

CIVIL COVER SHEET

The 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, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

WILLIAMSON PRINTING CORPORATION

DEFENDANTS

MITSUBISHI LITHOGRAPHIC PRESSES USA, INC.

(b) County of Residence of First Listed Plaintiff DALLAS (EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant LAKE (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number) SANFORD E. WARREN, JR. WINSTEAD SECHREST & MINICK 5400 RENAISSANCE TOWER, 1201 ELM STREET DALLAS, TEXAS 75270 (214) 745-5400

Attorneys (If Known)

SEP 9

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
Incorporated or Principal Place of Business In This State
Incorporated and Principal Place of Business In Another State
Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Table with 5 columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like 110 Insurance, 210 Land Condemnation, 310 Airplane, 441 Voting, 610 Agriculture, 710 Fair Labor Standards Act, etc.

V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

- 1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from another district (specify)
6 Multidistrict Litigation
7 Appeal to District Judge from Magistrate Judgment

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 Do not cite jurisdictional statutes unless diversity.)

Patent Infringement 35 U.S.C. §271(a)

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: X Yes [] No

VIII. RELATED CASE(S) IF ANY (See instructions):

DATE 9/9/03 JUDGE SIGNATURE OF ATTORNEY OF RECORD DOCKET NUMBER

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

JS 44 Reverse (Rev. 12/96)

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-44

Authority For Civil Cover Sheet

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I. (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b.) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States, are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS-44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section IV below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a) Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause.

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

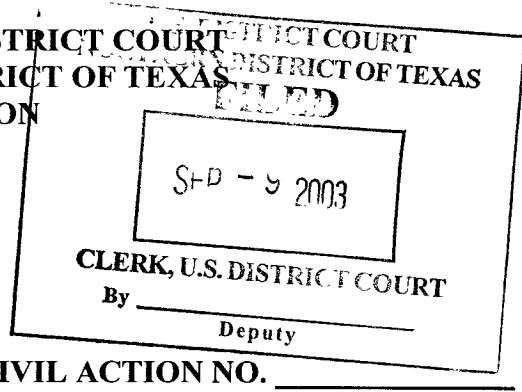
Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS-44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

ORIGINAL

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**



**WILLIAMSON PRINTING
CORPORATION,**

Plaintiff,

v.

**MITSUBISHI LITHOGRAPHIC
PRESSES U.S.A., INC.,**

Defendant.

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PLAINTIFF'S ORIGINAL COMPLAINT

Plaintiff Williamson Printing Corporation ("WPC"), by counsel, hereby complains of Defendant, Mitsubishi Lithographic Presses U.S.A., Inc. ("MLP"), and alleges as follows:

PARTIES

1. WPC is a corporation organized and existing under the laws of Texas and has its principal place of business at 6700 Denton Drive, Dallas, TX 75235.

2. Upon information and belief, MLP is a corporation having its principal place of business located at 600 Barclay Boulevard, Lincolnshire, Illinois 60069. MLP may be served with process through the Secretary of State's office for the State of Texas, pursuant to TEX. CIV. PRAC. & REM. Code § 17.044.

JURISDICTION AND VENUE

3. The Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1338(a), granting the United States district courts exclusive original jurisdiction of any civil action arising under and Act of Congress relating to patents.

4. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b)(1) and 28 U.S.C. § 1400(b) because the Defendant is a corporation subject to the personal jurisdiction of the Court, and thus deemed to reside in this judicial district pursuant to 28 U.S.C. § 1391(c).

FACTS GIVING RISE TO THE CAUSE OF ACTION

5. WPC is one of Texas' largest commercial printers employing approximately 400 people. On August 14, 1995, Bill L. Davis and Jesse S. Williamson applied for a patent on a Combined Lithographic/Flexographic Printing Apparatus and Process. United States Patent No. 5,630,363 ("the '363 patent") issued on May 20, 1997 and has been assigned to WPC. A copy of the '363 patent is attached as Exhibit A.

6. On February 9, 1999, WPC sent a letter (attached as Exhibit B) to MLP, notifying MLP of the '363 patent.

7. Upon information and belief, Defendant, either directly or by and through its parents, subsidiaries and/or affiliates, manufactures, offers for sale, and sells printing presses. Further, upon information and belief, MLP imports printing presses into the United States.

8. In particular, Defendant has sold and installed a sheetfed offset printing press in the Boston, Massachusetts area, which is covered by one or more claims of the '363 patent.

