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Judge

JUDGE WATSON

REACTOR AT RUDGE KING

V.

Defendant.

NATURE OF ACTION

PARTIES

2. Plaintiff Newell is a corporation organized and existing under the laws of Delaware and has a place of business at 10B Glenlake Parkway, Atlanta, GA 30328. Plaintiff Irwin is a corporation organized and existing under the laws of Delaware and has a place of business at 8935 NorthPointe Executive Drive, Huntersville, NC 28078.

3. Upon information and belief, defendant Burner is a Taiwanese corporation having a place of business at 2600 Auckland Park Ave., North Columbus, OH, and is offering products for sale in the United States, including in this judicial district, as well as abroad.

JURISDICTION AND VENUE

4. This Court has jurisdiction over this patent infringement action pursuant to 28 U.S.C. § 1338(a).

5. Venue in this Court is based upon 28 U.S.C. §§ 1391 and 1400(b).

COUNT I: INFRINGEMENT OF U.S. PATENT NO. 4,881,894

6. Plaintiffs incorporate by reference herein the allegations of Paragraphs 1-5 of this Complaint.

7. This is a cause of action for patent infringement under 35 U.S.C. § 271.

8. Newell is a global manufacturer and marketer of consumer and commercial products. Irwin, a division of Newell, manufactures and distributes professional grade hand tools and power tool accessories. Newell is the holder of U.S. Patent No. 4,881,894 (“the ‘894 Patent”) for a Self-Igniting Portable Torch Assembly. A true and accurate copy of the ‘894 Patent is attached as Exhibit A.

9. Irwin is the sole beneficiary of the ‘894 Patent.

10. Upon information and belief, defendant has directly infringed at least one claim of the ‘894 Patent and/or has contributorily infringed or induced infringement of the ‘894 Patent by making, using, offering to sell, selling and/or distributing products covered by the ‘894 Patent. One such product, illustrated in the attached Exhibit B, is the Burner Super Torch, a self-igniting portable torch assembly covered by, and infringing on, the ‘894 Patent.

11. Burner's infringement of the '894 Patent has, and continues to, directly and proximately cause damages to plaintiffs in an amount to be proven at trial.

12. Upon information and belief, defendant has knowingly and willfully infringed the '894 Patent.

13. Upon information and belief, defendant's manufacture, sale, offer for sale, use, or importation of the self-igniting torch assemblies covered by the '894 Patent will continue to cause plaintiffs damage and irreparable harm unless enjoined by this Court.

PRAYER FOR RELIEF

WHEREFORE, plaintiffs pray for the following relief:

- A. A judgment that defendant has infringed and continues to infringe the '894 Patent.
- B. A judgment that defendant's infringement has been willful.
- C. A judgment against defendant awarding plaintiffs damages pursuant to 35 U.S.C. § 284 on account of Burner's infringement of the '894 Patent.
- D. A judgment that plaintiffs' damages be trebled against defendant in accordance with 35 U.S.C. § 284.
- E. A permanent injunction against defendant and its servants, agents, officers, employees, divisions, subsidiaries and any entity acting in concert with it, pursuant to 35 U.S.C. § 283, from infringing the '894 Patent.
- F. A judgment that this is an exceptional case and that plaintiffs be awarded reasonable attorney fees pursuant to 35 U.S.C. § 285.
- G. A judgment that Burner be required to file with the Court within thirty (30) days

after entry of the final judgment of this case a written statement under oath setting forth in detail the manner in which defendant has complied with the judgment; and

H. A judgment that defendant be directed to pay plaintiffs interest and costs incurred herein and such other and further relief as the Court deems just and equitable.

Date: January 26, 2007

Respectfully Submitted,

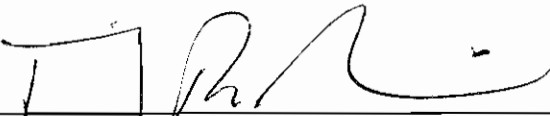
A handwritten signature in black ink, appearing to read 'T. Bricker', is written over a horizontal line.

Timothy R. Bricker (0061872)
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bricker@carpenterlipps.com

Attorney for Plaintiffs Newell Operating Company
and Irwin Industrial Tool Company

JURY DEMAND

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, plaintiffs demand a trial by jury.



Timothy R. Bricker (0061872)

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