

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

DRAPER, INC.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:06-CV-0808-RLY-WTL
)	
DA-LITE SCREEN COMPANY and)	
STEWART FILMSCREEN CORPORATION)	
)	
Defendants.)	

AMENDED COMPLAINT FOR PATENT INFRINGEMENT

The plaintiff, Draper, Inc. ("Draper") files this Original Complaint for Patent Infringement against the defendants, Da-Lite Screen Company and Stewart Filmscreen Corporation (collectively, the "Defendants").

JURISDICTION/VENUE

1. This is an action for patent infringement, which arises under the patent laws of the United States, Title 35, United States Code. Subject matter jurisdiction in this court is based on 28 U.S.C. §§ 1331 and 1338(a). The Court has personal jurisdiction over each of the Defendants based on the Defendants' making, using, selling, or offering to sell screen systems in this judicial district. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and (c) and 1400.

PARTIES

2. Plaintiff Draper is a corporation organized and existing under the laws of the State of Indiana and maintains its principal place of business at 411 South Pearl Street, Spiceland, Indiana, 47385.

3. Upon information and belief, Da-Lite Screen Company ("Da-Lite") is a corporation organized and existing under the laws of the State of Indiana and maintains its principal place of business at 3100 N. Detroit Street, Warsaw, Indiana 46581.

4. Upon information and belief, Stewart Filmscreen Corporation ("Stewart") is a corporation organized and existing under the laws of the State of Delaware and maintains its principal place of business at 1161 W. Sepulveda Blvd., Torrance, California 90502.

Draper's United States Patent No. 6,111,694

5. Draper owns all rights and interests in, and is the assignee of, U.S. Patent No. 6,111,694 ("the '694 Patent"), entitled "Casing For Projector Screen System," a true and accurate copy of which is attached hereto as Exhibit A. This patent has been duly and legally issued by the United States Patent and Trademark Office.

6. Draper makes and sells, in the United States, screen systems embodying the invention of the '694 Patent.

Draper's United States Patent No. 6,137,629

7. Draper owns all rights and interests in, and is the assignee of, U.S. Patent No. 6,137,629 ("the '629 Patent"), entitled "Projection Screen System With Circuitry For Multi-Stage Installation," a true and accurate copy of which is attached hereto as Exhibit B. This patent has been duly and legally issued by the United States Patent and Trademark Office.

8. Draper makes and sells, in the United States, screen systems embodying the invention of the '629 Patent.

Draper's United States Patent No. 6,421,175

9. Draper owns all rights and interests in,¹ and is the assignee of, U.S. Patent No. 6,421,175 ("the '175 Patent"), entitled "Projection Screen System," a true and accurate copy of which is attached hereto as Exhibit C.² This patent has been duly and legally issued by the United States Patent and Trademark Office.

10. Draper makes and sells, in the United States, screen systems embodying the invention of the '175 Patent.

Draper's United States Patent No. 6,532,109

11. Draper owns all rights and interests in, and is the assignee of, U.S. Patent No. 6,532,109 ("the '109 Patent"), entitled "Roller Operated System With Mounting Assembly For Multi-Stage Installation," a true and accurate copy of which is attached hereto as Exhibit D.³ This patent has been duly and legally issued by the United States Patent and Trademark Office.

12. Draper makes and sells, in the United States, screen systems embodying the invention of the '109 Patent.

Draper's United States Patent No. 6,816,308

13. Draper owns all rights and interests in, and is the assignee of, U.S. Patent No. 6,816,308 ("the '308 Patent"), entitled "Screen System," a true and accurate copy of which is attached hereto as Exhibit E.⁴ This patent has been duly and legally issued by the United States Patent and Trademark Office.

14. Draper makes and sells, in the United States, screen systems embodying

¹ On May 18, 2006, Draper, Inc. filed a disclaimer with the United States Patent and Trademark Office disclaiming its rights in claims 52-64, 68, and 69 of U.S. Patent No. 6,421,175.

