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11 CORPORATION

2009 MAY 19 PM 2:01
CLERK U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIF.
LOS ANGELES

FILED

12 UNITED STATES DISTRICT COURT

13 FOR THE CENTRAL DISTRICT OF CALIFORNIA

CV 09-03555

14 PRECISION DYNAMICS
15 CORPORATION, a California
16 corporation

17 Plaintiff,

18 vs.

19 THE STANDARD REGISTER
20 COMPANY, an Ohio corporation, and
21 DOES 1 to 10

22 Defendants.

) Case No. **PA (CWK)**
)
) DECLARATORY JUDGMENT
) COMPLAINT FOR PATENT
) INVALIDITY AND PATENT
) NONINFRINGEMENT
)
) and
)
) DEMAND FOR JURY TRIAL
)
)
)

1 Plaintiff, Precision Dynamics Corporation (usually "Plaintiff" or "PDC"),
2 for its Complaint against Defendant, The Standard Register Company (usually
3 "Defendant" or "Standard Register") alleges:

4 JURISDICTION AND VENUE

5 1. This is a complaint for declaratory judgment of invalidity and non-
6 infringement of patents arising under the Declaratory Judgment Act (28 U.S.C. §§
7 2201 and 2202) and the patent laws of the United States (35 U.S.C. §§ 271 and
8 281). The Court has jurisdiction over the subject matter of this action pursuant to
9 28 U.S.C. § 1338(a).

10 2. Venue is proper in this judicial district under Title 28 United States
11 Code §§ 1391(b) and (c) and 1400(b).

12 THE PARTIES

13 3. Plaintiff PDC is a California corporation having an address and place
14 of business at 13880 Del Sur St, San Fernando, CA, within this judicial district.
15 Plaintiff conducts business within this judicial district.

16 4. Plaintiff is informed and believes, and based thereon alleges that
17 Defendant Standard Register is an Ohio corporation having an address and
18 principal place of business at 600 Albany St. Dayton, OH. Plaintiff is informed
19 and believes and based thereon alleges that Defendant is registered to conduct and
20 does conduct business in California and within this judicial district.

21 5. Plaintiff does not know the true names and capacities of the
22 defendants sued herein as DOES 1 through 10, inclusive, and therefore sues these
23 defendants by such fictitious names. Plaintiff will seek to amend this complaint to
24 allege such names and identities as soon as they are ascertained.

25 6. Plaintiff is informed and believes, and based thereon alleges that each
26 of the fictitiously-named defendants is in some manner responsible, liable and/or
27 obligated to Plaintiff in connection with the acts alleged herein.
28

1 7. Plaintiff is informed and believes, and based thereon alleges that at all
2 times mentioned herein, each of the Defendants was the agent, servant,
3 representative, employee, partner, and/or controlling person of the other
4 Defendants named herein, and in doing the acts herein alleged were acting as the
5 agents or alter ego for each other.

6 **FACTUAL ALLEGATIONS**

7 8. Plaintiff is informed and believes, and based thereon alleges that
8 Defendant owns by assignment U.S. Patent No. 5,653,472 ("the '472 patent")
9 directed to a form having detachable wristband and labels. A true and correct copy
10 of the '472 patent is attached hereto as Exhibit A.

11 9. Plaintiff manufactures, markets, distributes and sells forms including
12 wristbands and labels under the trade name DuraPrint.

13 10. Defendant has accused Plaintiff's DuraPrint product of directly
14 infringing one or more of the claims of the '472 patent.

15 11. Plaintiff and Defendant have exchanged several communications
16 regarding Plaintiff's DuraPrint product and the alleged infringement of the '472
17 patent. On May 13, 2009, Defendant sent Plaintiff a letter expressly accusing
18 Plaintiff of infringing the '472 patent. A true and correct copy of the May 13,
19 2009 letter is attached hereto as Exhibit B.

20 **FIRST CAUSE OF ACTION**

21 **(Declaratory Judgment of Patent Invalidity)**

22 12. Plaintiff incorporates by reference the allegations contained in
23 paragraphs 1 thru 11.

24 13. Defendant has accused Plaintiff of, inter alia, infringing the '472
25 patent by virtue of selling the DuraPrint product.

26 14. Defendant has created a justiciable controversy with Plaintiff by its
27 accusations.

28 15. Defendant's '472 patent is invalid under 35 U.S.C. §§ 102 and 103.

1 16. Plaintiff is entitled to a judgment declaring that Defendant's '472
2 patent is invalid under 35 U.S.C. §§ 102 and 103.

3 17. This is an exceptional case within the meaning of 35 U.S.C. § 285.

4 SECOND CAUSE OF ACTION

5 (Declaratory Judgment of Patent Non-Infringement)

6 18. Plaintiff incorporates by reference the allegations contained in
7 paragraphs 1 thru 11.

8 19. Defendant has accused Plaintiff of, inter alia, infringing the '472
9 patent by virtue of selling the DuraPrint product.

10 20. Defendant has created a justiciable controversy with Plaintiff by its
11 accusations.

12 21. The DuraPrint product and other similar products manufactured,
13 marketed, distributed and sold by Plaintiff do not infringe, either directly or under
14 the doctrine of equivalents, the '472 patent.

15 22. Plaintiff is entitled to a judgment declaring that it does not infringe the
16 '472 patent.

17 23. This is an exceptional case within the meaning of 35 U.S.C. § 285.

18
19 PRAYER FOR RELIEF

20 WHEREFORE, Plaintiff Precision Dynamics Corporation prays that this
21 Court enter judgment as follows:

22 A. That U.S. Patent No. 5,653,472 is invalid;

23 B. That U.S. Patent No. 5,653,472 is not infringed by Plaintiff's
24 DuraPrint products or any product of Plaintiff;

25 C. That Plaintiff be awarded its attorneys' fees pursuant to 35 U.S.C. §
26 285;

27 D. That Plaintiff have such other and further relief as the Court may
28 deem just and proper.

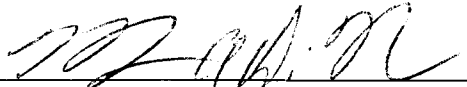
DEMAND FOR JURY TRIAL

Plaintiff Precision Dynamics Corporation hereby demands a trial by jury.

Dated: May 12, 2009

Respectfully submitted:

KELLY LOWRY & KELLEY, LLP

By: 

John E. Kelly, Esq.

Scott W. Kelley, Esq.

Michael A. DiNardo, Esq.

