

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Cityscapes International, Inc.
4200 Lyman Court
Hilliard, Ohio 43026

PLAINTIFF

v.

Harray, LLC, d/b/a
Architectural Louvers
266 West Mitchell Ave
Cincinnati, Ohio 45232

DEFENDANT

Civil Action No. 2:11-cv-01111

COMPLAINT WITH DEMAND
FOR JURY TRIAL

Plaintiff hereby demands a trial
by jury on all issues presented in
this Complaint that are so triable.

COMPLAINT

Plaintiff Cityscapes International, Inc. complains of Defendant as follows:

The Parties

1. Plaintiff Cityscapes International, Inc., (hereafter “Cityscapes”) is an Ohio Corporation having a place of business at 4200 Lyman Court, Hilliard, Ohio 43026.

2. On information and belief, Defendant Harray, LLC (hereafter “Harray”) is an Ohio limited liability company having a place of business at 266 West Mitchell Avenue, Cincinnati, Ohio 45232.

Jurisdiction

3. This is a claim for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code, Sections 101 et seq.

4. This Court has original jurisdiction over the subject matter under Title 28 of the United States Code Sections 1331 and 1338.

5. This Court has personal jurisdiction over Defendant Harray by virtue of its conduct of business in this judicial district and acts of infringement that have been committed in this judicial district.

Facts

6. On September 9, 1997, United States Letters Patent No. 5,664,384 (hereafter the '384 patent) was duly and legally issued to James E. Cullinan, as inventor, for a SCREENING DEVICE. The '384 patent was subsequently transferred to Cityscapes by assignment executed July 20, 2011.

7. Plaintiff Cityscapes has been, through the period of the Defendant's infringing acts, and still is the owner of the '384 patent, a copy of which is appended hereto as **Exhibit 1**. Thus, Plaintiff is entitled as the real party in interest to recover for any infringement of the '384 patent.

8. Plaintiff gave the Defendant actual notice of the '384 patent, as evidenced by a letter from Plaintiff's attorney dated April 6, 2010, a true copy of which is appended hereto as **Exhibit 2**.

9. Defendant is without right, license or other authority to make, use, sell, import or offer to sell an apparatus that meets the claim limitations of the '384 patent.

10. Defendant is without right, license or other authority actively to induce others to make, use, sell, import or offer to sell an apparatus that meets the claim limitations of the '384 patent.

PATENT INFRINGEMENT

11. Plaintiff hereby adopts and incorporates by reference the allegations of paragraphs 1-10 above as if fully set forth herein.

12. On information and belief, Defendant has been and still is without authority making, using, offering to sell, and/or selling the patented invention within this judicial district and elsewhere during the term of the '384 patent, and will continue to do so unless enjoined by this Court.

13. Defendant is, without authority and during the term of the '384 patent, actively inducing infringement of the '384 patent in this judicial district and elsewhere, and will continue to do so unless enjoined by this Court.

14. Infringement of the '384 patent by Defendant has been with actual knowledge of the '384 patent since at least as early as April 2010, at which time Plaintiff gave notice to Defendant Harray of the '384 patent.

15. On information and belief, infringement of the '384 patent by Defendant has been willful.

16. Infringement of the '384 patent by Defendant has injured Plaintiff by depriving Plaintiff of the sales and the fees which they otherwise would have made, and has in other respects injured Plaintiff and will cause Plaintiff added injury and loss of profits unless enjoined by this Court.

17. Defendant's patent infringements are actionable under 35 U.S.C. § 271 (a)-(c).

DEMAND FOR RELIEF

WHEREFORE, premises considered, Plaintiff respectfully demands judgment against Defendant, its subsidiaries, affiliates, agents, servants, employees and all persons in active concert or participation with them, granting Plaintiff the following:

- A. Judgment that Defendant has infringed U.S. Patent No. 5,664,384.
- B. After hearing a preliminary injunction under Title 35 of the United States Code §283 to enjoin Defendant, its agents, servants, employees, and all other persons in active concert or participation with it from further infringement of the '384 patent; such preliminary injunction to remain in effect until Plaintiff's attorneys have had reasonable opportunity to take the depositions of Defendant and the officers and employees of Defendant, and to have its discovery.
- C. An injunction perpetually restraining Defendant and all those in privity with it from further infringement of the '384 patent.
- D. An order requiring Defendant to account to Plaintiff for the actual damages, with interest, suffered by Plaintiff as the result of the infringement of the '384 patent by Defendant, and a determination of whether such damages should be tripled, as provided for under Title 35 of the United States Code §284 because of a willful and deliberate character of the infringement, but in no event less than a reasonable royalty.

E. A finding that this case is “exceptional,” and an award to Plaintiff for reasonable attorney fees and costs as provided for under Title 35 of the United States Code §285.

F. That Defendant be required to file with the Court and to serve on Plaintiff, within 30 days after service of the Court’s Order as herein prayed, a report in writing under oath setting forth in detail the manner and form in which Defendant has complied with the Court’s Order.

G. That judgment be entered for Plaintiff and against Defendant for Plaintiff’s actual damages according to proof, and for any profits attributable to infringements of Plaintiff’s patent, in accordance with proof.

H. That Plaintiff have judgment against Defendant for Plaintiff’s costs and attorneys’ fees.

I. Such other and further relief to which Plaintiff may be justly entitled.

Respectfully Submitted,
Cityscapes International, Inc.

s/Jason H. Foster

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