

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ASGCO MANUFACTURING, INC.	:	
	:	
Plaintiff,	:	Civil Action No.
	:	
vs.	:	COMPLAINT FOR PATENT
	:	INFRINGEMENT
AMERICAN EAGLE MANUFACTURING, LLC,	:	
	:	
Defendant.	:	JURY DEMAND
	:	

Plaintiff ASGCO Manufacturing, Inc. (“ASGCO”) for its Complaint for Patent Infringement against Defendant American Eagle Manufacturing (“Defendant”) alleges as follows:

PARTIES

1. Plaintiff ASGCO Manufacturing, Inc. is a Pennsylvania corporation having its principal place of business at 301 Gordon Street, Allentown, PA 18102.

2. On information and belief, American Eagle Manufacturing, LLC, is a North Carolina limited liability company with its principal place of business at 201 Kale Road, New Bern, North Carolina, 28562.

3. On information and belief, Defendant is engaged in the design, manufacture, sale within the United States, offering for sale in the United States, use within the United States, importation into the United States, and/or sale after importation into the United States of conveyor belt cleaners with ASGCO’s scraper blade tensioning device subject to ASGCO patent No. 5,201,402 and components thereof. On information and belief, Defendant markets and sells these devices worldwide through their channel business partners and various retailers, including through retail stores and company websites.

JURISDICTION AND VENUE

4. This is an action for patent infringement arising under the patent laws of the United States, Title 35, United States Code.

5. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6. On information and belief, Defendant is subject to personal jurisdiction in the Eastern District of Pennsylvania (the "District"), consistent with the principles of due process and the Pennsylvania Long Arm Statute, because Defendant maintains offices and facilities in this District, offers their products for sale in this District, has transacted business in this District, has committed and/or induced acts of patent infringement in this District, and/or has placed infringing products into the stream of commerce through established distribution channels with the expectation that such products will be purchased by residents of this District.

7. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b), 1391(c), 1391(d), and 1400(b).

PATENT INFRINGEMENT COUNTS

8. ASGCO is the owner of all right, title, and interest in U.S. Patent No. 5,201,402 ("ASGCO Patent"), which Defendant is infringing and/or inducing others to infringe by making, using, offering to sell, and/or selling in the United States, and/or importing into the United States, products or processes that practice one or more inventions claimed in the ASGCO Patent.

9. Defendant has profited through infringement of the ASGCO Patent. As a result of Defendant's unlawful infringement of the ASGCO Patent, ASGCO has suffered and will continue to suffer damage. ASGCO is entitled to recover from Defendant the damages suffered by ASGCO as a result of Defendant's unlawful acts.

10. On information and belief, Defendant's infringement of the ASGCO Patent is willful and deliberate, entitling ASGCO to enhanced damages and reasonable attorney fees and costs.

11. On information and belief, Defendant intends to continue their unlawful infringing activity, and ASGCO continues to and will continue to suffer irreparable harm—for which there is no adequate remedy at law—from such unlawful infringing activity unless Defendant is enjoined by this Court.

COUNT I

INFRINGEMENT OF U.S. PATENT NO. 5,201,402

12. ASGCO realleges and incorporates by reference the allegations set forth in paragraphs 1-11.

13. ASGCO is the owner of all right, title, and interest in U.S. Patent No. 5,201,402, entitled "Scraper Blade Tensioning Device," duly and properly issued by the U.S. Patent and Trademark Office on April 13, 1993, a copy of which is attached as Exhibit A.

14. Defendant has been and/or is directly infringing and/or inducing infringement of and/or contributorily infringing the ASGCO Patent by, among other things, making, using, offering to sell or selling in the United States, or importing into the United States, products and/or services that are covered by at least claims 1 and 9 of the ASGCO Patent including, by way of example and not limitation, to Defendant's E4 Heavy Duty Primary Cleaner, E5 Eaglet Primary Cleaner, and E5 High Performance Eaglet Primary Cleaner.

DEMAND FOR JURY TRIAL

15. Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, ASGCO respectfully requests a trial by jury of all issues properly triable by jury.

PRAYER FOR RELIEF

WHEREFORE, ASGCO prays for relief as follows:

- A. For a judgment declaring that Defendant has infringed the ASGCO Patent;
- B. For a judgment awarding ASGCO compensatory damages as a result of Defendant's infringement of the ASGCO Patent, together with interest and costs, and in no event less than a reasonable royalty;
- C. For a judgment declaring that Defendant's infringement of ASGCO Patent has been willful and deliberate;
- D. For a judgment awarding ASGCO treble damages and pre judgment interest under 35 U.S.C. § 284 as a result of Defendant's willful and deliberate infringement of the ASGCO Patent;
- E. For a judgment declaring that this case is exceptional and awarding ASGCO its expenses, costs, and attorneys fees in accordance with 35 U.S.C. §§ 284 and 285 and Rule 54(d) of the Federal Rules of Civil Procedure;
- F. For a grant of a permanent injunction pursuant to 35 U.S.C. § 283, enjoining the Defendant from further acts of infringement; and
- G. For such other and further relief as the Court deems just and proper.

Respectfully submitted this 20th April, 2012,

KAUFMAN DOLOWICH VOLUCK & GONZO LLP

BY:  _____

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