

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

MEADWESTVACO CORPORATION)	
)	
Plaintiff,)	Civil Action No.:
)	
vs.)	
)	
BERT-CO INDUSTRIES, INC.)	SEPTEMBER 5, 2006
)	
Defendant.)	
)	

COMPLAINT

Plaintiff MeadWestvaco Corporation, for its complaint against defendant Bert-Co Industries Inc., states and alleges as follows:

THE PARTIES

1. Plaintiff MeadWestvaco Corporation ("MeadWestvaco") is a corporation organized under the laws of the State of Delaware having its principal place of business at One High Ridge Park, Stamford, Connecticut 06905.

2. Upon information and belief, defendant Bert-Co Industries Inc. ("Bert-Co") is a corporation organized under the laws of the State of California having a place of business at 1855 Glendale Blvd, Los Angeles, CA 90026.

JURISDICTION AND VENUE

3. This is an action for pecuniary and injunctive relief from patent infringement arising under the Patent Laws of the United States, Title 35 of the United States Code.

4. This Court has subject matter jurisdiction over this action under the provisions of 28 U.S.C. §§ 1331 and 1338(a) in that this action arises under the Patent Statutes.

5. This Court has personal jurisdiction over Bert-Co because MeadWestvaco's claim arises out of Bert-Co's production, manufacture, sale, or distribution of infringing products that have been, and continue to be, sold, offered for sale, or used in Connecticut. Upon information and belief, Bert-Co had a reasonable expectation that the infringing products would be used or consumed in Connecticut when it produced, manufactured, sold, or distributed the products.

6. Venue is proper in this District under the provisions of 28 U.S.C. § 1391(b) and 28 U.S.C. § 1400 in that Bert-Co resides in this District within the meaning of those provisions because it is subject to personal jurisdiction in this District.

THE PATENT IN SUIT

7. On July 4, 2006, the United States Patent and Trademark Office issued United States Patent No. 7,070,048 (the "'048 patent") entitled "Packaging for Multiple Media Discs and Methods for Making Same." The '048 patent was duly and legally issued to inventor John A. Gelardi, et al. and has been assigned to MeadWestvaco. MeadWestvaco has been and still is the owner of the entire right, title, and interest in and to the '048 patent. A true and accurate copy of the '048 patent is attached hereto as **Exhibit A**.

8. The '048 patent describes a package for holding multiple media discs, including CDs and DVDs, which includes a stack of disc-holding trays and a flexible hinge adhering the common edge of each tray while leaving a free edge. This hinge secures the trays in a stacked formation that may be mounted to a folded jacket or inserted into a sleeve. The patent also

describes a means for holding the package closed and methods for manufacturing packages for holding multiple media discs.

INFRINGEMENT OF THE '048 PATENT

9. Bert-Co has been and is now infringing, contributorily infringing and/or inducing infringement of the '048 patent in violation of 35 U.S.C. § 271, by making, using, selling and/or offering to sell, without authority from MeadWestvaco, products, including a package for the "The Simpsons—The Complete Eighth Season" DVD set, containing the inventions claimed in the '048 patent. Upon information and belief, Bert-Co has committed, and continues to commit, one or more of such types of infringement in this District.

10. Upon information and belief, the aforementioned acts of patent infringement have been and are being willfully and deliberately committed by Bert-Co.

11. As a consequence of the infringing activities of Bert-Co regarding the '048 patent as complained of herein, MeadWestvaco has suffered monetary damages, and MeadWestvaco will continue to suffer such damages in the future unless and until Bert-Co's infringing activities are enjoined by this Court.

PRAYER FOR RELIEF

WHEREFORE, MeadWestvaco prays for judgment against Bert-Co as follows:

A. That Bert-Co is infringing, inducing others to infringe, and/or contributing to the infringement of the claims of the '048 patent;

B. That a permanent injunction issue restraining and enjoining Bert-Co and its respective agents, servants, officers, directors, employees and all persons acting in concert with them, directly or indirectly, from further infringing, inducing others to infringe, or contributing to the infringement of the '048 patent;

C. That Bert-Co be ordered to account for and pay to MeadWestvaco all damages caused to MeadWestvaco by reason of Bert-Co's infringement of the '048 patent pursuant to 35 U.S.C. § 284, including any enhanced damages;

D. That MeadWestvaco be granted pre-judgment and post-judgment interest on the damages caused to it by reason of Bert-Co's infringement of the '048 patent;

E. That this be declared an exceptional case pursuant to 35 U.S.C. § 285 and that MeadWestvaco be awarded its costs and attorneys' fees herein in accordance with 35 U.S.C. § 285; and

F. That MeadWestvaco be awarded such other and further relief as the Court may deem just and equitable.

JURY TRIAL DEMANDED

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, MeadWestvaco demands a trial by jury on all issues so triable.

MEADWESTVACO CORPORATION.

By its Attorneys,



Francis H. Morrison III (ct04200)

fhmorrison@dbh.com

Matthew J. Becker (ct10050)

mjbecker@dbh.com

Day, Berry & Howard LLP

CityPlace I

Hartford, CT 06103-3499

Telephone: (860) 275-0100

Fax: (860) 275-0343

William C. Mercer (ct26526)

wcm Mercer@dbh.com

Day, Berry & Howard LLP

One Canterbury Green

Stamford, CT 06901

Telephone: (203) 977-7300

Fax: (203) 977-7301