Attorneys for Plaintiff Precision Dynamics
Corporation



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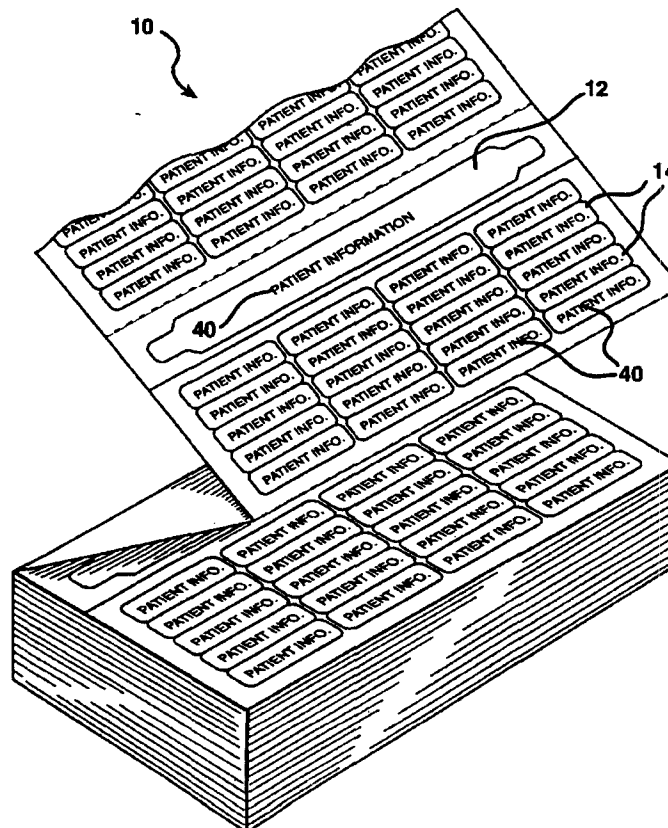
United States Patent [19]**Huddleston et al.**[11] **Patent Number:** **5,653,472**[45] **Date of Patent:** **Aug. 5, 1997**[54] **FORM HAVING DETACHABLE WRISTBAND AND LABELS**[75] **Inventors:** **Joey V. Huddleston**, Winter Springs, Fla.; **Richard Meara**, Spring Valley; **David F. Laurash**, Bellbrook, both of Ohio[73] **Assignee:** **The Standard Register Company**, Dayton, Ohio[21] **Appl. No.:** **506,802**[22] **Filed:** **Jul. 25, 1995**[51] **Int. Cl.⁶** **B42D 15/00**[52] **U.S. Cl.** **283/75; 283/900; 40/633**[58] **Field of Search** **40/633; 283/74, 283/75, 81, 900; 428/40-43**[56] **References Cited****U.S. PATENT DOCUMENTS**

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Primary Examiner—Willmon Fridie, Jr.**Attorney, Agent, or Firm**—Killworth, Gottman, Hagan & Schaeff LLP[57] **ABSTRACT**

A form having detachable labels and a wristband is provided. The form includes a face ply adhered to a liner ply by a pressure sensitive adhesive. The face ply includes a first portion and a second portion, where the first portion is die cut to form a wristband and the second portion is die cut to form a series of detachable labels. The form may be printed in a single pass through a printer to provide the wristband and labels with correlating printed indicia.

19 Claims, 8 Drawing Sheets**EXHIBIT "A"**

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FIG. 1

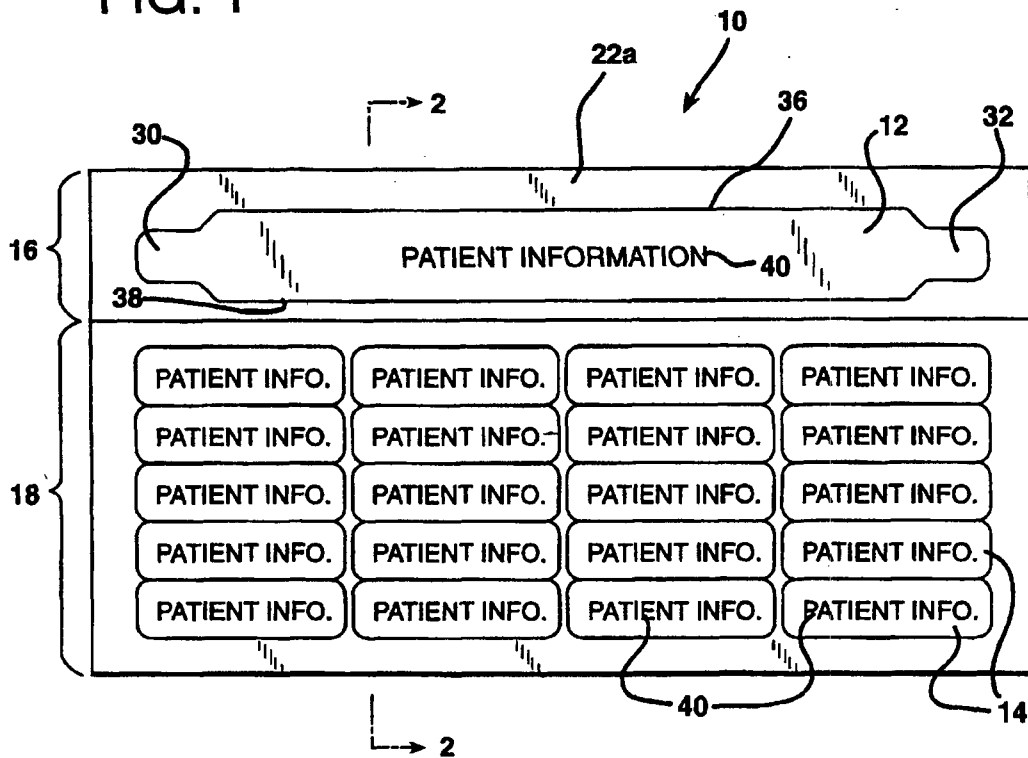
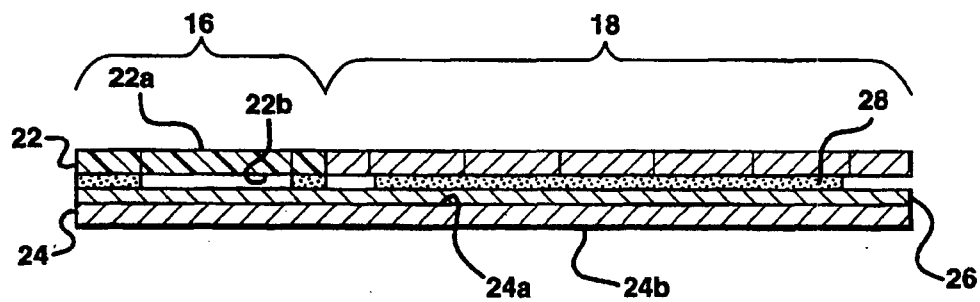


FIG. 2



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FIG. 3

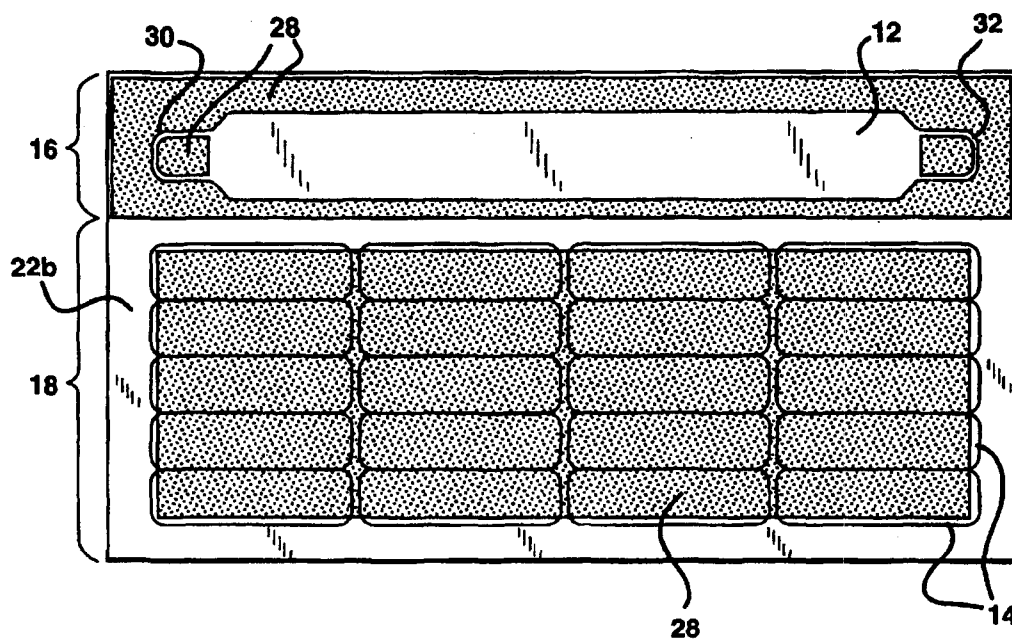
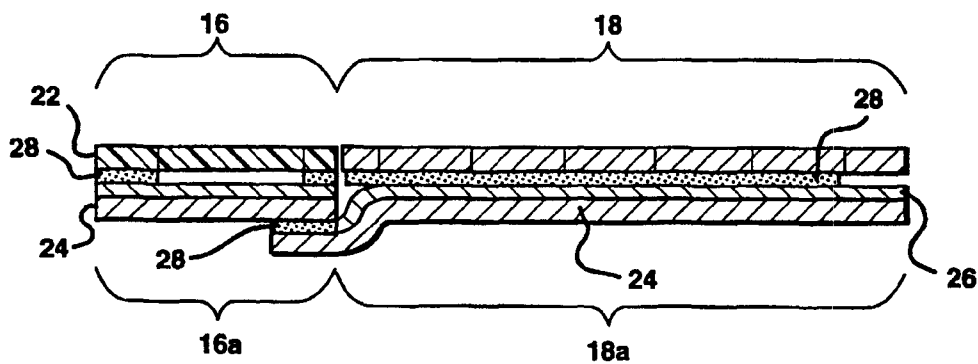


