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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TRINITY GLASS INTERNATIONAL, INC., a)
Washington corporation,)

Plaintiff,)

v.)

ODL, INCORPORATED, a Michigan)
corporation,)

Defendant.)

No.

COMPLAINT FOR
DECLARATORY JUDGMENT OF
PATENT INVALIDITY AND
NON-INFRINGEMENT

For its complaint against defendant, plaintiff alleges as follows:

1. Pursuant to 28 U.S.C. §§2201, *et seq.*, plaintiff, Trinity Glass International, Inc., seeks a declaration that it has not infringed any valid claim of United States Patent No. 5,636,484 entitled *Hurricane Door Light* (“the ’484 Patent”) and that the claims of the ’484 Patent are invalid for failing to meet the requirements of the Patent Act, 35 U.S.C. §§ 1, *et seq.*

JURISDICTION AND VENUE

- 2. This Court has jurisdiction of this action pursuant to 28 U.S.C. §1338(a).
- 3. Venue is proper in this district pursuant to 28 U.S.C. §1391.

PARTIES

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2 4. Plaintiff, Trinity Glass International, Inc. (“Trinity Glass”), is a Washington
3 corporation having its principal place of business in Tacoma, Washington.

4 5. On information and belief, defendant, ODL, Incorporated (“ODL”), is a
5 corporation organized and existing under the laws of the State of Michigan with its
6 principal place of business in Zeeland, Michigan.

FACTUAL ALLEGATIONS

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8 6. On January 2, 2008, ODL, through counsel, sent a letter to Trinity Glass
9 asserting that certain products of Trinity Glass infringe the ’484 Patent.

10 7. On information and belief, one or more claims of the ’484 Patent are
11 invalid, and Trinity Glass does not infringe any valid claim of the ’484 Patent.

12 8. There is an actual controversy as to whether any claim of the ’484 Patent is
13 valid, and as to whether Trinity Glass infringes any valid claim of that patent.

FIRST CLAIM FOR RELIEF:

DECLARATION OF NON-INFRINGEMENT OF ’484 PATENT

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16 9. Trinity Glass incorporates the allegations of Paragraphs 1 through 8 above
17 as if set forth fully herein.

18 10. Trinity Glass is entitled to a declaration that it does not infringe any claim
19 of the ’484 Patent, either literally or under the doctrine of equivalents.

SECOND CLAIM FOR RELIEF:

DECLARATION OF PATENT INVALIDITY

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22 11. Trinity Glass incorporates the allegations of Paragraphs 1 through 10 above
23 as if set forth fully herein.

1 12. Trinity Glass is entitled to a declaration that each claim of the '484 Patent is
2 invalid for failure to comply with one or more of the provisions of the Patent Act, 35
3 U.S.C. §§ 1 *et seq.*

4 **PRAYER FOR RELIEF**

5 WHEREFORE plaintiff, Trinity Glass International, Inc., prays for judgment
6 against defendant, ODL, Incorporated, as follows:

7 1. Declaring that plaintiff has not infringed any valid claim of the '484
8 Patent;

9 2. Declaring that the claims of the '484 Patent are invalid;

10 3. Declaring that plaintiff is free to make, use, sell, import and offer for
11 sale products that defendant claims infringe the '484 Patent, and that plaintiff's customers
12 are free to use, sell, and offer for sale such products;

13 4. Finding that this is an exceptional case under the Patent Act and
14 awarding plaintiff its attorneys' fees pursuant to 35 U.S.C. §285;

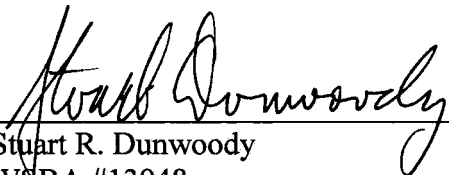
15 5. Awarding plaintiff its costs of suit; and

16 6. Granting such and further relief as may be just and equitable under
17 the circumstances.

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1 DATED this 9th day of January, 2008.

2 Davis Wright Tremaine LLP
3 Attorneys for Plaintiff Trinity Glass
4 International, Inc.

5 By 
6 Stuart R. Dunwoody
7 WSBA #13948

8 Suite 2200
9 1201 Third Avenue
10 Seattle, Washington 98101-3045
11 Tel: (206) 757-8034
12 Fax: (206) 757-7034
13 Email: stuardunwoody@dwt.com