9. Upon information and belief, Defendant has offered for sale or has sold a sheetfed offset printing press to Motheral Printing in Ft. Worth, Texas, which is covered by one or more claims of the '363 patent.

10. On November 6, 2002, Defendant delivered a quotation for a Mitsubishi Model Diamond 3000R - 10C 13,000 Sheetfed Offset Printing Press (attached as Exhibit C to WPC. This particular press is of the kind covered by one or more claims of the '363 patent.

11. On December 12, 2002, WPC, by and through counsel, sent a letter (attached as Exhibit D) to Rick Buchanan, President of MLP, reminding him that MLP had been informed of WPC's '363 patent on February 9, 1999. The letter also requested a meeting between MLP and WPC to discuss a license under the '363 patent.

12. On January 31, 2003, WPC, by and through counsel, sent a letter (attached as Exhibit E) to MLP advising MLP that no response to the letter of December 12, 2002 had been received.

13. On February 10, 2003, MLP sent a letter (attached as Exhibit F) to WPC indicating that MLP would respond in March 2003.

14. On March 27, 2003, WPC, by and through counsel, sent a letter (attached as Exhibit G) to MLP inquiring when WPC may expect an answer to its previous communications.

15. On April 9, 2003, MLP sent a letter (attached as Exhibit H) to WPC indicating its intention to meet with WPC "to find out more information as to the basis for [WPC's] comments that [the '363 patent] is relevant to ... MLP."

COUNT ONE
CLAIM FOR PATENT INFRINGEMENT

16. WPC herein incorporates each averment contained in Paragraphs 1 through 15 above.

17. Defendant has infringed the '363 patent in violation of 35 U.S.C. § 271(a) by making, using, importing, offering to sell and/or selling printing presses that infringe one or more of the claims of the '363 patent.

18. Defendant, specifically, has infringed the '363 patent in violation of 35 U.S.C. § 271(a) by making, using, importing, offering to sell and/or selling printing presses that infringe Claims 12 and 14 of the '363 patent.

19. Defendant has infringed the '363 patent in violation of 35 U.S.C. § 271(b) by actively inducing others to infringe one or more claims of the '363 patent.

20. Defendant's acts constitute willful and deliberate infringement of the '363 patent because Defendant has had notice of the '363 patent at least since February 9, 1999.

21. Defendant's infringement of the '363 patent has caused and will continue to cause irreparable injury to Plaintiff.

22. Defendant will continue its infringement if not enjoined by this Court.

23. Unless the acts complained of above are restrained by the Court, they will continue to occur and they will continue to cause irreparable injury to Plaintiff for which there is no adequate remedy at law.

JURY DEMAND

Plaintiff WPC demands trial by jury for all claims so triable.

WHEREFORE, Plaintiff respectfully prays that this Court grant judgment against Defendant as follows:

A. Declaring that Defendant has infringed the '363 patent in violation of 35 U.S.C. § 271(a), and has actively induced others to infringe the '363 patent in violation of 35 U.S.C. § 271 (b);

B. Declaring that Defendant has willfully infringed the '363 patent and therefore trebling the damages found or assessed as a result of such willful infringement;

C. Enjoining the Defendant and its parents, subsidiaries, affiliates, agents, employees and/or servants and all those acting in concert therewith, from further acts of infringement of the '363 patent under 35 U.S.C. § 283;

D. Ordering an accounting and an award of damages under 35 U.S.C. § 284, together with prejudgment interest and costs as fixed by the Court;

E. Declaring that this case is exceptional under 35 U.S.C. § 285 and therefore awarding to Plaintiff its costs and counsel fees incurred herein, or reasonable attorney's fees and costs as otherwise permitted by law;

F. Awarding post-judgment interest at the maximum legal rate; and

G. Any other or further relief that this Court deems proper.

Dated: September 9, 2003



Sanford E. Warren, Jr. (SBN 20888690)

Jonathan N. Geld (SBN 00796620)

Edwin E. Richards (SBN 24033004)

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ATTORNEYS FOR PLAINTIFF

AUSTIN_1\227513\1
41805-B00003 09/09/2003

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

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v.

**mitsubishi lithographic
PRESSES U.S.A., INC.,**

Defendant.

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22. Defendant will continue its infringement if not enjoined by this Court.

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E. Declaring that this case is exceptional under 35 U.S.C. § 285 and therefore awarding to Plaintiff its costs and counsel fees incurred herein, or reasonable attorney's fees and costs as otherwise permitted by law;

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Dated: September 9, 2003



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