FIG. 4



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FIG. 5

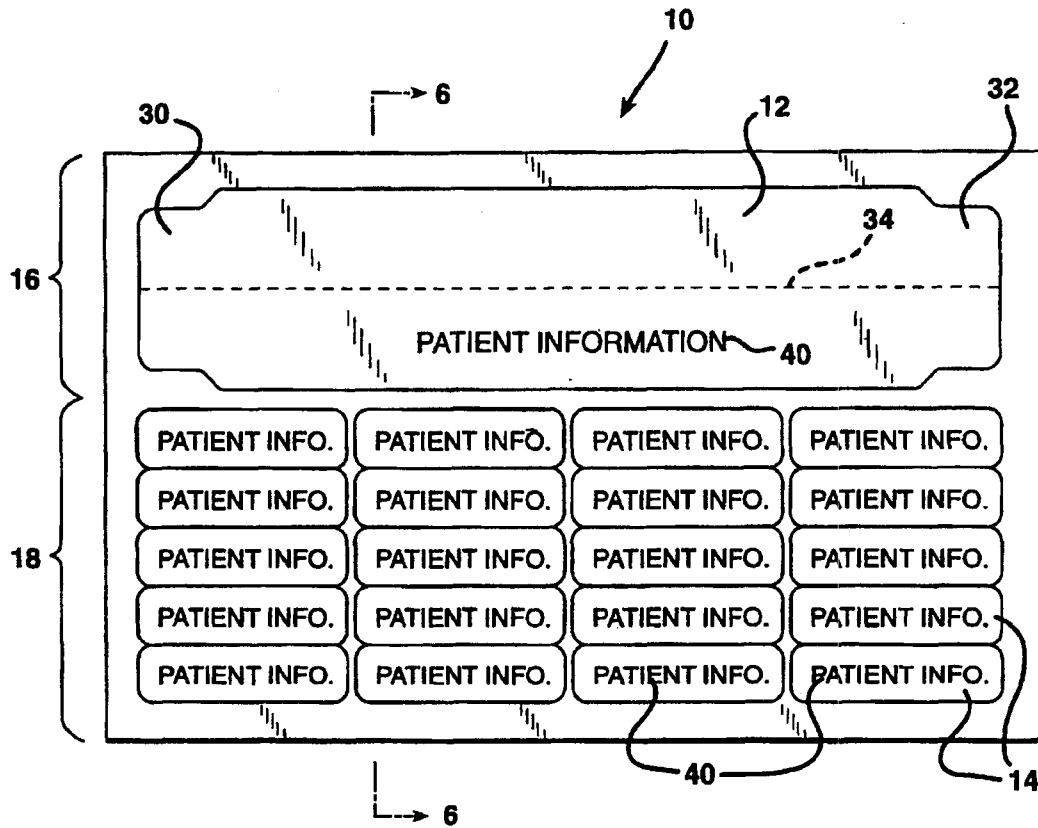
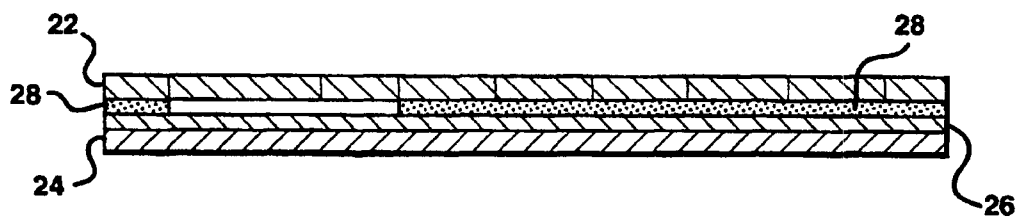


FIG. 6



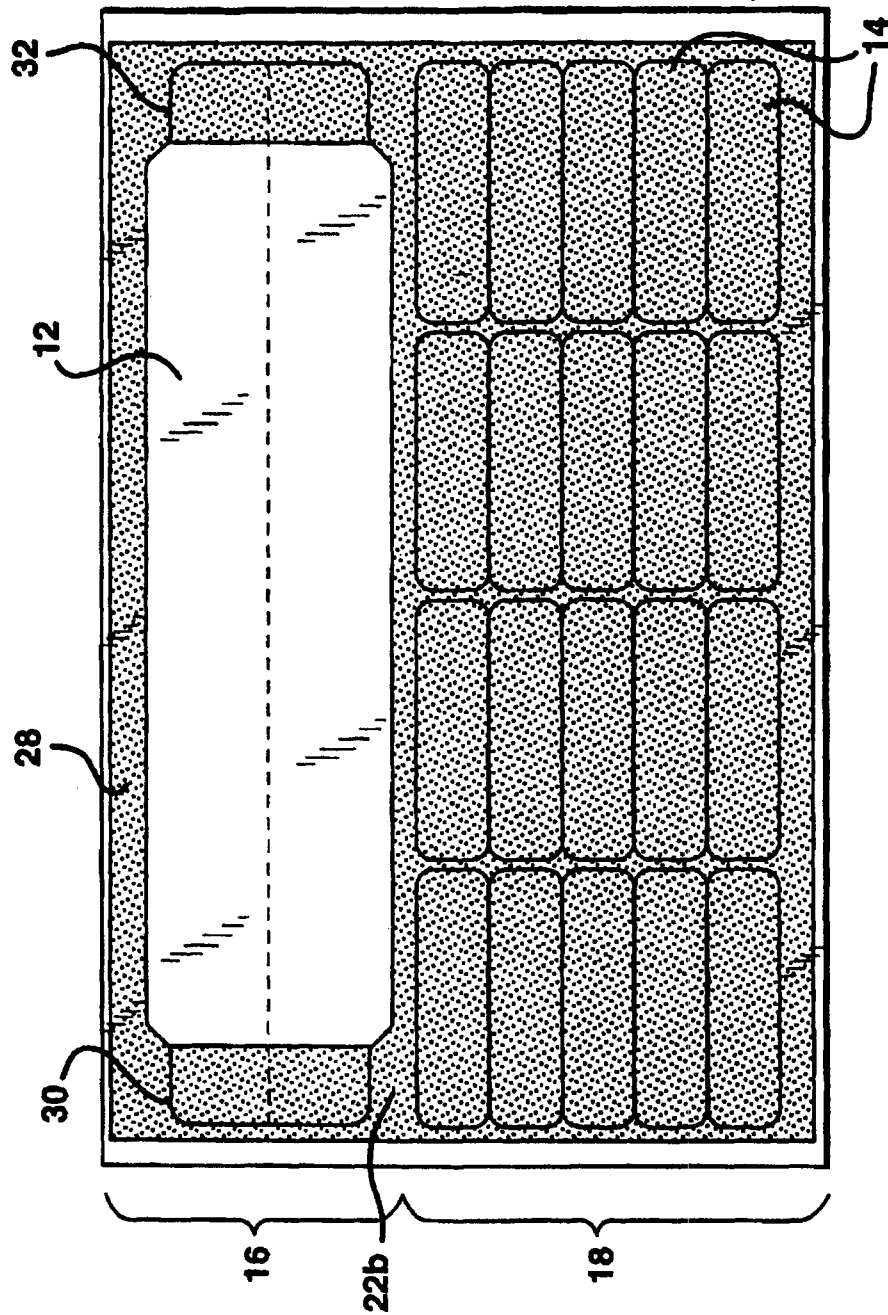
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FIG. 7



