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7 Attorneys for Plaintiff
 8 PWP INDUSTRIES,
 a Delaware corporation
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BY: _____
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 CLERK U.S. DISTRICT COURT
 CENTRAL DIST. OF CALIF.
 SANTA ANA

FILED

10 IN THE UNITED STATES DISTRICT COURT
 11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 WESTERN DIVISION CV09-4417 ODW(RCX)

13 PWP INDUSTRIES, a Delaware
 14 corporation,

15 Plaintiff,

16 v.

17 INLINE PLASTICS CORP., a
 18 Connecticut corporation,

19 Defendant.

) Civil Action No.

) **COMPLAINT FOR
 DECLARATORY
 JUDGMENT**

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1 Plaintiff PWP Industries (“PWP” or “Plaintiff”) for its Complaint against
2 Defendant Inline Plastics Corp. (“Inline Plastics” or “Defendant”) alleges as
3 follows:

4 **I. THE PARTIES**

5 1. Plaintiff PWP is a Delaware corporation having a principal place of
6 business at 3751 Seville Avenue, Vernon, California 90058.

7 2. On information and belief, Defendant Inline Plastics is a Connecticut
8 corporation having its principal place of business at 42 Canal Street, Shelton,
9 Connecticut 06484.

10 3. On information and belief, Defendant regularly conducts business
11 within this Judicial District by shipping products into this Judicial District, and by
12 maintaining sales and distribution facilities in this Judicial District.

13 **II. JURISDICTION AND VENUE**

14 4. This is an action for declaratory judgment in a case of actual
15 controversy between Plaintiff and Defendant arising under the Declaratory
16 Judgment Act, 28 U.S.C. §§ 2201 and 2202, and the United States Patent Laws,
17 35 U.S.C. § 100, *et seq.*

18 5. There is an actual controversy within the jurisdiction of this Court
19 concerning Plaintiff’s liability for the alleged infringement of United States
20 Letters Patent No. 7,118,003 (“the ‘003 patent”). This Court has subject matter
21 over the claims for declaratory judgment pursuant to 28 U.S.C. §§ 1331 and
22 1338(a).

23 6. Defendant is subject to the personal jurisdiction of this Court.

24 7. Venue is proper in this Judicial District pursuant to 28 U.S.C. §
25 1391(b)-(c).

26 **III. GENERAL ALLEGATIONS**

27 8. Defendant claims to own rights in the ‘003 patent, entitled “Tamper
28 Resistant Container with Tamper-Evident Feature and Method of Forming the

1 Same.” A copy of the ‘003 patent is attached hereto as Exhibit 1.

2 9. Defendant has alleged, and continues to allege, that PWP infringed
3 the ‘003 patent by, among other things, selling and offering to sell certain
4 plastic containers.

5 10. Plaintiff disputes these allegations.

6 11. Thus, there exists an actual controversy between Defendant and
7 Plaintiff concerning the alleged infringement of the ‘003 patent.

8 **IV. CLAIM FOR RELIEF—DECLARATORY JUDGMENT OF**
9 **NONINFRINGEMENT AND/OR INVALIDITY**

10 12. Plaintiff repeats and re-alleges each and every allegation set forth
11 in this complaint as if fully set forth herein.

12 13. Plaintiff has not and does not infringe any valid claims of the ‘003
13 patent.

14 14. Plaintiff seeks a declaration from this Court that Plaintiff has not
15 and does not infringe any valid claims of the ‘003 patent.

16 **PRAYER FOR RELIEF**

17 WHEREFORE, Plaintiff prays for a declaration and judgment in its favor
18 against Defendant for the following relief:

19 A. For an Order declaring that Plaintiff has not, and does not, infringe
20 the ‘003 patent;

21 B. For an Order declaring that the ‘003 patent is invalid;

22 C. For an Order declaring this case exceptional pursuant to 35 U.S.C.
23 § 285, and awarding costs and attorneys’ fees to Plaintiff;

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D. For such other and further relief as this Court may deem just and proper.

Respectfully submitted,
KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: June 19, 2009 By: 

Steven J. Nataupsky
Michael K. Friedland
Stephen W. Larson
Attorneys for PWP Industries

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