² The '175 Patent is a continuation of the application that issued as the '629 Patent.

³ The '109 Patent is a division of the application that issued as the '629 Patent.

⁴ The '308 Patent is a continuation of the application that issued as the '109 Patent.

the invention of the '308 Patent.

Draper's United States Patent No. 6,873,461

15. Draper owns all rights and interests in, and is the assignee of, U.S. Patent No. 6,873,461 ("the '461 Patent"), entitled "Case For Roller-Operated Screen System," a true and accurate copy of which is attached hereto as Exhibit F. This patent has been duly and legally issued by the United States Patent and Trademark Office.

16. Draper makes and sells, in the United States, screen systems embodying the invention of the '461 Patent.

Draper's United States Patent No. 5,296,964

17. Draper owns all rights and interests in, and is the assignee of, U.S. Patent No. 5,296,964 ("the '964 Patent"), entitled "Replaceable Fascia for Projection Screen Case," a true and accurate copy of which is attached hereto as Exhibit G. This patent has been duly and legally issued by the United States Patent and Trademark Office.

18. Draper makes and sells, in the United States, screen systems embodying the invention of the '964 Patent.

PATENT INFRINGEMENT AGAINST DA-LITE

Da-Lite Infringes the '694 Patent

19. Da-Lite has infringed, and is continuing to infringe, the '694 Patent in this judicial district and elsewhere throughout the United States, literally, under the doctrine of equivalents, and jointly with other entities, by making, using, offering to sell, and/or selling screen systems that embody the invention claimed in the '694 Patent, by actively inducing others to infringe the '694 Patent, and by contributing to the infringement of the '694 Patent, all without authority or license from Draper.

Da-Lite Infringes the '629 Patent

20. Da-Lite has infringed, and is continuing to infringe, the '629 Patent in this judicial district and elsewhere throughout the United States, literally, under the doctrine of equivalents, and jointly with other entities, by making, using, offering to sell, and/or selling screen systems that embody the invention claimed in the '629 Patent, by actively inducing others to infringe the '629 Patent, and by contributing to the infringement of the '629 Patent, all without authority or license from Draper.

Da-Lite Infringes the '175 Patent

21. Da-Lite has infringed, and is continuing to infringe, the '175 Patent in this judicial district and elsewhere throughout the United States, literally, under the doctrine of equivalents, and jointly with other entities, by making, using, offering to sell, and/or selling screen systems that embody the invention claimed in the '175 Patent, by actively inducing others to infringe the '175 Patent, and by contributing to the infringement of the '175 Patent, all without authority or license from Draper.

Da-Lite Infringes the '109 Patent

22. Da-Lite has infringed, and is continuing to infringe, the '109 Patent in this judicial district and elsewhere throughout the United States, literally, under the doctrine of equivalents, and jointly with other entities, by making, using, offering to sell, and/or selling screen systems that embody the invention claimed in the '109 Patent, by actively inducing others to infringe the '109 Patent, and by contributing to the infringement of the '109 Patent, all without authority or license from Draper.

Da-Lite Infringes the '308 Patent

23. Da-Lite has infringed, and is continuing to infringe, the '308 Patent in this judicial district and elsewhere throughout the United States, literally, under the doctrine of equivalents, and jointly with other entities, by making, using, offering to sell, and/or selling screen systems that embody the invention claimed in the '308 Patent, by actively inducing others to infringe the '308 Patent, and by contributing to the infringement of the '308 Patent, all without authority or license from Draper.

Da-Lite Infringes the '461 Patent

24. Da-Lite has infringed, and is continuing to infringe, the '461 Patent in this judicial district and elsewhere throughout the United States, literally, under the doctrine of equivalents, and jointly with other entities, by making, using, offering to sell, and/or selling screen systems that embody the invention claimed in the '461 Patent, by actively inducing others to infringe the '461 Patent, and by contributing to the infringement of the '461 Patent, all without authority or license from Draper.

