

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

_____)	
INLINE PLASTICS CORP.,)	
a Connecticut corporation,)	
	Plaintiff,)	Civil Action No. _____
vs.)	
Par-Pak Ltd.,)	
a Canadian corporation,)	
	Defendant.)	April 15, 2011
_____)	

COMPLAINT

Plaintiff, Inline Plastics Corp. ("Inline Plastics"), by its undersigned attorneys, for its cause of action against Defendant, Par-Pak Ltd. ("Par-Pak"), states and alleges the following:

THE PARTIES

1. Plaintiff, Inline Plastics, is a Connecticut corporation having its principal place of business at 42 Canal Street, Shelton, Connecticut 06484.
2. On information and belief, Defendant, Par-Pak, is a Canadian corporation having its corporate headquarters located at 26 Victoria Crescent, Brampton, Ontario L6T 1E5.
3. This action is for patent infringement by Par-Pak, and arises under the patent laws of the United States, Title 35, United States Code.

4. On information and belief, Par-Pak is doing business in the State of Connecticut by shipping into the State of Connecticut, or offering to sell or selling, or causing others to ship into the State of Connecticut or use, offer to sell or sell plastic food containers referred to as Par-Pak's "Break Away Tamper – Visible Containers" and identified with product identification numbers HG-08-TV, HG-12-TV, HG-16-TV, HG-24-TV, HG-032-TV, HG-35-TV and HG-048-TV.

JURISDICTION AND VENUE

5. This Court has proper, original and exclusive jurisdiction over the subject matter of this action based on Title 28, United States Code, §§ 1331 and 1338(a).

6. Venue is proper in this Court under the provisions of Title 28, United States Code § 1400(b) and § 1391(d).

THE PATENT IN SUIT

7. On October 10, 2006, United States Letters Patent No. 7,118,003 ("the '003 patent"), entitled "Tamper Resistant Container with Tamper-Evident Feature and Method of Forming the Same" was duly and legally issued by the United States Patent and Trademark Office.

8. The '003 patent has been assigned to Inline Plastics by Robert Sellari, Peter Boback, and Bruce Stein and a copy of the assignment was recorded with the United States Patent and Trademark Office at reel and frame numbers 016419/0734 on April 4, 2005. A copy of the '003 patent is attached hereto as Exhibit A. Inline Plastics currently marks its products which fall within the scope of the '003 patent with the patent number.

9. On information and belief, subsequent to the issuance of the '003 patent, Par-Pak began manufacturing, selling, importing and/or offering for sale tamper resistant/evident containers that infringe the '003 patent within this judicial district and elsewhere in the United States in violation of 35 U.S.C. § 271. Photographs of samples of the currently accused Par-Pak tamper resistant/evident containers are attached hereto as Exhibits B and C. The samples shown in Exhibit B were obtained by Inline Plastics within the State of Connecticut. More specifically, on March 30, 2011 one of Inline Plastics' Sales Managers, Chris Lanzetta, purchased the containers shown in Exhibit B in the A&P Supermarket located at 1261 East Putnam Ave., Riverside, CT. The containers were each embossed with product identification no. HG-12-TV. A copy of the sales receipt is included with Exhibit B.

Moreover, on March 28, 2011, one of Inline Plastics' independent sales representatives in Canada ordered one full case of each container in the Par-Pak Tamper Visible line from Calibre Sales, 140 Fernstaff Court, Concord, ONT. The order was paid for by credit card, and Calibre Sales shipped the seven cases to Inline Plastics' corporate offices in Shelton, CT. The product was received in Shelton on April 4, 2011. Photographs of some of the shipped containers, a copy of the related invoice and packing list are includes in Exhibit C.

10. Upon information and belief, Par-Pak knew or should have reasonably known of the existence of the '003 patent, and despite such knowledge, Par-Pak has continued to engage in activities that infringe the '003 patent in violation of 35 U.S.C. § 271 without lawful justification.

11. Upon information and belief, Par-Pak has, by its aforementioned infringement of the '003 patent, unlawfully derived substantial profits and gains that Inline Plastics would have otherwise received.

COUNT I - INFRINGEMENT OF THE '003 patent

12. Plaintiff repeats and realleges Paragraphs 1 through 11 of this Complaint as if fully set forth herein.

13. Defendant Par-Pak has infringed and continues to infringe the claims of the '003 patent, including but not limited to Claims 1-3, 7, 17, 18, 20, 21 and 25, by making, selling, importing and offering for sale tamper resistant/evident containers which infringe the '003 patent.

14. As a direct and proximate consequence of Par-Pak's infringement of the '003 patent, Inline Plastics has been, is being and, until such acts and practices are enjoined by this Court, will continue to be damaged in its business and property, for which Inline Plastics is entitled to injunctive relief and damages, as set forth in 35 U.S.C. §§ 281, 283 and 284.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38 of the Federal Rule of Civil Procedure, Inline Plastics demands trial by jury on all claims asserted herein.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays as follows:

- A. For a judgment that Par-Pak has infringed United States Letters Patent No. 7,118,003 in violation of 35 U.S.C. § 271 and said infringement has been willful;
- B. For a permanent injunction enjoining and restraining Par-Pak, its officers, agents and servants, employees, and attorneys, parents and subsidiaries, and other persons in active

concert or participation with Par-Pak, from further infringing the '003 patent, and from making, using, selling, importing, offering for sale, or licensing any and all products that infringe United States Letters Patent No. 7,118,003;

C. For an accounting for damages suffered by plaintiff, including lost profits caused by infringement of United States Letters Patent No. 7,118,003, and for a judgment requiring Par-Pak to compensate Inline Plastics for such damages;


D. For an assessment of up to three times the damages so determined, pursuant to 35 U.S.C. §284;

E. For an award of reasonable attorneys' fees pursuant to 35 U.S.C. § 285;

F. For an assessment of interest and costs against defendant; and G. For such other and further relief that this Court deems just and proper.

Dated: April 15, 2011

PLAINTIFF, INLINE PLASTICS CORP.
BY ITS ATTORNEYS
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