



## II. JURISDICTION AND VENUE

2. Jurisdiction is conferred on this Court as this is an action for patent infringement involving a federal question under the Patent Act, Title 35, the United States Code, seeking a judgment that KPL and Perini have infringed the '063 patent.

3. Venue is proper in this district under 28 U.S.C. §§ 1391(b) & (c) and 28 U.S.C. §1400 in that KPL and Perini reside in this District and, upon information and belief, have committed acts of infringement in this District and elsewhere in the United States.

4. Venue is also proper as KPL and Perini, upon information and belief, have committed acts of infringement in this District and elsewhere in the United States.

## III. PARTIES

5. Plaintiff PCMC is a Wisconsin corporation, and a resident of the State of Wisconsin, having a principal place of business in this District at 2300 S Ashland Ave, Green Bay, WI 54304.

6. On information and belief, Defendant Perini is a Wisconsin Corporation, and a resident of the State of Wisconsin, having a principal place of business at 3060 S Ridge Rd, Green Bay, WI 54304.

7. Upon information and belief, KPL is a "Società per Azioni" (shares-based company) is a corporation organized under the laws of Italy, having a principal place of business at Via San Vitalino 7 40012 Calderara di Reno, Bologna Italy, and resides in this District as it is subject to personal jurisdiction in this district.

8. Upon information and belief, KPL maintains an office in this District.

## IV. FACTS

9. PCMC designs, manufactures and services tissue converting, tissue packaging, flexographic printing, nonwoven converting, and roll engraving machines and systems.

10. PCMC is the owner, by assignment, of the '063 patent.

11. Upon information and belief, KPL manufactures packaging apparatuses and systems, including a packaging apparatus known as the Casmatic S35 bundler.

12. Upon information and belief, KPL imports the Casmatic S35 bundler into the United States.

13. Upon information and belief, Perini is the exclusive distributor of the Casmatic S35 in the United States.

14. Upon information and belief, Perini markets, offers to sell and sells the Casmatic S35 in the United States from their principal place of business in Green Bay, Wisconsin.

#### **V. PATENT INFRINGEMENT CAUSE OF ACTION AGAINST KPL**

15. Plaintiff PCMC incorporates by reference paragraphs 1 through 14, set forth above.

16. This is an action for patent infringement pursuant to the Patent Act, title 35 of the United States Code.

17. KPL has committed acts that constitute infringement of the '063 patent as defined in 35 U.S.C. §271, such as by importing the Casmatic S35 bundler into the United States.

18. KPL has knowingly and willingly infringed the '063 patent and has contributed to and induced the infringement by others, both within this District and elsewhere in the United States.

#### **VI. PATENT INFRINGEMENT CAUSE OF ACTION AGAINST PERINI**

19. Plaintiff PCMC incorporates by reference paragraphs 1 through 18, set forth above.

20. This is an action for patent infringement pursuant to the Patent Act, title 35 of the United States Code.

21. Perini has committed acts that constitute infringement of the '063 patent as defined in 35 U.S.C. §271, such as by marketing, offering to sell and selling the Casmatic S35 bundler in the United States.

22. Perini has knowingly and willingly infringed the '063 patent and has contributed to and induced the infringement by others, both within this District and elsewhere in the United States.

### **IX. RELIEF REQUESTED**

23. Plaintiff PCMC incorporates by reference paragraphs 1-22, as set forth above.

24. Plaintiff PCMC requests judgment against KPL that KPL has infringed the '063 patent.

25. Plaintiff PCMC requests judgment against Perini that Perini has infringed the '063 patent.

26. Plaintiff PCMC requests that KPL be ordered to pay damages to PCMC in an amount sufficient to compensate for KPL's infringement of the '063 patent.

27. Plaintiff PCMC requests that Perini be ordered to pay damages to PCMC in an amount sufficient to compensate for Perini's infringement of the '063 patent.

28. Plaintiff PCMC requests that KPL's infringement be deemed willful, and that KPL be ordered to pay treble damages.

29. Plaintiff PCMC requests that Perini's infringement be deemed willful, and that Perini be ordered to pay treble damages.

30. Plaintiff PCMC requests an injunction preventing KPL from infringing the '063 patent.

31. Plaintiff PCMC requests an injunction preventing Perini from infringing the '063 patent.

32. Plaintiff PCMC requests such other relief that this Court deems just and proper.

Dated this 9<sup>th</sup> day of April, 2008.

*s/ Daniel T. Flaherty* \_\_\_\_\_

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