5,014,362. On September 30, 1997, United States Reissue Patent No. Re. 35,616 (hereinafter “‘616 Patent”) was duly and legally issued for an invention titled “Elastomeric Covering Material and Hand

Glove Made Therewith." A copy of the '616 Patent is attached hereto as Exhibit 1.

15.

Hand gloves made from elastomeric materials in accordance with the '616 Patent are substantially impermeable to water vapor and liquid water, have a relatively high tensile strength, and conform to the shape of a hand when stretched to fit about the hand and then relax so that the pressure exerted on the hand is substantially reduced.

16.

By Assignment, the inventors assigned all right, title, and interest in and to the application that resulted in the '616 Patent to Tillotson. Tillotson remains the owner of the '616 Patent.

17.

Defendants have been and are currently making, using, offering for sale, and/or selling hand gloves made from elastomeric materials covered by one or more of the claims of the '616 Patent. Defendants have been and are currently making, using, offering for sale, and/or selling hand gloves made from elastomeric materials in Georgia and in the Northern District of Georgia. One or

more claims of the '616 Patent covers the hand gloves made of elastomeric materials that Defendants have made, used, offered for sale, and/or sold in Georgia and in the Northern District of Georgia.

18.

The hand gloves made from elastomeric materials made, used, offered for sale, and/or sold by Defendants are substantially impermeable to water vapor and liquid water, have a relatively high tensile strength, and conform to the shape of a hand when stretched to fit about the hand and then relax so that the pressure exerted on the hand is substantially reduced.

19.

Tillotson has not granted a license or any other right to Defendants to make, use, offer for sale, or sell the invention defined by the claims of the '616 Patent.

20.

Tillotson has placed the required statutory notice on substantially all hand gloves made from elastomeric materials manufactured and sold under the '616 Patent.



21.

Defendants knowingly and willfully infringed and continue to infringe the '616 Patent.

## **COUNT I**

### **PATENT INFRINGEMENT**

22.

Plaintiff Tillotson reasserts, realleges, and incorporates herein Paragraphs 1-21.

23.

By making, using, offering for sale, and/or selling their hand gloves made from elastomeric materials, Defendants have infringed at least one claim of the '616 Patent. Such acts have seriously damaged and irreparably harmed Tillotson and will continue to do so unless enjoined by this Court. Consequently, Tillotson is without an adequate remedy at law.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Tillotson prays that:

1.

Defendants and/or Defendants' officers, agents, servants, employees, and all others in active concert or participation with Defendants be permanently enjoined and restrained from:

(a) infringing United States Patent No. Re. 35,616; and

(b) otherwise causing, assisting in, participating in, or contributing to the infringement of said patent.

2.

Defendants be ordered to pay to Tillotson as damages all damages suffered by Tillotson, including profits lost by Tillotson by reason of the unlawful acts of Defendants as set forth in this Complaint.

3.

Defendants be ordered to pay to Tillotson as damages no less than a reasonable royalty by reason of the unlawful acts of Defendants as set forth in this Complaint.

4.

The Court increase the damages awarded to Tillotson from Defendants up to three times because of the willful infringement of United States Patent No. Re. 35,616 by Defendants.

5.

This case be adjudged an exceptional case.

6.

Defendants be required to pay to Tillotson the cost of this action, interest, and Tillotson's reasonable attorney fees and disbursements.

7.

Tillotson have such other and further legal and equitable relief as this Court deems just and equitable.

### **JURY DEMAND**

Plaintiff requests a trial by jury of any and all issues triable of right by a jury.

Dated: March 21, 2006.

Respectfully submitted,

/s/ Christopher J. Chan

Anthony B. Askew

Georgia State Bar No. 025,300

Stephen M. Schaetzel

Georgia State Bar No. 628,653

Christopher J. Chan

Georgia State Bar No. 120,498

Katrina M. Quicker

Georgia State Bar No. 590,859

KILPATRICK STOCKTON LLP

1100 Peachtree St., Suite 2800

Atlanta, GA 30309-4530

Telephone: (404) 815-6500

Facsimile: (404) 815-6555

Attorneys for Plaintiff Tillotson Corporation