

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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TRICAM INDUSTRIES, INC.,  
a Minnesota corporation,

Court File No. \_\_\_\_\_

Plaintiff,

vs.

**COMPLAINT FOR  
PATENT INFRINGEMENT  
(Jury Trial Demanded)**

DOREL JUVENILE GROUP, INC.,  
COSCO HOME AND OFFICE PRODUCTS DIVISION,  
a Massachusetts corporation,

Defendant.

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Plaintiff Tricam Industries, Inc., by and through its counsel, for its Complaint against Defendant Dorel Juvenile Group, Inc., Cosco Home and Office Products Division, states and alleges as follows:

**PARTIES**

1. Plaintiff Tricam Industries, Inc. (hereinafter referred to as "Plaintiff") is a Minnesota corporation with its principal place of business at 7677 Equitable Drive, Eden Prairie, Minnesota 55344.

2. Upon information and belief, Defendant Dorel Juvenile Group, Inc., Cosco Home and Office Products Division (hereinafter referred to as "Defendant") is a Massachusetts corporation with its principal place of business at 2525 State Street Columbus, Indiana 47201.

**JURISDICTION AND VENUE**

3. Subject matter jurisdiction is based on 28 U.S.C. §§ 1331 and 1338(a), in that this action arises under the patent laws of the United States (35 U.S.C. § 1 et seq.).

4. This Court also has jurisdiction over this civil action pursuant to 28 U.S.C. § 1332(a) as Plaintiff has diversity of citizenship in relation to Defendant and the amount in controversy exceeds \$75,000 exclusive of interest and costs.

5. Venue lies in this Court pursuant to 28 U.S.C. §§ 1391(b) and (c) and 1400(b) as Defendant is subject to personal jurisdiction, does business, and has committed acts of infringement in this District. Thus, this Court has personal jurisdiction over Defendant pursuant to Minn. Stat. § 543.19.

### **PATENT INFRINGEMENT BY DEFENDANT**

6. Plaintiff restates, realleges, and incorporates by reference the allegations set forth in paragraphs 1 through 5.

7. On June 1, 1999, United States Design Patent No. Des. 410,550 (hereinafter “the ‘550 Patent”) entitled “Project Ladder” was duly and legally issued to RMM Corporation as the assignee of inventor Todd Meyers. A true and correct copy of the ‘550 Patent is attached hereto and made a part hereof as Exhibit A.

8. On October 5, 1999, United States Design Patent No. Des. 414,879 (hereinafter “the ‘879 Patent”) entitled “3-Step Ladder” was duly and legally issued to RMM Corporation as the assignee of inventor Todd Meyers. A true and correct copy of the ‘879 Patent is attached hereto and made part hereof as Exhibit B.

9. On November 2, 1999, United States Design Patent No. Des. 416,092 (hereinafter “the ‘092 Patent”) entitled “2-Step Ladder” was duly and legally issued to RMM Corporation as the assignee of inventor Todd Meyers. A true and correct copy of the ‘092 Patent is attached hereto and made part hereof as Exhibit C.

10. On May 21, 2002, United States Patent No. 6,390,237 B1 (hereinafter “the ‘237 Patent”) entitled “Ladder Step Stool With Latch” was duly and legally issued to Plaintiff as the assignee of inventors Wan Soo Kim, Ping-Jan Chiu, Todd Meyers, and Franny Chen. A true and correct copy of the ‘237 Patent is attached hereto and made part hereof as Exhibit D.

11. Tricam is the owner of the ‘550, ‘879 and ‘092 Patents as the assignee of RMM Corporation. As the owner of the ‘550, ‘879, ‘092, and ‘237 Patents (collectively hereinafter referred to as the “Tricam Patents”), Tricam is authorized and has standing to bring legal action to enforce all rights arising under the Tricam Patents.

12. Plaintiff manufactures, markets, and sells products that are made in part under the Tricam Patents.

13. Plaintiff sells its products in Minnesota and elsewhere in the United States and throughout the world.

14. Plaintiff has given notice to the public that products made and sold under the Tricam Patents are patented by marking in accordance with the provisions of 35 U.S.C. § 287.

15. Upon information and belief, Defendant has made, used, sold, offered for sale, exported, and/or imported ladders and step stools, including at least the Ultra Thin™ and Alumilite™ step stools, in Minnesota and elsewhere in the United States.

16. Defendant’s products, including at least the Ultra Thin™ and Alumilite™ step stools and any other similarly configured products, incorporate the patented designs claimed in the Tricam Patents.

17. Defendant directly infringes, contributorily infringes, and induces the infringement of the Tricam patents, in violation of 35 U.S.C. § 271, and all causes of action thereunder, to the damage and injury of Plaintiff.

18. Upon information and belief, the acts of infringement by Defendant are willful, intentional, and in conscious disregard of Plaintiff's rights in the Tricam Patents.

19. As a result of Defendant's infringement of the claims of the Tricam Patents, Defendant has made and will continue to make unlawful gains and profits. Further, Plaintiff has been and will continue to be irreparably damaged and deprived of its rights secured by the Tricam Patents due to the unlawful infringement by Defendant.

20. Plaintiff has been and will continue to be deprived of revenue, profit, and gain that it would otherwise have generated but for such infringement, and Defendant has caused and will continue to cause losses and damages in amounts that cannot be determined with specificity except by an accounting, as well as irreparable losses and damages.

21. Plaintiff is entitled to preliminary and permanent injunctive relief, enjoining Defendant from further and continuing infringement of the claims of the Tricam Patents.

**JURY DEMAND**

22. Pursuant to FED. R. CIV. P. 38(b), Plaintiff requests a trial by jury.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff Tricam Industries, Inc. prays for relief as follows:

A. A judgment that Defendant has directly infringed, induced infringement, and/or contributed to the infringement of Plaintiff's rights under the Tricam Patents;

B. A judgment preliminarily and permanently enjoining and restraining Defendant and its subsidiaries, parents, officers, directors, agents, servants, employees, affiliates, attorneys, and all other persons in active concert or participation with Defendant from directly infringing, inducing infringement, and/or contributing to the infringement of the Tricam Patents;

C. A judgment that Defendant's various acts of infringement have been in willful, knowing, and deliberate disregard of Plaintiff's patent rights and requiring Defendant to pay damages under 35 U.S.C. § 284, trebled for willful infringement, with interest;

D. A judgment awarding Plaintiff damages, including lost profits, adequate to compensate for Defendant's infringement, but not less than a reasonable royalty, resulting from Defendant's various acts of infringement;

E. A judgment awarding Plaintiff the total profits of Defendant gained by its infringement pursuant to 35 U.S.C. § 289;

F. A judgment award to Plaintiff of pre-judgment and post-judgment interest on Plaintiff's damages as allowed by law;

G. A judgment awarding damages to Plaintiff for its costs, disbursements, and attorneys' fees incurred in prosecuting this action, with interest, including a finding of an exceptional case, pursuant to 35 U.S.C. § 285, and otherwise according to law; and

H. Such other relief as the Court may deem just, equitable, and proper.

Respectfully submitted,

**PATTERSON, THUENTE,  
SKAAR & CHRISTENSEN, P.A.**

Dated: June 7, 2005

By: 

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**ATTORNEYS FOR PLAINTIFF  
TRICAM INDUSTRIES, INC.**