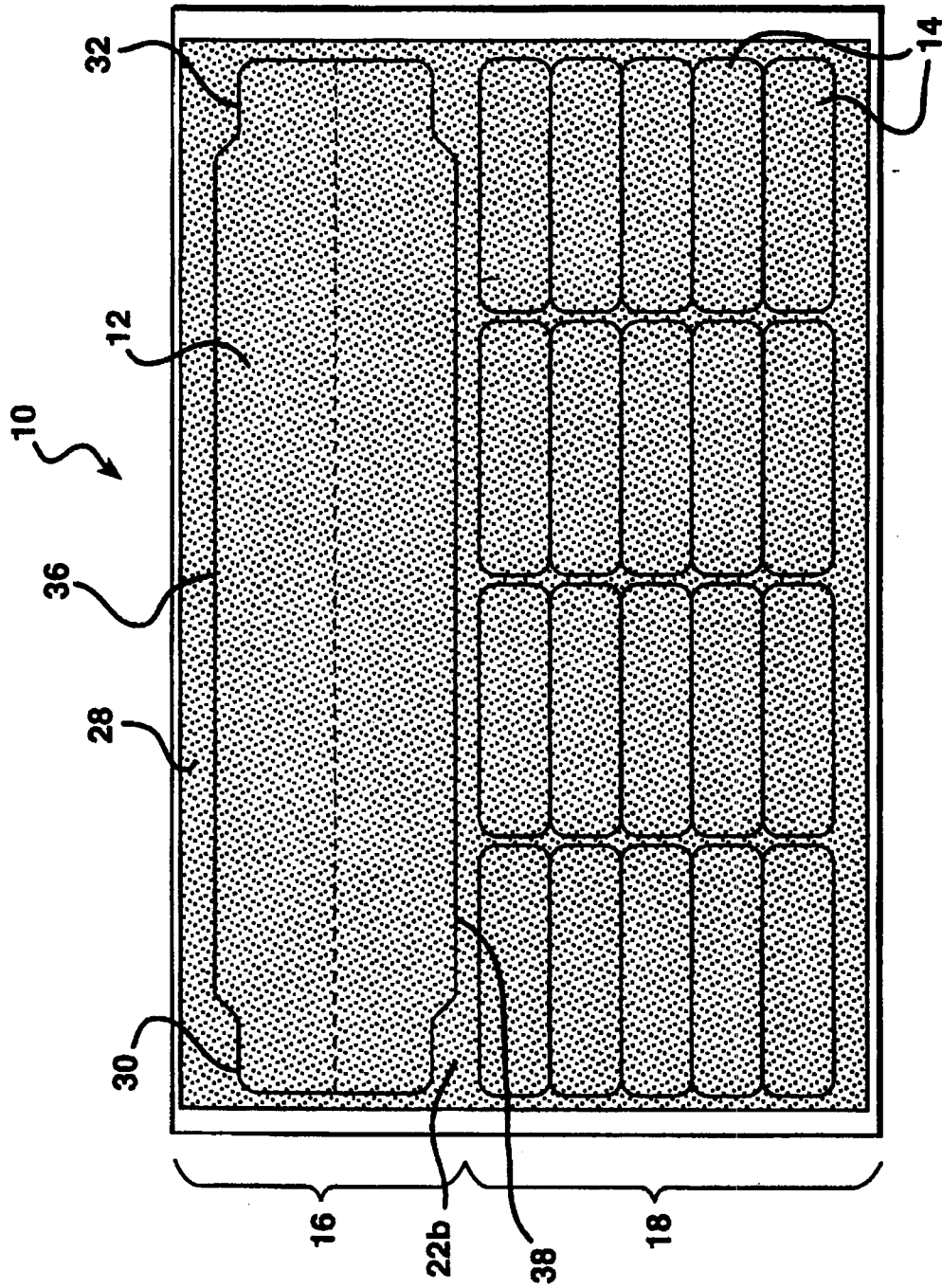
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FIG. 8



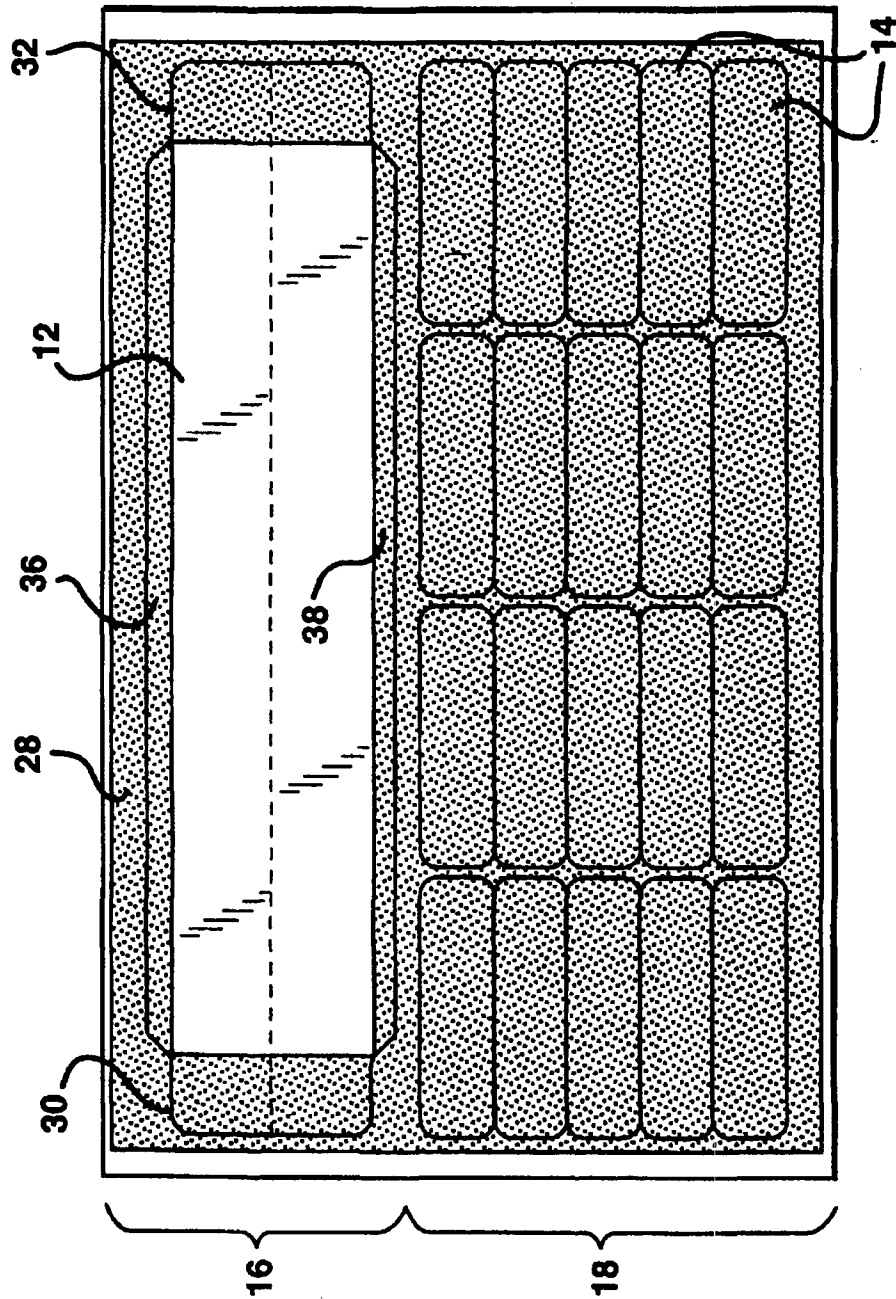
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FIG. 9



