

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

**MULTILAYER STRETCH CLING FILM)
HOLDINGS, INC.)**

Plaintiff,)

v.)

**MSC MARKETING AND TECHNOLOGY,)
INC., D/B/A SIGMA STRETCH FILM, and)
ALPHA INDUSTRIES, INC.)**

Defendants.

Civil Action No. _____

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Multilayer Stretch Cling Film Holdings, Inc. (“Multilayer”), through its counsel of record, and for its Complaint against Defendants MSC Marketing and Technology, Inc. d/b/a Sigma Stretch Film (“Sigma”) and Alpha Industries, Inc. (“Alpha”) (cumulatively, “Defendants”), states as follows.

PRELIMINARY STATEMENT

1. This is an infringement action brought by Multilayer pursuant to the Patent Laws of the United States, United States Code, Title 35 for damages and to enjoin future infringement.

JURISDICTION

2. This Court has original jurisdiction to hear this matter pursuant to 28 U.S.C. §§ 1331 and 1338(a) because it arises under the Patent Laws of the United States, United States Code, Title 35.

VENUE

3. Venue is proper in this Court pursuant to 28 U.S.C. § 1400(b) because Defendants reside in this judicial district.

PARTIES

4. Multilayer is a corporation duly organized and existing under the laws of the State of Delaware with its principal place of business located at Via Vittor Pisani 22 Milan, Italy 20124.
5. Alpha is a corporation duly organized and existing under the laws of the State of New Jersey with its principal place of business located at Page and Schuyler Ave., Bldg. 5, Lyndhurst, NJ, 07071.
6. Sigma is a corporation duly organized and existing under the laws of the State of New Jersey with its principal place of business located at Page and Schuyler Ave., Bldg. 5, Lyndhurst, NJ, 07071.
7. Defendants are in the business of designing, manufacturing, and selling flexible packaging films. Defendants advertise, offer for sale, and sell flexible packaging films within the jurisdiction of the United States District Court for the Western District of Tennessee.

U.S. PATENT NO. 6,265,055

8. On July 24, 2001, U.S. Patent No. 6,265,055 (“the ‘055 Patent”) for a “Multilayer Stretch Cling Film” was duly, properly and legally issued by the United States Patent and Trademark Office (the “PTO”) to inventors David Simpson and Terry Jones.
9. A true and correct copy of the ‘055 Patent, which is incorporated herein by this reference, is attached to the Complaint as Exhibit A.
10. Multilayer is the owner of all right, title and interest in the ‘055 patent.

COUNT I- INFRINGEMENT OF U.S. PATENT NO. 6,265,055

11. Multilayer realleges and incorporates by reference the allegations of paragraphs 1-10.

12. Defendants' stretch films, including but not limited to their Magnum Stretch 300 Film, Summit Film, and World Wrap Cast Film products, have infringed and continue to infringe at least claim 1 of the '055 patent.

13. Defendants' infringement of the '055 patent has been willful, wanton, egregious, and with disregard of Multilayer's patent rights and will continue unabated unless enjoined by this Court.

14. Unless the future occurrence of these actions is enjoined, Multilayer will suffer irreparable injury for which there is no adequate remedy at law.

PRAYER FOR RELIEF

WHEREFORE, Multilayer prays for relief as follows:

- A. An Order requiring that Defendants and their officers, agents, servants, employees, attorneys, privies, and those persons in active concert or participation with them, be preliminarily and permanently enjoined from the continued infringement of U.S. Patent No. 6,265,055;
- B. An award to Multilayer pursuant to 35 U.S.C. § 284 of damages, not less than a reasonable royalty, adequate to compensate Multilayer for the infringement of its patent rights;
- C. An award to Multilayer of prejudgment interest on said sums;
- D. Trebling of said award pursuant to 35 U.S.C. § 284;
- E. An award to Multilayer pursuant to 35 U.S.C. § 285 of its reasonable attorneys' fees incurred in this case;
- F. An award to Multilayer of post judgment interest on said sums at the legal judgment rate from date of the judgment;
- G. An award to Multilayer of the costs of this action;

- H. Any further relief to which Multilayer may appear entitled; and
- I. Trial by jury on all issues so triable.

Dated: February 10, 2012

Respectfully submitted,

s/ James R. Michels

James R. Michels (Tennessee Bar # 21604)
William C. Ferrell, Jr. (Tennessee Bar # 27220)
Melissa Hunter Smith (Tennessee Bar # 26387)
STITES & HARBISON, PLLC
401 Commerce Street, Suite 800
Nashville, TN 37219-2376
Telephone: (615) 244-5200
Facsimile: (615) 782-2371

Counsel for Plaintiff,
Multilayer Stretch Cling Film Holdings, Inc.