

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

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Stratis Corporation,)
)
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Plaintiff,)
)
v.)
)
Jeco Plastic Products LLC)
)
)
Defendant.)
_____)

Case No. _____

1 : 07 -CV- 0487 -DFH -JMS

JURY TRIAL DEMANDED

COMPLAINT FOR DECLARATORY JUDGMENT

Plaintiff, Stratis Corporation, by counsel, states as follows:

The Nature of the Action

1. This is an action for a declaratory judgment of invalidity and noninfringement of U.S. Patent No. 6,807,911, and for further necessary or proper relief.

The Parties

2. Plaintiff Stratis Corporation (herein "Stratis"), is a corporation organized and existing under the laws of the State of Wisconsin and having a principal place of business at 5677 West 73rd Street, Indianapolis, Indiana 46278.

3. Defendant, Jeco Plastic Products LLC (herein "Jeco"), is a corporation organized and existing under the laws of the State of Wisconsin and having a principal and regular established place of business at 885 Andico Road, Plainfield, Indiana 46168.

Jurisdiction and Venue

4. This is an action arising, under the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202. This Court has original jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a) as it arises under the Patent Laws of the United States.

5. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391 (b) and (c).

Declaration of Invalidity and Noninfringement

6. Stratis is in the business of manufacturing and selling plastic products and more specifically pallets.

7. On October 26, 2004, U.S. Patent No. 6,807,911 B2 “Pallet With Stress Resistance Structure” (herein the ‘911 patent) was issued in the name of inventors Craig Carson, Mark Bendit, and Steven Turley. The patent on its face indicates that Jeco is the assignee and, upon information and belief, Jeco is the owner of the ‘911 patent.

8. Jeco has charged Stratis with infringement of certain claims of the ‘911 patent because of Stratis’ sale of pallets having the model designations P6343RS-D and P5539RS-D. Jeco has demanded that Stratis discontinue manufacturing and selling the accused pallets.

9. There is a substantial and continuing justiciable controversy between Stratis and Jeco as to Jeco’s right to threaten or maintain a suit for infringement of the ‘911 patent, as to the validity and scope of the claims of the ‘911 patent, and as to whether any of Stratis’ pallets infringe any valid claim of the ‘911 patent.

10. None of Stratis’ pallets infringe any valid claim of the ‘911 patent.

11. By reason of the proceedings in the United States Patent and Trademark Office during the prosecution of the application which resulted in the '911 patent, Jeco is estopped to claim a construction of the patent claims that would encompass any pallet manufactured or sold by Stratis.

12. Upon information and belief, the claims of the '911 patent are invalid under 35 U.S.C. §§ 102 and 103 in view of prior art.

RELIEF REQUESTED

WHEREFORE, Plaintiff Stratis respectfully requests the following:

(a) Entry of judgment that none of Stratis' pallets infringe any valid claim of the '911 patent and that Jeco is without right or authority to threaten or maintain suit against Stratis or its customers for alleged infringement of said patent;

(b) Judgment that the claims of the '911 patent are invalid in view of prior art;

(c) Judgment that Jeco is estopped by the prosecution history of the '911 patent from asserting a construction of its claims that would encompass any pallet manufactured or sold by Stratis

(d) Entry of an injunction enjoining Jeco, its officers, agents, servants, employees, and attorneys, and those persons in active concert or participation with it who receive actual notice thereof from initiating infringement litigation and from threatening Stratis or any of its customers, dealers, agents, servants, or employees, or any prospective or present sellers, dealers, buyers, or users of Stratis pallets, with patent infringement

litigation, or charging any of them either verbally or in writing with infringement of the '911 patent because of the manufacture, use or sale of the pallets made by Stratis;

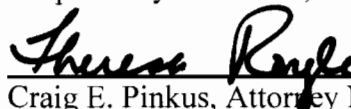
- (e) An award to Stratis of its costs and reasonable attorneys' fees.
- (f) Such other and further relief as this Court may deem just and

proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury of all issues so triable.

Respectfully submitted,



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