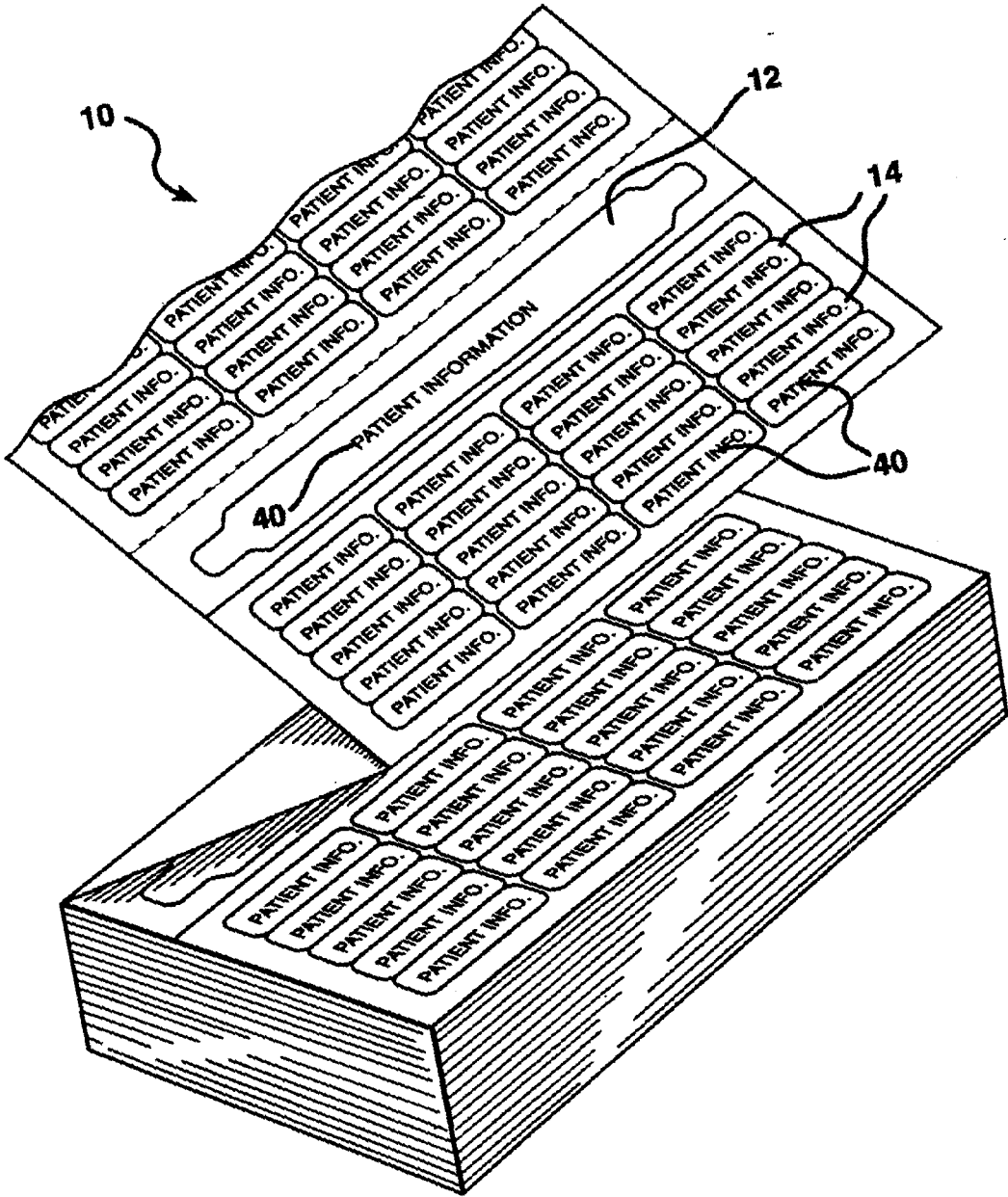
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FIG. 10

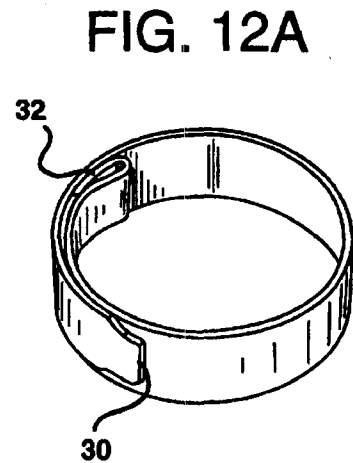
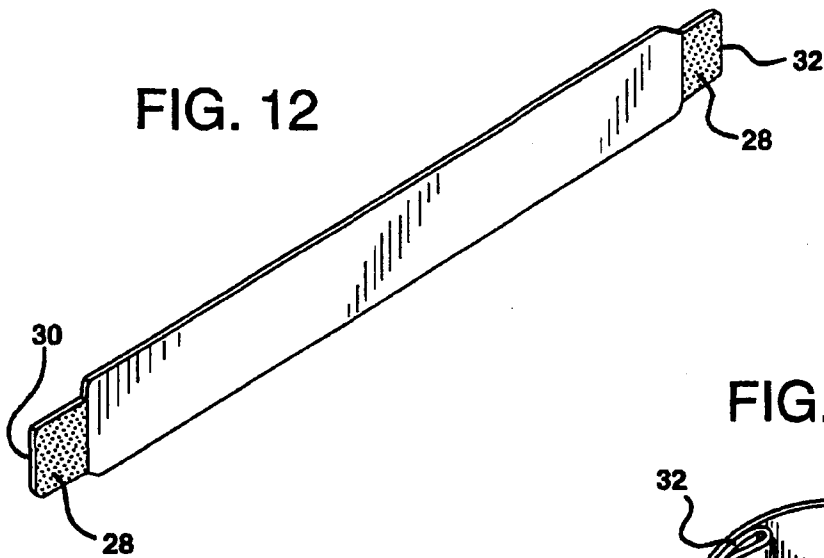
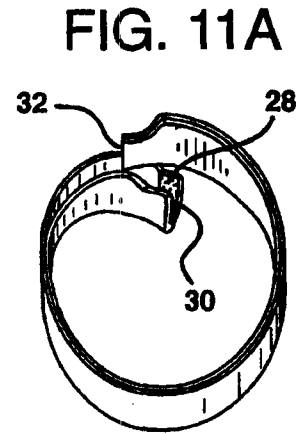
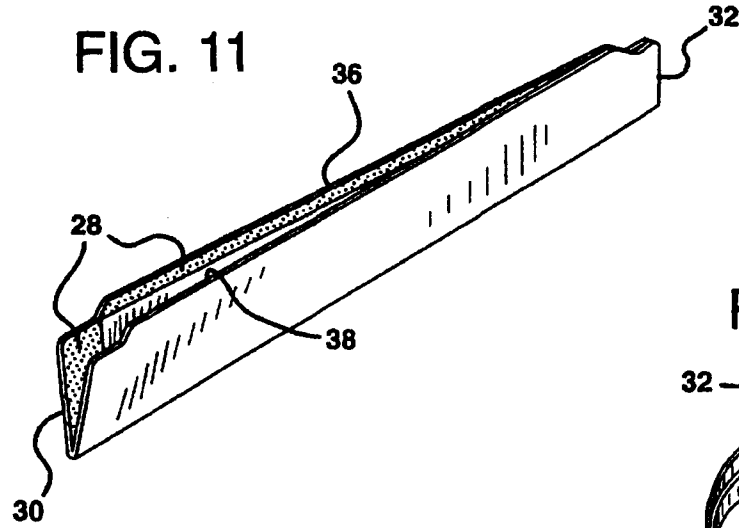


