

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

NEW PIG CORPORATION,)	
)	
)	Civil Action No. 3 : 16 - cv - 205
Plaintiff,)	Filed Electronically
)	
vs.)	[JURY TRIAL DEMANDED]
)	
NPS CORPORATION,)	
)	
Defendant)	

COMPLAINT

Plaintiff, New Pig Corporation (“Plaintiff” or “NEW PIG”), through its counsel, Pietragallo Gordon Alfano Bosick & Raspanti LLP, hereby alleges the following for its first complaint against Defendant, NPS Corporation (“Defendant” or “NPS”):

THE PARTIES

1. Plaintiff, NEW PIG, is a corporation duly organized under the laws of Pennsylvania having a principal place of business at One Pork Avenue, Tipton, Pennsylvania 16684.

2. Upon information and belief, Defendant, NPS Corporation, is a corporation organized and existing under the laws of the State of Wisconsin with offices located at 3303 Spirit Way, Green Bay, Wisconsin 54304. Upon information and belief, NPS is doing business, has carried out substantial business, and has had substantial contacts with this judicial district.

JURISDICTION AND VENUE

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

4. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1338, and 2201.

5. Upon information and belief, NPS is doing business, has carried out substantial business, and has had substantial contacts with Pennsylvania and this judicial district.

6. Venue is proper in this judicial district under 28 U.S.C. §§ 1391 and 1400(b).

SUMMARY OF FACTS

7. Since 1985, NEW PIG has been in the business of manufacturing industry leading industrial absorbent products, including but not limited to, absorbent mats and pads, absorbent tablets, absorbent socks and booms, absorbent pillows and pans, absorbent wipes and wipers, towels, and rags and absorbent drum and barrel top mats. NEW PIG also offers a variety of products in areas of spill kits, leak control, drain protection, safety, waste reduction, cleaning and janitorial, healthcare fluid management, and training. Over the past three-plus decades, NEW PIG has received twenty-nine (29) Plant Engineering Product of the Year awards – more than any other company in the industry.

8. NEW PIG, is the owner of United States Patent No. 6,548,135 (“the ‘135 Patent”), issued April 15, 2003, and titled “Absorbent Article Tablet”. A true and correct copy of the ‘135 Patent is attached hereto as Exhibit A.

9. The ‘135 Patent discloses and claims innovative and valuable inventions relating to absorbent article tablets for the quick and convenient cleanup of persons, dirt, grime, spills, leaks, drips, sprays, etc. The absorbent article tablets described and claimed in

the '135 Patent generally include a substantially rigid backing sheet and a plurality of absorbent sheets stacked on top of the backing sheet, one on top of the other. Each of the absorbent sheets has absorbent properties for addressing dirt cleanup and liquid cleanup and containment. A binding element binds the backing sheet and the plurality of absorbent sheets together along one edge thereof to form the absorbent tablet. A weakened line is formed in each of the absorbent sheets along the one edge thereof adjacent the binding, enabling individual absorbent sheets to be torn and removed from the tablet. NEW PIG, for many years, has sold an absorbent tablet which is covered by the '135 Patent. Figure 15 of the '135 Patent is reproduced below:

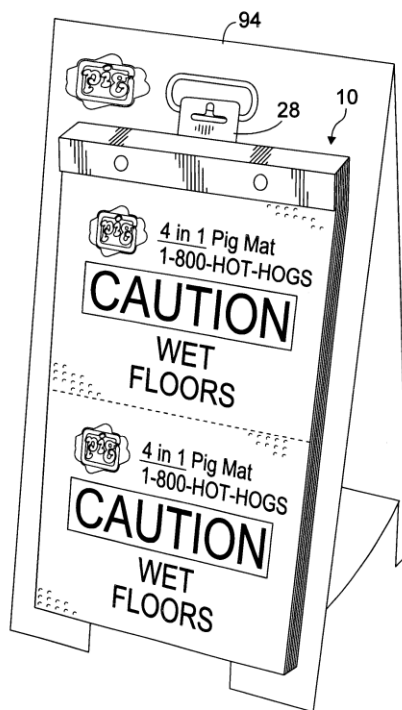


Fig. 15

10. NPS's Slipfyter by Spilfyter HVU-700ES product, shown in Figure 2 below, is an absorbent sheet tablet stand comprising at least fifteen (15) absorbent sheets per side,

bound together along one edge, and perforated for easy removal. An image of the Slipfyter by Spilfyter HVU-700ES product is set forth in Figure 2, below:



Figure 2.

