

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

CENTRIA,

Plaintiff,

v.

CLEBURNE SHEET METAL

Defendant.

Civil Action No.

JURY TRIAL DEMANDED

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff Centria (hereinafter, "Centria"), by and through its undersigned counsel, hereby alleges the following against Defendant Cleburne Sheet Metal (hereinafter, "Cleburne"):

THE PARTIES

1. Centria is a Pennsylvania partnership having its principal place of business located at 1005 Beaver Grade Road, Moon Township, PA 15108.

2. Upon information and belief, Cleburne is a Texas corporation having its principal place of business located at 6432 Nine Mile Bridge Road, Fort Worth, TX 76135.

JURISDICTION AND VENUE

3. Centria brings this action under the Patent Laws of the United States, Title 35 of the United States Code. This Court has jurisdiction pursuant to 28 U.S.C. § 1331 and § 1338.

4. Centria is the owner of all right and title to United States Patent Nos. D527,834 (“the ’834 Patent”) and D538,948 (“the ’948 Patent”), both of which are entitled “Building Panel.” A true and correct copy of the ’834 Patent is attached hereto as Exhibit A. A true and correct copy of the ’948 Patent is attached hereto as Exhibit B.

5. Upon information and belief, Cleburne has and continues to manufacture, sell, and/or offer for sale building panels in the United States and in this judicial district that infringe the ’834 Patent and the ’948 Patent. Cleburne offers for sale and sells its products on the Internet via its website, www.cleburnesheetmetal.com, which is accessible all over the United States including this judicial district. Cleburne’s website does not purport to preclude prospective customers within this judicial district from obtaining any of its products or services. This infringing activity causes injury to Centria and subjects Cleburne to personal jurisdiction in this judicial district.

6. Venue is proper pursuant to 28 U.S.C. § 1391 and § 1400.

SUMMARY OF FACTS

7. Centria manufactures, sells, and offers for sale building panels in the United States including its Concept Series line of building panels, certain of which building panels embody the designs covered by the ’834 and ’948 Patents.

8. Cleburne manufactures, sells, and offers to sell various building panels in the United States, including its CSM Elite Series Wall Systems. A true and correct copy of Cleburne’s Wall and Soffit Systems brochure obtained from Cleburne’s website, which includes

depictions and descriptions of its CSM Elite Series Wall Systems, is attached hereto as Exhibit C.

9. On or about July 18, 2011, Centria directly notified Cleburne of Centria's belief that certain of Cleburne's building panels infringed the '834 and '948 Patents. Cleburne refused to engage in a business-to-business conversation concerning the dispute and no resolution was reached by the parties.

10. Pursuant to Centria's request, on August 15, 2011, Richard L. Byrne, undersigned counsel for Centria, sent correspondence to Cleburne identifying certain building panels manufactured and sold by Cleburne that infringe the '834 and '948 Patents. In this correspondence, certain of Cleburne's CSM Elite Series Wall Systems were identified in particular, and it was requested that Cleburne cease and desist its infringing activities. The correspondence sent to Cleburne on August 15, 2011 is attached hereto as Exhibit D. No response was received from Cleburne or its counsel.

11. Notwithstanding the undersigned's correspondence sent to Cleburne on August 15, 2011 and the prior notification of infringement from Centria directly, Cleburne continues to manufacture, sell, and offer for sale building panels that infringe the '834 Patent and the '948 Patent.

COUNT I:
INFRINGEMENT OF THE '834 PATENT

12. Centria repeats and re-alleges each and every averment contained in paragraphs 1-11 hereof as if fully set forth herein.

13. Cleburne has infringed the '834 Patent at least by making, using, selling or offering to sell, and by inducing, aiding and abetting, encouraging and contributing to others' use of at least the following building panels within its CSM Elite Series Wall Systems: (1) the BB Elite Wall Panel Series; (2) the BR Elite Wall Panel Series; and (3) the RB Elite Wall Panel Series. Cleburne received notice of the '834 Patent and Cleburne's infringement thereof at least as early as July 18, 2011.

14. Cleburne's infringement has injured Centria, and Centria is entitled to recover damages adequate to compensate them for the infringement that has occurred, including Centria's lost profits, but in no event less than a reasonable royalty pursuant to 35 U.S.C. § 284. Centria is additionally and alternatively entitled to recover Cleburne's total profit attributable to the infringing building panels pursuant to 35 U.S.C. § 289.

15. Cleburne has infringed the '834 Patent with knowledge of the patent and without legal justification or excuse. Therefore, Cleburne's infringement has been and is willful.

16. Centria has been injured and is being injured by Cleburne's infringement of the '834 Patent, and Centria will continue to suffer irreparable harm unless Cleburne's infringement of the '834 Patent is enjoined by this Court.

COUNT II:
INFRINGEMENT OF THE '948 PATENT

17. Centria repeats and re-alleges each and every averment contained in paragraphs 1-11 hereof as though fully set forth herein.

18. Cleburne has infringed the '948 Patent at least by making, using, selling or offering to sell, and by inducing, aiding and abetting, encouraging and contributing to others' use of at least the following building panels within its CSM Elite Series Wall Systems: the SB Elite Wall Panel Series. Cleburne received notice of the '948 Patent and Cleburne's infringement thereof at least as early as July 18, 2011.

19. Cleburne's infringement has injured Centria, and Centria is entitled to recover damages adequate to compensate them for the infringement that has occurred, including Centria's lost profits, but in no event less than a reasonable royalty pursuant to 35 U.S.C. § 284. Centria is additionally and alternatively entitled to recover Cleburne's total profit attributable to the infringing building panels pursuant to 35 U.S.C. § 289.

20. Cleburne has infringed the '948 Patent with knowledge of the patent and without legal justification or excuse. Therefore, Cleburne's infringement has been and is willful.

21. Centria has been injured and is being injured by Cleburne's infringement of the '948 Patent, and Centria will continue to suffer irreparable harm unless Cleburne's infringement of the '948 Patent is enjoined by this Court.

WHEREFORE, Centria respectfully requests judgment be entered against Cleburne as follows:

A. An award of damages adequate to compensate Centria for the infringement that has occurred, in the form of lost profits, a reasonable royalty, and/or Cleburne's total profit, together with prejudgment interest from the date the infringement began;

B. Any other damages permitted in the Court's equitable discretion, including increased damages for willful infringement under 35 U.S.C. § 284;

C. A finding that this case is exceptional and an award to Centria of its attorneys' fees and expenses as provided by 35 U.S.C. § 285;

D. An injunction permanently enjoining Cleburne, and all persons in active concert or participation with them, from further acts of infringement of the '834 Patent and the '948 Patent; and

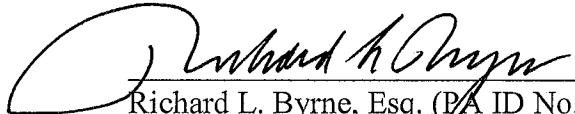
E. Such other and further relief as this Court deems proper.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Centria hereby demands a trial by jury of all issues triable by jury.

Respectfully submitted,

Dated July 10, 2012


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