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FORM HAVING DETACHABLE WRISTBAND AND LABELS

BACKGROUND OF THE INVENTION

The present invention relates to a printable form, and more particularly, to a form having a wristband accompanied by a plurality of detachable labels which may be printed with information in a single pass through a printer.

It is a common practice in hospitals to identify patients with a bracelet or band containing the patient's name or other identification information. The band is generally secured around the wrist of a patient so that hospital personnel can properly identify the patient during his stay. However, while this has been an effective method of identifying patients, many hospitals have had problems correlating patient information on specimens, drug prescriptions, physician's orders, etc. Clerical errors in the handling of such routine matters can result in the dispensing of the wrong medicine or treatment to a patient.

Several attempts have been made to improve the correlation of patient information to various hospital forms. For example, Falla, U.S. Pat. No. 4,122,947 teach a pre-packaged patient identification kit which includes a wristband, a specimen container, and a label for attachment to a patient's record, all of which have been provided with identical patient information. Weichselbaum et al, U.S. Pat. No. 3,848,112, teach a patient identification system in which an identification bracelet secured to a patient is used to dispense a series of tags which are magnetically coded with patient information. However, this method requires the use of a tag reader as well as circuitry which is capable of decoding the information on the tag. Accordingly, while such methods may provide an effective means of identifying a patient for various purposes, such methods are complex and difficult to implement.

Accordingly, there is still a need in the art for an identification system which includes a wristband as well as an accompanying series of labels or tags which can be efficiently provided with correlating identification information, and which can be easily dispensed and used for a variety of applications.

SUMMARY OF THE INVENTION

The present invention meets those needs by providing a single form which includes a wristband as well as an accompanying series of detachable labels. The form may be printed in a single pass through a printer which provides unique patient identification information on both the wristband and on each of the labels. The wristband may be peeled away from the form and attached to a patient's wrist, and the labels removed as needed and applied to hospital forms, containers of medicine, etc. The form may be printed using a variety of printers including mechanical impact, direct thermal, thermal transfer, ink jet, and laser printers.

In accordance with one embodiment of the invention, a form having detachable labels and a wristband is provided comprising a printable face ply having first and second major surfaces and having a pressure sensitive adhesive on at least a portion of one surface thereof. The first surface of the face ply preferably includes printed indicia thereon and may be printed in a single pass through a printer with both variable and nonvariable information. The face ply includes first and second adjacent portions, where the first portion of the face ply is die cut to form a detachable wristband having first and second ends and first and second sides. The second portion of the face ply is die cut to form a series of detachable labels.

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The form also includes a liner ply having first and second major surfaces. The liner ply includes a release coating on at least a portion of one surface and is adhered to the pressure sensitive adhesive on the first or second surface of the face ply. Preferably, the liner ply is coextensive with the face ply.

In a preferred embodiment of the invention, the first and second portions of the face ply are separated and may comprise different materials. For example, the first portion of the face ply may comprise a polymer such as polyester and the second portion of the face ply may comprise paper. In an alternative embodiment, the entire face ply may comprise paper or a polymer.

In another embodiment of the invention, the liner ply is also divided into first and second portions, where the first portion of the liner ply adheres to the first portion of the face ply, and the second portion of the liner ply adheres to the second portion of the face ply. In this embodiment, the second portion of the liner ply preferably partially overlaps the first portion of the liner ply, i.e., it extends beyond the second portion of the face ply.

In a preferred embodiment of the invention, the face ply is adhered to the liner ply by a pressure sensitive adhesive included on at least a portion of its second surface. In one embodiment, the pressure sensitive adhesive is included on the first portion of the face ply around the periphery of the wristband and on the first and second ends of the wristband. The pressure sensitive adhesive is also included on the second portion of the face ply in the area containing the series of labels.

In another embodiment of the invention, the wristband on the first portion of the face ply is doubled in width so as to be adapted to be folded in half along its longitudinal axis when removed from the form. In this embodiment, the pressure sensitive adhesive may be included on the entire second surface of the face ply. Alternatively, the pressure sensitive adhesive may be included on the first portion of the face ply around the periphery of the wristband, on the first and second ends of the wristband, along the edges of the first and second sides of the wristband, and on the entire second portion of the face ply.

In another alternative embodiment, the pressure sensitive adhesive is included on the first portion of the face ply around the periphery of the wristband, on the first and second ends of the wristband, and on the entire second portion of the face ply.

The form of the present invention is preferably produced from a continuous web to facilitate printing and handling by automated equipment. The continuous web of forms is preferably defined by lines of weakness and may be folded zig-zag into a stack.

In practice, the plies of the form of the present invention are preferably assembled and then the face ply is printed in a single pass through a printer with the desired variable and nonvariable information. The wristband may then be detached from the form by peeling it from the liner ply and wrapping the band around the wrist of a patient. The wristband is then secured to the patient by means of the pressure sensitive adhesive on the wristband. The labels which remain on the form may be removed as needed and adhered to hospital forms, medicine containers, patient specimens, etc.

Accordingly, it is a feature of the present invention to provide a form having detachable labels and a wristband which may be easily provided with information by printing in a single pass through a printer. This, and other features and advantages of the present invention will become appar-

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ent from the following detailed description, the accompanying drawings, and the appended claims.

BRIEF DESCRIPTION OF THE DRAWINGS

FIG. 1 is a top view of the form of the present invention;
FIG. 2 is a cross-sectional side view of the form taken along line 2—2 FIG. 1;

FIG. 3 is a bottom view of the form of FIG. 1;

FIG. 4 is a cross-sectional side view of another embodiment of the invention;

FIG. 5 is a top view of another embodiment of the invention;

FIG. 6 is a cross-sectional side view of the form taken along lines 6—6 in FIG. 5;

FIG. 7 is a bottom view of the embodiment shown in FIG. 5;

FIG. 8 is a bottom view of an alternative embodiment of the invention.

FIG. 9 is a bottom view of another alternative embodiment of the invention;

FIG. 10 is a perspective view of a continuous web of forms constructed in accordance with the present invention;

FIG. 11 is a perspective view illustrating the wristband after removal from the form;

FIG. 11a is a perspective view illustrating how to secure the wristband;

FIG. 12 is respective view illustrating another embodiment of the wristband after removal from the form; and

FIG. 12a is a perspective view illustrating how to secure the wristband shown in FIG. 12.

DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENT

Referring now to FIGS. 1 and 2, the form 10 of the present invention is shown which includes a wristband 12 having first and second ends 30, 32 and first and second sides 36, 38. The form also includes a series of detachable labels 14. As shown in FIG. 1, the form is separated into a first portion 16 which contains the wristband and a second portion 18 which contains the labels. Also as shown in FIG. 1, the first and second portions of the form have been printed with correlating indicia 40. By correlating indicia, we mean that indicia printed on the first portion corresponds to the indicia printed on the second portion. For example, the first and second portions may be printed with varied patient information, all of which relates to the same patient.

As shown in FIG. 2, the form 10 comprises a face ply 22 having a first surface 22a and a second surface 22b and a liner ply 24 having a first surface 24a and a second surface 24b. In this embodiment, the face ply in the first portion 16 is comprised of a different material than the face ply in the second portion 18. In portion 16, the face ply preferably comprises 0.002 inch thick white polyester film, while the face ply in portion 18 preferably comprises paper.

As shown in FIG. 2, the face ply is adhered to the liner ply by a pressure sensitive adhesive 28 included on a portion of the second surface 22b of the face ply. The liner ply 24 includes a release coating 26 on one surface so as to allow the face ply to be readily peeled away from the liner ply.

FIG. 3 illustrates the portions of the second surface 22b of the face ply which include pressure sensitive adhesive 28. As shown in this embodiment, the pressure sensitive adhesive is included in first portion 16 around the periphery of wrist-

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band 12, and on the first and second ends 30, 32 of the wristband. In second portion 18, the pressure sensitive adhesive is included in the area containing the detachable labels 14. The pressure sensitive adhesive may be full coated or pattern coated as desired. For example, the pressure sensitive adhesive may be pattern coated on the form in a striped pattern.

FIG. 4 illustrates an alternative embodiment of the invention in which the liner ply 24 comprises first and second portions 16a and 18a. As shown, the first portion 16a of the liner ply adheres to the first portion 16 of the face ply, and second portion 18a of the liner ply adheres to second portion 18 of the face ply. As shown, the second portion of the liner ply preferably overlaps the first portion. In this embodiment, the face ply and liner ply are adhered together with adhesive in the area where their edges overlap.

FIG. 5 illustrates another embodiment of the invention in which wristband 12 is doubled in width so as to be adapted to be folded in half along its longitudinal axis when removed from the form as will be explained in greater detail below. As shown, the wristband includes a fold line 34.

In the embodiment shown in FIGS. 5 and 6, the face ply is not die cut between first portion 16 and second portion 18 and is comprised of only one material such as paper. The second surface 22b of the face ply is shown in FIG. 7 and includes a pressure sensitive adhesive on the entire second portion 18. The first portion 16 includes the pressure sensitive adhesive around the periphery of the wristband and on the first and second ends 30, 32.

In another embodiment of the invention shown in FIG. 8, the entire second surface 22b of face ply 22 includes a pressure sensitive adhesive 28. In this embodiment, the sides 36, 38 can be folded together when the wristband is removed from the form such that the pressure sensitive adhesive adheres to itself.

FIG. 9 illustrates yet another embodiment of the invention in which the pressure sensitive adhesive is included around the periphery of the wristband, on the first and second ends of the wristband, and along the edges of the first and second sides 36, 38.

In addition to the embodiments shown, it should be appreciated that the pressure sensitive adhesive may be included in a number of other arrangements on the second surface of the face ply as desired. It should also be appreciated that the arrangement of the labels and wristband on the form may be varied. For example, the form may contain labels of different sizes, it may contain more than one wristband, or it may contain a greater or fewer number of labels. It is also possible that the wristband may be located on the center of the form and the labels positioned above and below it.

The form of the present invention is preferably produced as a continuous web product as shown in FIG. 10 which may be fed through a printer in a single pass to add indicia 40 simultaneously on the wristband and on each of the labels. The printed indicia may include nonvariable information (i.e., information which does not change from label to label) such as the hospital name, and variable information (i.e., information which is unique to an individual and which changes from label to label) such as the patient's name and identification number. The face ply may be printed using a number of different automated printing devices including impact printers, ion deposition printers, ink jet printers, laser printers, direct thermal printers, and thermal transfer printers. If direct thermal printing is used, an imaging coating must be provided on the face ply of the form.

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In use, the wristband is peeled away from the liner ply and secured around the patient's wrist by the pressure sensitive adhesive on the ends of the wristband. FIGS. 11-12 illustrate how to secure two different embodiments of the wristband. As shown in FIGS. 11 and 11a, the wristband is folded in half and adhered together by the pressure sensitive adhesive 28 along the side edges 36, 38. The wristband is then wrapped around a wrist and the folded end 32 is tucked into the other end 30 and adhered by the adhesive.

FIGS. 12 and 12a illustrates a single width wristband in which one end 32 of the wristband may be folded on itself while the other end is wrapped around the band in an overlapping position and is secured to the band by the pressure sensitive adhesive.

The form is attached to the patient's chart and accompanies the patient. The labels on the form may be removed as needed and adhered to containers of medicine, doctor's orders, patient specimens, or other forms by means of the pressure sensitive adhesive on the second surface of the face ply.

The form of the present invention may also find use in other applications. For example, the wristband and labels could be used for identification of plants in a nursery, or in a manufacturing plant where the wristband and labels could be used for identification of equipment or parts.

While certain representative embodiments and details have been shown for purposes of illustrating the invention, it will be apparent to those skilled in the art that various changes in the methods and apparatus disclosed herein may be made without departing from the scope of the invention, which is defined in the appended claims.

What is claimed is:

1. A form having detachable labels and a wristband comprising:

a printable face ply having first and second major surfaces and having a pressure sensitive adhesive on at least a portion of one surface thereof, said face ply including first and second adjacent portions, where said first portion of said face ply is die cut to form a detachable wristband having first and second ends and first and second sides, where said second portion of said face ply is die cut to form a series of detachable labels; and

a liner ply having first and second major surfaces, said liner ply including a release coating on at least a portion of one surface thereof and being adhered to said pressure sensitive adhesive on said first or second surface of said face ply.

2. The form of claim 1 wherein said first and second portions of said face ply are separated by a die cut extending through said face ply.

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3. The form of claim 2 wherein said first portion of said face ply comprises a polymer and said second portion of said face ply comprises paper.

4. The form of claim 1 wherein said face ply comprises paper.

5. The form of claim 1 wherein said face ply comprises polyester.

6. The form of claim 1 wherein said first surface of said face ply includes printed indicia thereon.

7. The form of claim 1 wherein said liner ply is coextensive with said face ply.

8. The form of claim 2 wherein said liner ply comprises first and second portions, where said first portion of said liner ply adheres to said first portion of said face ply and said second portion of said liner ply adheres to said second portion of said face ply.

9. The form of claim 8 wherein said second portion of said liner ply extends beyond said second portion of said face ply.

10. The form of claim 1 wherein said second surface of said first portion of said face ply includes said pressure sensitive adhesive around the periphery of said wristband and on said first and second ends of said wristband.

11. The form of claim 1 wherein said second surface of said second portion of said face ply includes a pressure sensitive adhesive in the area containing said series of labels.

12. The form of claim 1 wherein said wristband on said first portion of said face ply is adapted to be folded in half along its longitudinal axis.

13. The form of claim 12 wherein said second surface of said face ply includes a pressure sensitive adhesive.

14. The form of claim 12 wherein said second surface of said first portion of said face ply includes said pressure sensitive adhesive around the periphery of said wristband, on said first and second ends of said wristband, and along the edges of said first and second sides of said wristband.

