

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

THE DERING CORPORATION,	:	
	:	
Plaintiff,	:	
	:	
vs.	:	CIVIL ACTION NO.
	:	
DELTAMEDIA INTERNATIONAL, INC.:	:	
	:	
Defendant.	:	JURY TRIAL DEMANDED

COMPLAINT

TO THE HONORABLE JUDGES OF THE
UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Plaintiff, The Dering Corporation, brings this action for patent infringement against Defendant, DeltaMedia International, Inc., and alleges as follows:

I. PARTIES

1. Plaintiff, The Dering Corporation (hereinafter "Dering"), is a corporation organized under the laws of the Commonwealth of Pennsylvania with its principal place of business at 1702 Hempstead Road, Lancaster, Pennsylvania 17601.

2. On information and belief, Defendant, DeltaMedia International, Inc. (hereinafter "DeltaMedia"), is a corporation organized and existing under the laws of the state of California and having a place of business at 9060 Rancho Park Court, Rancho

Cucamonga, California, and has done business within and/or is doing business within the Commonwealth of Pennsylvania and this judicial district.

II. JURISDICTION AND VENUE

3. This is an action for patent infringement arising under Title 35 of the United States Code.

4. Jurisdiction is based on 28 U.S.C. § 1338(a) and 28 U.S.C. § 1331.

5. Venue is proper in this district by virtue of 28 U.S.C. § 1391(c) and 28 U.S.C. §1400(b).

III. PATENT INFRINGEMENT UNDER 35 U.S.C. § 271

6. The allegations of paragraphs 1-5 above are incorporated herein by reference as though fully set forth here at length.

7. This cause of action arises under 35 U.S.C. § 271.

8. Plaintiff Dering is the exclusive licensee of United States Patent No. 6,021,894 ("the '894 patent"). A copy of the '894 patent is attached hereto as Exhibit A.

9. The '894 patent was duly and lawfully issued to Robert P. Lakoski, et al. on February 8, 2000 for an invention for a folding data disk holder, and the '894 patent remains in force.

10. Plaintiff Dering is the exclusive licensee of United States Patent No. 5,713,463 ("the '463 patent"). A copy of the

'463 patent is attached hereto as Exhibit B.

11. The '463 patent was duly and lawfully issued to Robert P. Lakoski, et al. on February 3, 1998 for an invention for a folding data disk holder, and the '463 patent remains in force.

12. On information and belief, Defendant DeltaMedia has infringed, contributed to and/or induced the infringement of the '894 patent and the '463 patent by making, using, selling, offering for sale, and/or importing into the United States products which infringe the '894 patent and the '463 patent.

13. On information and belief, Defendant DeltaMedia has infringed, contributed to and/or induced infringement of the '894 patent and the '463 patent with knowledge of the existence of the patents, as the required statutory notices have been marked on all products made and sold under the patents; and Defendant DeltaMedia has done so knowing that its activities constituted or caused infringement of the patents, or with disregard for whether their activities constituted or caused such infringement.

14. On information and belief, Defendant DeltaMedia will in the future continue to infringe, contribute to and/or induce the infringement of the '894 patent and the '463 patent unless enjoined by this Court.

15. On information and belief, Defendant DeltaMedia has unlawfully derived, and/or is now unlawfully deriving, profits from its acts of infringement, contributing to and/or inducing infringement of the '894 patent and the '463 patent.

16. Plaintiff Dering has suffered, and continues to suffer, serious and substantial damages, including lost profits, resulting from Defendant DeltaMedia's infringement, contributing to and/or inducing infringement of the '894 patent and the '463 patent, including irreparable injury for which there is no adequate remedy at law.

17. On information and belief, Defendant DeltaMedia's acts of infringement have been willful and deliberate.

IV. DEMAND FOR RELIEF

WHEREFORE, Plaintiff, Dering Corporation, prays that this Court:

a. enter a judgment against Defendant DeltaMedia International, Inc. for infringing, contributing to the infringement of, inducing the infringement of, or otherwise violating the '894 patent and/or the '463 patent;

b. enter a permanent injunction enjoining Defendant DeltaMedia International, Inc. and its officers, directors, employees, agents, servants, representatives and attorneys and those persons in active concert or participation with any of

them who receive actual notice of the injunction by personal service or otherwise, from directly or indirectly infringing, contributing to the infringement of, inducing the infringement of, or otherwise violating the '894 patent and/or the '463 patent;

c. award Plaintiff damages adequate to compensate for the infringement together with costs and interest, as provided in 35 U.S.C. § 284;

d. upon a finding of willful infringement, increase the award of damages up to three times the amount assessed as compensatory damages;

e. award Plaintiff interest, costs and attorneys' fees under 35 U.S.C. § 285;

f. order Defendant DeltaMedia International, Inc. to turn over to Plaintiff Dering Corporation, for destruction or other disposition, all products in Defendant's possession, custody or control which infringe any claim of the '894 patent or the '463 patent;

g. enter an Order placing reasonable but effective restrictions on the future transactions of Defendant DeltaMedia International, Inc. so as to assure its ability to pay, and to assure the prompt payment of, the judgment entered against it in this action; and

h. award Plaintiff such other and further relief as the Court deems just and proper.

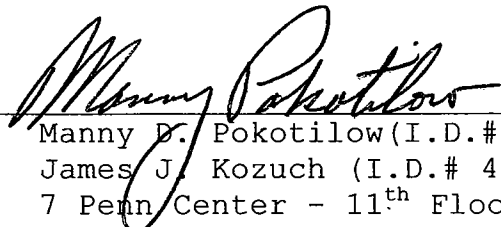
Plaintiff, Dering Corporation, demands a trial by jury.

Respectfully submitted,

CAESAR, RIVISE, BERNSTEIN
COHEN & POKOTILOW, LTD.

September 15, 2004

By



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