

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

DUCTMATE INDUSTRIES, INC.)		
)		
Plaintiff,)		Civil Action No. 2:10-cv-01064-DSC
)		
v.)		
)		Judge David S. Cercone
GRAY METAL PRODUCTS, INC.)		
GRAY METAL SOUTH, INC.)		
and SNAP RITE)		
MANUFACTURING, INC.)		
)		[FILED ELECTRONICALLY]
Defendants.)		

AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Ductmate Industries, Inc. ("Ductmate"), through its undersigned counsel, alleges the following as its Complaint against Gray Metal Products, Inc. ("Gray Products"), Gray Metal South, Inc. ("Gray South") and Snap Rite Manufacturing, Inc. ("Snap Rite"), Defendants.

JURISDICTION AND VENUE

1. This Complaint alleges patent infringement under the Patent Act, 35 U.S.C. §271, *et seq.*

2. This Court has subject matter jurisdiction for patent claims pursuant to 28 U.S.C. §§ 1331 and 1338.

3. This Court has personal jurisdiction over Defendants because Defendants have established minimum contacts with the forum by purposely availing themselves of the laws and benefits of the forum, and the exercise of jurisdiction over the Defendants would not offend

traditional notions of fair play and substantial justice. On information and belief, Defendants have voluntarily conducted business in this judicial district.

4. Venue is proper in this judicial district under 28 U.S.C. §§ 139(b) and (c) because Defendants are each subject to personal jurisdiction in this judicial district.

THE PARTIES

5. Plaintiff, Ductmate, is a corporation having its principal place of business at 210 Fifth Street, Charleroi, PA 15022.

6. Upon information and belief, Defendant, Gray Products, is a corporation having its principal place of business at 495 Rochester Street, Avon, NY 14414, Defendant Gray South is a corporation having its principal place of business at 600 North Powell Avenue, Dunn, NC 28334 and Defendant Snap Rite Manufacturing, Inc. is a corporation having its principal place of business at 232 N Ida Street, Coats, NC 27521. Upon further information and belief, both Gray Products, Gray South and Snap Rite are doing business, have carried out business, and have had other contacts within this judicial district.

BACKGROUND

7. Ductmate is the owner of United States Patent No. 7,478,467 entitled "Self Locking Sheet Metal Duct with a Sealant and Method for Manufacturing the Duct with a Sealant and Installing the Duct with a Sealant" issued January 20, 2009 that contains claims directed to a method for manufacturing a circular sheet metal duct (the '467 Patent) and is the owner of United States Patent No. 7,708,034 entitled "Self Locking Sheet Metal Duct with a Sealant" issued May 4, 2010 that contains claims directed to a circular sheet metal duct as a product (the '034 Patent).

8. Gray Products, Gray South and Snap Rite each manufacture, sell and offer for sale circular sheet metal ducts.

9. Gray Products, Gray South and Snap Rite each profit from the sale of circular sheet metal ducts.

COUNT 1 – Patent Infringement

10. Ductmate realleges each and every allegation set forth in Paragraphs 1 through 9 inclusive, and incorporates them herein by this reference.

11. A true and correct copy of the '467 Patent is attached hereto as Exhibit A.

12. A true and correct copy of the '034 Patent is attached hereto as Exhibit B.

13. Upon information and belief, the circular sheet metal ducts being manufactured, sold and offered for sale by Gray Products, Gray South and Snap Rite infringe the claims of both the '467 Patent and the '034 Patent.

14. By reason of the foregoing, Ductmate has been damaged in an amount that is yet to be ascertained and has suffered and will continue to suffer irreparable loss and injury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Ductmate Industries, Inc. prays as to Count I:

A. that Gray Products, Gray South and Snap Rite, their officers, agents, servants, employees, and attorneys be preliminarily and permanently enjoined from infringing the '467 Patent;

B. that Gray Products, Gray South and Snap Rite, their officers, agents, servants, employees, and attorneys be preliminarily and permanently enjoined from infringing the '034 Patent;

- C. that Gray Products, Gray South and Snap Rite each be found liable to Ductmate for their acts of infringement and be ordered to pay compensatory damages pursuant to 35 U.S.C. § 284 as a result of its infringement of the '467 and '034 Patents, including all damages suffered by Ductmate as a result of the infringement;
- D. that Ductmate be awarded its costs and prejudgment interest on all damages pursuant to 35 U.S.C. § 284; and
- E. that Ductmate be awarded such further relief as the Court shall deem appropriate.

Respectfully submitted,

Dated: May 4, 2012

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