15. The form of claim 14 wherein said second surface of said second portion of said face ply includes a pressure sensitive adhesive.

16. The form of claim 12 wherein said second surface of said first portion of said face ply includes said pressure sensitive adhesive around the periphery of said wristband, and on said first and second ends of said wristband.

17. The form of claim 16 wherein said second surface of said second portion of said face ply includes a pressure sensitive adhesive.

18. The form of claim 1 in which said form comprises a continuous web of forms defined by lines of weakness.

19. The form of claim 18 wherein said web is folded zig-zag into a stack.

* * * * *



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Sr. VP of Business and Technology Development
Precision Dynamics Corporation
13880 Del Sur Street
San Fernando, CA 91340-3490 USA

PDC DuraPrint Wristbands and Standard Register Patent 5,653,472

Mr. Ellis:

As we discussed in our phone conversation of 30-Apr-09, Standard Register believes that PDC's DuraPrint product is directly infringing upon the claims of Standard Register's U.S. patent 5,653,472 (enclosed). In our conversation, we agreed that it would be preferable to give PDC an opportunity to review the claims of the '472 patent in order to provide a specific response to Standard Register's concerns or to explain why PDC is not infringing.

Your voice message of 11-May-09, stating that PDC had previously reviewed the '472 patent and counsel had determined that the DuraPrint product does not infringe, does not address how you or PDC's counsel came to this conclusion. In light of Standard Register's examination of PDC's product, advice from their legal counsel, and your lack of an explanation regarding non-infringement, Standard Register remains convinced PDC is violating the legal protections afforded by their '472 patent.

Under these circumstances, Standard Register envisions three reasonable courses of action for PDC:

1. Provide written assurance that PDC will immediately cease infringing upon Standard Register's patents, including the marketing, sales, promotion and production of all infringing products, and that it will avoid infringing in the future.
2. Provide a satisfactory explanation why PDC's product does not infringe the claims of the '472 patent.
3. Acknowledge Standard Register's legitimate concerns of PDC infringement and begin good-faith licensing negotiations.

I look forward to your immediate response to this concern and to Standard Register's proposed opportunities for resolution.

Respectfully submitted,

Dan Thaxton
Intellectual Property Administration

C: James F. Gottman, Esq.
Gerard D. Sower, Esq.

John Parmley
Brian Berg

600 Albany Street • Dayton, OH 45408 • 937.221.1000 • fax 937.221.1239 • www.standardregister.com

EXHIBIT "B"



**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Percy Anderson and the assigned discovery Magistrate Judge is Carla Woehrle.

The case number on all documents filed with the Court should read as follows:

CV09- 3555 PA (CWx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

===== :
NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

John E. Kelly, Esq. (Bar No. 40,217)
Michael A. DiNardo, Esq. (Bar No. 216,991)
KELLY LOWRY & KELLEY, LLP
6320 Canoga Avenue, Suite 1650
Woodland Hills, CA 91367
Tel: (818) 347-7900 Fax: (818) 340-2859

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

PRECISION DYNAMICS CORPORATION, a
California corporation,

PLAINTIFF(S)

v.

THE STANDARD REGISTER COMPANY, an Ohio
corporation; and DOES 1 to 10,

DEFENDANT(S).

CASE NUMBER

CV09-03555

PA

(CWA)

SUMMONS

TO: THE ABOVE-NAMED DEFENDANT(S):

YOU ARE HEREBY SUMMONED and required to file with this court and serve upon plaintiff's attorney
Michael A. DiNardo, whose address is:

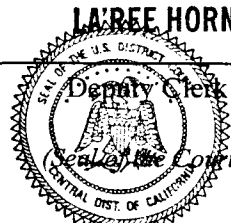
Kelly, Lowry & Kelley, LLP
6320 Canoga Avenue, Suite 1650
Woodland Hills, CA 91367

an answer to the ☒ complaint ☐ _____ amended complaint ☐ counterclaim ☐ cross-claim
which is herewith served upon you within 20 days after service of this Summons upon you, exclusive
of the day of service. If you fail to do so, judgement by default will be taken against you for the relief
demanded in the complaint.

Clerk, U.S. District Court

Dated: MAY 19 2009

By: _____



1192

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) PRECISION DYNAMICS CORPORATION, a California corporation (b) County of Residence of First Listed Plaintiff (Except in U.S. Plaintiff Cases): Los Angeles	DEFENDANTS THE STANDARD REGISTER COMPANY, an Ohio corporation; and DOES 1 to 10 County of Residence of First Listed Defendant (In U.S. Plaintiff Cases Only):
(c) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Michael A. DiNardo, Esq. Tel: (818) 347-7900 KELLY LOWRY & KELLEY, LLP Fax: (818) 340-2859 6320 Canoga Avenue, Suite 1650 Woodland Hills, CA 91367	Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:33%; border: none;">Citizen of This State</td> <td style="width:10%; border: none; text-align: center;">PTF</td> <td style="width:10%; border: none; text-align: center;">DEF</td> <td style="width:33%; border: none;"></td> <td style="width:10%; border: none; text-align: center;">PTF</td> <td style="width:10%; border: none; text-align: center;">DEF</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> 1</td> <td style="border: none;"><input type="checkbox"/> 1</td> <td style="border: none;"><input type="checkbox"/> 1</td> <td style="border: none;">Incorporated or Principal Place of Business in this State</td> <td style="border: none;"><input type="checkbox"/> 4</td> <td style="border: none;"><input type="checkbox"/> 4</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> 2</td> <td style="border: none;"><input type="checkbox"/> 2</td> <td style="border: none;"><input type="checkbox"/> 2</td> <td style="border: none;">Incorporated and Principal Place of Business in Another State</td> <td style="border: none;"><input type="checkbox"/> 5</td> <td style="border: none;"><input type="checkbox"/> 5</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> 3</td> <td style="border: none;"><input type="checkbox"/> 3</td> <td style="border: none;"><input type="checkbox"/> 3</td> <td style="border: none;">Foreign Nation</td> <td style="border: none;"><input type="checkbox"/> 6</td> <td style="border: none;"><input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF	DEF		PTF	DEF	<input type="checkbox"/> 1	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	<input type="checkbox"/> 2	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	<input type="checkbox"/> 3	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
Citizen of This State	PTF	DEF		PTF	DEF																				
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<input type="checkbox"/> 2	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5																				
<input type="checkbox"/> 3	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. ORIGIN (Place an X in one box only.)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify):	<input type="checkbox"/> 6 Multi-District Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge
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V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No **MONEY DEMANDED IN COMPLAINT:** \$ to be determined

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities /Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE / PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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VIII(a). IDENTICAL CASES: Has this action been previously filed and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s):

FOR OFFICE USE ONLY: Case Number: _____

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

VIII(b). RELATED CASES: Have any cases been previously filed that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: List the California County, or State if other than California, in which **EACH** named plaintiff resides (Use an additional sheet if necessary)

☐ Check here if the U.S. government, its agencies or employees is a named plaintiff.

Los Angeles County

List the California County, or State if other than California, in which **EACH** named defendant resides. (Use an additional sheet if necessary).

☐ Check here if the U.S. government, its agencies or employees is a named defendant.

Ohio

List the California County, or State if other than California, in which **EACH** claim arose. (Use an additional sheet if necessary)

Note: In land condemnation cases, use the location of the tract of land involved.

Los Angeles County

X. SIGNATURE OF ATTORNEY (OR PRO PER): _____

Date May 18, 2009

MICHAEL A. DINARDO

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))