

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION**

ORBIS CORPORATION

Plaintiff,

vs.

REHRIG PACIFIC COMPANY

Defendant.

Case No.:

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT AND JURY DEMAND

Plaintiff, ORBIS CORPORATION, brings this action for patent infringement against Defendant, REHRIG PACIFIC COMPANY, and alleges as follows:

THE PARTIES

1. ORBIS CORPORATION (“ORBIS”) is a corporation organized under the laws of the State of Wisconsin, having its principal place of business at 1055 Corporate Center Drive, Oconomowoc, Wisconsin 53066.

2. REHRIG PACIFIC COMPANY (“REHRIG”) is a corporation organized under the laws of the State of Delaware, having its principal place of business at 4010 E. 26th Street, Los Angeles, California 90058, and a manufacturing and/or distribution facility located at 7800 100th Street, Pleasant Prairie, Wisconsin, 53158.

JURISDICTION AND VENUE

3. This action arises under the patent laws of the United States, 35 U.S.C. § 1 et seq. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a).

4. Personal jurisdiction and venue are proper in this District as to REHRIG under 28 U.S.C. §§ 1391(b) and (c) and 28 U.S.C. § 1400(b) because REHRIG maintains a manufacturing plant in this District.

FACTUAL BACKGROUND

5. ORBIS is in the business of manufacturing and selling plastic pallets, bulk containers, bakery trays and other related products.

6. ORBIS is the owner by assignment of U.S. Patent No. 6,273,259, titled "Container" ("the '259 patent"), which duly and legally issued on August 14, 2001. A copy of the '259 patent is attached as Exhibit A.

7. ORBIS manufactures and sells bakery trays designated as "NPL663." A photograph of ORBIS' NPL663 bakery tray is attached as Exhibit B.

8. ORBIS' NPL663 bakery tray is within the scope of the '259 patent.

9. ORBIS' NPL663 bakery tray is properly marked with the '259 patent in accordance with 35 U.S.C. 287. Accordingly, REHRIG had constructive notice of the '259 patent.

10. ORBIS' NPL663 bakery tray includes features that allows the tray to have a stacked position, a sliding position, and a levered position intermediate the stacked and sliding positions when used with another like tray.

11. ORBIS is the sole owner of the '259 patent and has the right to sue for infringement of this patent, to collect past, present, and future damages, and to enforce all rights under this patent.

12. REHRIG is in the business of manufacturing and selling plastic products, such as pallets, crates, containers and bins. REHRIG also manufactures and sells plastic bakery trays.

13. On information and belief, REHRIG manufactured and sold plastic bakery trays, including at least one having a stamped identification of "SLBT180" on it. A photograph of the SLBT180 bakery tray is attached as Exhibit C.

14. REHRIG's SLBT180 bakery tray includes stacking features that allows the tray to have a stacked position, a sliding position, and a levered position intermediate the stacked and sliding positions when used with another like tray.

15. REHRIG's SLBT180 bakery tray also can stack with ORBIS' NPL663 bakery tray in a stacked position, a sliding position, and a levered position intermediate the stacked and sliding positions, and is interchangeable with ORBIS' NPL663 bakery tray.

16. On information and belief, REHRIG also manufactures and sells other bakery trays that include stacking features allowing the trays to have a stacked position, a sliding position, and a levered position intermediate the stacked and sliding positions when used with another like tray and are interchangeable with ORBIS' NPL663 bakery tray.

COUNT 1: PATENT INFRINGEMENT AGAINST REHRIG

17. ORBIS re-alleges each and every allegation set forth in paragraphs 1 through 15 above, inclusive, and incorporates them by reference herein.

18. Without ORBIS's authorization, REHRIG has made, assembled, used, offered to sell, sold, and/or imported into the United States, and still is manufacturing, using, offering to sell, assembling, selling, and/or importing into the United States, containers that embody the invention claimed in the '259 patent.

19. By its conduct, REHRIG has infringed and continues to infringe the '259 patent within the meaning of 35 U.S.C. § 271(a), 35 U.S.C. § 271(b) and/or 35 U.S.C. § 271(c).

20. REHRIG's infringement has been intentional and willful.

21. ORBIS has been and will continue to be irreparably harmed by REHRIG's infringement of the Container Patent.

RELIEF SOUGHT

WHEREFORE, ORBIS respectfully prays for:

- A. A judgment that Defendant has infringed one or more claims of the '259 Patent;
- B. A judgment that Defendant's infringement was willful;
- C. An injunction against further infringement of the Container Patent by Defendant, its agents, servants, employees, officers, and all others controlled by Defendant;
- D. An award of damages adequate to compensate ORBIS for the Defendant's infringements pursuant to 35 U.S.C. § 284;
- E. An award of lost profits resulting from Defendant's infringements;
- F. A finding that this is an exceptional case under 35 U.S.C. § 285;
- G. Enhanced damages or profits as a result of Defendant's willful infringements;
- H. An assessment of costs, including reasonable attorney fees pursuant to 35 U.S.C. § 285;
- I. Prejudgment interest; and,
- J. Such other and further relief as this Court deems just and proper.

JURY DEMAND

ORBIS demands a trial by jury for all issues so triable.

Dated: October 22, 2012

Respectfully submitted,

ORBIS CORPORATION

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