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LUTHER D. THOMAS, Clerk  
By: *[Signature]* Deputy Clerk

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ROME DIVISION

TILLOTSON CORPORATION, )  
d/b/a/ BEST MANUFACTURING )  
COMPANY )  
 )  
Plaintiff, )  
v. )  
 )  
AMMEX CORPORATION )  
 )  
Defendant. )

Civil Action No. :

4:04-CV-173

-HLM

COMPLAINT

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Plaintiff TILLOTSON CORPORATION, d/b/a BEST  
MANUFACTURING COMPANY, (hereinafter "Tillotson"), for its complaint  
against Defendant AMMEX CORPORATION (hereinafter "Ammex"), alleges as  
follows:

## **PARTIES**

1.

Plaintiff Tillotson is a Massachusetts corporation having a place of business in Georgia at Best Manufacturing Company, Edison Street, Menlo, Georgia 30731. Tillotson is engaged in the business of designing, using, manufacturing, offering for sale, and selling elastomeric materials and hand gloves made from elastomeric materials.

2.

Defendant Ammex is a Washington corporation having a place of business at 7048 South 190<sup>th</sup> Street, Kent, Washington 98032. Ammex is engaged in the business of using, offering for sale, and selling elastomeric materials and hand gloves made from elastomeric materials in the Northern District of Georgia.

3.

In its business, Ammex has committed tortious acts, including, without limitation, patent infringement within the Northern District of Georgia, as is more fully set forth herein.

## **JURISDICTION AND VENUE**

4.

This is an action for injunctive relief, damages, treble damages, interest, costs, and an award for attorney fees for Ammex's violations of the Patent Laws of the United States, Title 35 of the United States Code. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331, 1332, and 1338.

5.

Venue is proper in this Court pursuant to the provisions of 28 U.S.C. § 1391 and § 1400(b).

## **FACTS COMMON TO ALL COUNTS**

6.

Neil E. Tillotson and Luc G. DeBecker (hereinafter "the inventors") have been involved in making, using, offering for sale, and selling hand gloves made from elastomeric materials for many years. Prior to May 11, 1990, the inventors conceived of a new and unobvious invention pertaining to hand gloves made from elastomeric materials.

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7.

The inventors filed a patent application on May 11, 1990, directed to their invention. On May 14, 1991, United States Patent No. 5,014,362 was duly and legally issued for an invention titled "Elastomeric Covering Material and Hand Glove Made Therewith."

8.

On November 13, 1995, the inventors filed an application for the reissue of United States Patent No. 5,014,362. On September 30, 1997, United States Reissue Patent No. Re. 35,616 (hereinafter "'616 Patent") was duly and legally issued for an invention titled "Elastomeric Covering Material and Hand Glove Made Therewith." A copy of the '616 Patent is attached hereto as Exhibit

1.

9.

Hand gloves made from elastomeric materials in accordance with the '616 Patent are substantially impermeable to water vapor and liquid water, have a relatively high tensile strength, and conform to the shape of a hand when stretched to fit about the hand and then relax so that the pressure exerted on the hand is substantially reduced.

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10.

By Assignment, the inventors assigned all right, title, and interest in and to the application that resulted in the '616 Patent to Tillotson. Tillotson remains the owner of the '616 Patent.

11.

Ammex has been and is currently making, using, offering for sale, and/or selling hand gloves made from elastomeric materials covered by one or more of the claims of the '616 Patent. Ammex has been and is currently making, using, offering for sale, and/or selling hand gloves made from elastomeric materials in Georgia and in the Northern District of Georgia. The hand gloves made from elastomeric materials made, used, offered for sale, and/or sold by Ammex in Georgia and in the Northern District of Georgia are covered by one or more of the claims of the '616 Patent.

12.

The hand gloves made from elastomeric materials made, used, offered for sale, and/or sold by Ammex are substantially impermeable to water vapor and liquid water, have a relatively high tensile strength and conform to

the shape of a hand when stretched to fit about the hand and then relax so that the pressure exerted on the hand is substantially reduced.

13.

Tillotson has not granted a license or any other right to make, use, offer for sale, or sell the invention defined by the claims of the '616 Patent to Ammex.

14.

Ammex knowingly and willfully infringed and continues to infringe the '616 Patent.

## COUNT I

### PATENT INFRINGEMENT

15.

Plaintiff Tillotson reasserts, realleges, and incorporates herein Paragraphs 1-14.

16.

By making, using, offering for sale, and/or selling its hand gloves made from elastomeric materials, Ammex has infringed at least one claim of the

'616 Patent. Such acts have seriously damaged and irreparably harmed Tillotson and will continue to do so unless enjoined by this Court. Consequently, Tillotson is without an adequate remedy at law.

### PRAYER FOR RELIEF

WHEREFORE, Plaintiff Tillotson prays that:

1.

Ammex, its officers, agents, servants, employees, and all others in active concert or participation with Ammex be permanently enjoined and restrained from:

(a) infringing United States Patent No. Re. 35,616; and

(b) otherwise causing, assisting in, participating in, or contributing to the infringement of said patent.

2.

Ammex be ordered to pay to Tillotson as damages all damages suffered by Tillotson, including profits lost by Tillotson by reason of the unlawful acts of Ammex as set forth in this Complaint.

3.

Ammex be ordered to pay to Tillotson as damages no less than a reasonable royalty by reason of the unlawful acts of Ammex as set forth in this Complaint.

4.

The Court increase the damages awarded to Tillotson from Defendants up to three times because of the willful infringement of United States Patent No. Re. 35,616 by Defendants.

5.

This case be adjudged an exceptional case.

6.

Defendants be required to pay to Tillotson the cost of this action, interest, and Tillotson's reasonable attorney fees and disbursements.

7.

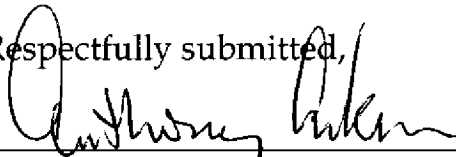
Tillotson have such other and further legal and equitable relief as this Court deems just and equitable.



**JURY DEMAND**

Plaintiff requests a trial by jury of any and all issues triable of right by  
a jury.

Dated: July 20, 2004

Respectfully submitted,  


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