11. NPS's Slipfyter by Spilfyter HVU-700ES product is described on its Internet website as "a unique spill control product that can be used as both a caution sign and absorbent product at the same time;" "Convenient carry handle;" "Each stand has 15 high-visibility sorbent pads fastened directly to both sides of the stand – simply tear off the pads you need." See: <https://spark.adobe.com/page/sCYhO/>. Also see: printed Internet website pages attached hereto as Exhibit B. The handle of the Slipfyter product also states, "Remove pads along perforation below." See Figure 2.

12. NPS's Slipfyter by Spilfyter HVU-700ES product infringes at least one claim of the '135 Patent. Claim 1 of the '135 Patent recites the following elements:

An absorbent tablet comprising:
 a plurality of absorbent sheets stacked one on top of the other, each of the plurality of absorbent sheets having moisture absorbent properties;
 a binding element disposed along one edge of the plurality of absorbent sheets the binding element having a length and securing the plurality of absorbent sheets together along its length to form a tablet; and

at least one weakened line formed in each of the plurality of absorbent sheets and adapted to permit portions of each of the plurality of absorbent sheets to be removed from the tablet.

13. On or about August 3, 2016 counsel for NEW PIG directly notified NPS by letter of its belief that NPS's Slipfyer HVU-700ES product is remarkably similar to one or more claims of the '135 Patent, and requested that NPS "compare your HVU-700ES product with the claims of the 6,548,135 patent, and refrain from making, offering to sell, selling, using or importing the HVU-700ES product, or any other products, that are covered by the 6,548,135 patent." See Exhibit C, notice letter.

14. Counsel for NPS subsequently responded – almost five weeks later - on September 8, 2016 with a letter that completely ignores NEW PIG's concerns and instead incorrectly accuses NEW PIG of violating a Wisconsin statute regarding patent notice letters. See Exhibit D, response letter.

15. Upon information and belief, and notwithstanding NEW PIG's notification of infringement, NPS continues to manufacture, use, sell, offer for sale, and/or import its infringing products, including NPS's Slipfyer by Spilfyer HVU-700ES product.

COUNT I
INFRINGEMENT OF THE '135 PATENT

16. NEW PIG repeats and re-alleges each and every averment contained in paragraphs 1-15 of this Complaint as if fully set forth herein.

17. NPS has infringed and is infringing the '135 Patent in the United States by at least making, using, offering to sell, selling, importing, causing to be made, causing to be used, causing to be offered for sale, causing to be sold and/or causing to be imported products,

including NPS's Slipfyter by Spilfyter HVU-700ES product, that infringe one or more of the claims of the '135 Patent.

18. On information and belief, NPS's infringement of the '135 Patent has taken place with full knowledge of the '135 Patent and has been intentional, deliberate and willful, making this an exceptional case entitling Plaintiff to increased damages and reasonable attorneys' fees pursuant to 35 U.S.C. §§ 284 and 285.

19. By reason of the foregoing, Plaintiff has been damaged and will continue to be damaged, and has suffered and will continue to suffer irreparable loss and harm unless NPS is enjoined by this Court.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, NEW PIG, prays:

- A) that NPS, its officers, agents, servants and employees be preliminarily and permanently enjoined from infringing the '135 Patent pursuant to 35 U.S.C. § 283;
- B) that a judgment be entered that NPS has infringed Plaintiff's '135 Patent;
- C) that NPS be found liable to Plaintiff for its acts of infringement and be ordered to pay damages pursuant to 35 U.S.C. § 284 as a result of infringement of the '135 Patent, and all damages suffered by Plaintiff as a result of the infringement;
- D) that this case be adjudged and decreed exceptional under 35 U.S.C. § 285 and that NPS be ordered to pay treble damages and the expense and costs incurred by Plaintiff, including reasonable attorneys' fees;
- E) that Plaintiff be awarded its costs and prejudgment interest on all damages pursuant to 35 U.S.C. § 284; and
- F) that Plaintiff be awarded such further relief as the court may deem appropriate.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff, NEW PIG, hereby demands a trial by jury of all issues triable by jury.

Respectfully submitted,

Dated: September 20, 2016

/s/ Douglas M. Hall
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