

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

VASTEX INTERNATIONAL INC.,	:	
	:	
Plaintiff,	:	
	:	CIVIL ACTION
v.	:	No.:
	:	
M&R PRINTING EQUIPMENT, INC.	:	
	:	JURY TRIAL DEMANDED
Defendant.	:	

COMPLAINT FOR DECLARATORY JUDGMENTS

Plaintiff, Vastex International Inc., states as its Complaint against defendant, M&R Printing Equipment, Inc., the following:

THE PARTIES

1. Plaintiff Vastex International Inc. (hereinafter “Vastex”) is a New Jersey corporation, having its principal place of business located at 1032 North Irving Street, Allentown, Pennsylvania 18109.

2. Defendant M&R Printing Equipment, Inc. (hereinafter “M&R”) is a Delaware corporation, having its principal place of business at 1 North 372 Main Street, Glen Ellyn, Illinois 60137.

JURISDICTION AND VENUE

3. This is a complaint for Declaratory Judgment that M&R’s United States Patents (the “Patents-in-Suit”) are not infringed, are invalid, and/or unenforceable.

4. This Court has jurisdiction pursuant to 28 U.S.C. § 1338, 2201 and 2202.

5. Venue is proper in this District pursuant to 28 U.S.C. § 1400.

6. This Court has personal jurisdiction over plaintiff as it is doing business in this judicial district.

GENERAL ALLEGATIONS

7. M&R is the purported owner of the Patents-in-Suit, each of which concern screen printing equipment. The Patents-in-Suit comprise United States Patent Nos. 5,921,176, 5,943,953, and 5,953,987.

8. Via correspondence dated March 4, 2008 and March 14, 2008, M&R expressly accused Vastex of infringing the Patents-in-Suit and demanded that Vastex cease and desist the alleged infringing activity.

9. Vastex has a reasonable apprehension of an imminent suit by M&R claiming that Vastex is infringing the Patents-In-Suit if Vastex does not capitulate to M&R's demands.

10. An actual controversy exists between the parties as to whether Vastex has infringed any of the Patents-In-Suit and whether the Patents-In-Suit are invalid and/or unenforceable.

DECLARATORY JUDGMENT OF NONINFRINGEMENT

11. Vastex realleges and incorporates herein as if set forth in full paragraphs 1-10.

12. Vastex does not, without authorization, make, use, sell, offer to sell, or import any product, process, or method covered, literally or under the Doctrine of Equivalents, by any claim of the Patents-in-Suit.

13. Vastex has not directly infringed, induced the infringement of, or been a contributory infringer of any claim of the Patents-in-Suit.

**DECLARATORY JUDGMENT OF PATENT INVALIDITY
AND/OR UNENFORCEABILITY**

14. Vastex realleges and incorporates herein as if set forth in full paragraphs 1-13.

15. The Patents-in-Suit are invalid and/or unenforceable for failure to comply with the requirements of Part II of Title 35 of the United States Code, including but not limited to §§ 101, 102, 103 and 112.

WHEREFORE, Plaintiff Vastex International Inc. respectfully requests that this Court enter an Order declaring that:

- a. Each of the Patents-in-Suit is invalid and/or unenforceable;
- b. The Patents-in-Suit are not infringed by any product, process, or method used, sold, offered for sale, manufactured, or imported by Vastex;
- c. M&R and all officers, employees, agents, representatives and counsel therefore, and all persons in active concert or participation with any of them, directly or indirectly, be enjoined from charging infringement or instituting any action for infringement of any of the Patents-in-Suit;
- d. This be declared an exceptional case pursuant to 35 U.S.C. § 285 and that the Court award Vastex its reasonable attorneys fees, expenses, and costs in this action; and
- e. Vastex be granted such other and further relief as justice may require.

JURY DEMAND

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure and the 7th Amendment to the Constitution of the United States, Vastex hereby demands a trial by jury of all issues triable as of right by jury in the above action.

Respectfully submitted,

DESIGN IP, A PROFESSIONAL CORPORATION

Date: April 15, 2008

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