Da-Lite Infringes the '964 Patent

25. Da-Lite has infringed, and is continuing to infringe, the '964 Patent in this judicial district and elsewhere throughout the United States, literally, under the doctrine of equivalents, and/or jointly with other entities, by making, using, offering to sell, and/or selling screen systems that embody the invention claimed in the '964 Patent, by actively inducing others to infringe the '964 Patent, and by contributing to the infringement of the '964 Patent, all without authority or license from Draper.

Willful Infringement by Da-Lite

26. Da-Lite's infringement of the '694 Patent, the '629 Patent, the '175 Patent, the '109 Patent, the '308 Patent, the '461 Patent, and the '964 Patent is willful and deliberate, making this an exceptional case within the meaning of 35 U.S.C. § 285.

PATENT INFRINGEMENT AGAINST STEWART

Stewart Infringes the '629 Patent

27. Stewart has infringed, and is continuing to infringe, the '629 Patent in this judicial district and elsewhere throughout the United States, literally, under the doctrine of equivalents, and jointly with other entities, by making, using, offering to sell, and/or selling screen systems that embody the invention claimed in the '629 Patent, by actively inducing others to infringe the '629 Patent, and by contributing to the infringement of the '629 Patent, all without authority or license from Draper.

Stewart Infringes the '175 Patent

28. Stewart has infringed, and is continuing to infringe, the '175 Patent in this judicial district and elsewhere throughout the United States, literally, under the doctrine of equivalents, and jointly with other entities, by making, using, offering to sell, and/or selling screen systems that embody the invention claimed in the '175 Patent, by actively inducing others to infringe the '175 Patent, and by contributing to the infringement of the '175 Patent, all without authority or license from Draper.

Willful Infringement by Stewart

29. Stewart's infringement of the '629 Patent and the '175 Patent is willful and deliberate, making this an exceptional case within the meaning of 35 U.S.C. § 285.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, Draper, Inc., respectfully requests that this Court enter judgment in its favor, and against defendants, Da-Lite Screen Company and Stewart Filmscreen Corporation, as follows:

A. That the '694 Patent, the '629 Patent, the '175 Patent, the '109 Patent, the '308 Patent, the '461 Patent, and the '964 Patent are valid and enforceable;

B. That Da-Lite has infringed, actively induced infringement, and contributed to infringement of the '694 Patent, the '629 Patent, the '175 Patent, the '109 Patent, the '308 Patent, the '461 Patent, and the '964 Patent;

C. That Stewart has infringed, actively induced infringement, and contributed to infringement of the '629 Patent and the '175 Patent;

D. That Da-Lite, its directors, officers, employees, agents, servants, successors, subsidiaries, assigns, attorneys, and all other persons acting in privity, concert, or participation with or under their authority, be permanently enjoined from making, using, offering for sale, and selling infringing screen systems and from otherwise infringing, actively inducing infringement, and contributing to the infringement of the '694 Patent, the '629 Patent, the '175 Patent, the '109 Patent, the '308 Patent, the '461 Patent, and the '964 Patent;

E. That Stewart, its directors, officers, employees, agents, servants, successors, subsidiaries, assigns, attorneys, and all other persons acting in privity, concert, or participation with or under their authority, be permanently enjoined from making, using, offering for sale, and selling infringing screen systems and from otherwise infringing, actively inducing infringement, and contributing to the infringement of the '629 Patent and the '175 Patent;

F. For an award to plaintiff of the damages and profits ascertained, together with interest and costs, in accordance with 35 U.S.C. § 284;

G. That plaintiff be awarded enhanced damages pursuant to 35 U.S.C. § 284;

H. That plaintiff be awarded its reasonable attorneys' fees pursuant to 35 U.S.C. § 285; and,

I. For such other and further relief as the Court deems just and proper.

JURY DEMAND

Plaintiff, Draper, Inc. demands trial by jury on all issues in this case other than its request for injunctive relief.

DATED: May 26, 2006

Respectfully submitted,

/s/ R. Trevor Carter

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