

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA

R.W.D. INNOVATIVE SPECIALTY
TRIMS LLC.,

Case No. _____

Plaintiffs

v.

CRAIG A. OEHME; POLYTECHNICS
CORPORATION.,
Defendants

_____ /

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff R.W.D. INNOVATIVE SPECIALTY TRIMS, LLC. (“RWD”), by and through its undersigned attorney, hereby files this Complaint against Defendants CRAIG A. OEHME (“Oehme”) and POLYTECHNICS CORPORATION (“Polytechnics”) and respectfully alleges as follows:

NATURE OF THE ACTION

1. Plaintiff RWD brings this complaint pursuant to the Patent Laws, 35 U.S.C. §§ 1et seq., and seeks damages and injunctive relief under 35 U.S.C. §§ 271, 281, 283-285 against defendants for the infringement of United States Patent Nos. 7,943,222 (“the ‘222 Patent”), entitled “Adhesive-Backed Extender Trim Material,” issued on May 17, 2011, and 7,220,472 (“the ‘472 Patent”), entitled “Adhesive-Backed Extender Trim Material,” issued on May 22, 2007. A copy of the ‘222 Patent is attached hereto as Exhibit A. A copy of the ‘472 Patent is attached hereto as Exhibit B.

THE PARTIES, JURISDICTION AND VENUE

2. Plaintiff RWD is a Florida Limited Liability Company organized and existing under the laws of the State of Florida. RWD maintains its principal place of business at 1550 S. Jefferson St. Monticello Fl 32344. RWD is the exclusive licensee of the '222 and '472 Patents and possesses the sole right to bring suit for past, present or future infringement of that patent.

3. Defendant Oehme, upon information and belief, owns, operates or otherwise controls a plastic extrusion business doing business under the name "E.E. Pauley Plastic Extrusion" with a principal place of business located at 17177 Navajo Rd. Apple Valley, CA 92307. "E.E. Pauley Plastic Extrusion" is identified at www.pauleyplastic.com as the manufacturer and seller of "Vinyl Flat Trim" and "Window Trim with Pre-Scoring" it sells throughout the United States, including this judicial district. With respect to the matters complained of herein, Oehme makes, uses, sells, and offers for sale plastic trim strip products covered by the '222 and '472 Patents that compete with RWD's product. See Products Webpage, attached hereto as Exhibit C.

4. Defendant Polytechnics is a suspended California corporation with its principal place of business at 2165 S. Dupont Avenue, Unit A, Anaheim, CA 92806. On information and belief "Polytechnics Corporation" was set up by Defendant Oehme to make, use, sell and offer to sell plastic trim strips. Defendant Oehme is listed as the President and Owner of Polytechnics Corporation. With respect to the matters complained of herein, Polytechnics has made, used, sold and/or offered for sale trim strip products covered by the '222 and '472 Patents that compete with R.W.D's product. See Product Flyer, attached hereto as Exhibit D.

5. Upon information and belief, Defendants are making, selling, and/or offering to sell plastic trim products in the State of Florida, in this judicial district, and elsewhere in the United States, plastic trim strip products that infringe the patents-at issue.

6. This action arises under 28 U.S.C. §1338(a); the events giving rise to this cause of action occurred in the Northern District of Florida; and jurisdiction is proper in this Court.

7. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b)-(c) and/or 1400(b).

8. All conditions precedent to bringing this suit have been performed or have been waived.

COUNT I: INFRINGEMENT OF THE '222 PATENT

9. Plaintiff realleges and incorporates by reference the preceding paragraphs.

10. Plaintiff RWD is the exclusive licensee with the right to manufacture, sell, and offer for sale the plastic trim products covered by the '222 Patent. RWD has the right to collect past, present and future damages for the infringement of the '222 Patent.

11. Plaintiff RWD has complied with its marking obligations.

12. The '222 Patent is directed to a plastic trim strip useful for trimming the installation of doors, windows and the like. The trim strip is comprised of two sides, one facing the viewer with an aesthetically appealing finished surface; the other side faces away from the viewer containing a strip of contact adhesive as well as a plurality of score lines. The adhesive with a peelable backing permits the trim to be pressed into place for a tightly sealed installation. The plurality of score lines is deep enough so that if the facing

is bent along the score line, it will break. Thus, the score lines enable the creation of a trim strip having different widths.

13. Beginning on a date after June 26, 2004, Defendants Oehme and Polytechnics have directly infringed the '222 Patent under the provisions of 35 U.S.C. §271(a). To wit, Oehme and Polytechnic are making, have made, are offering for sale and/or have sold trim products with pre-scoring and adhesive tape falling at least under claims 1 and 2 of the '222 Patent, as more particularly described in the following paragraph.

14. Beginning on a date after June 26, 2004, Defendants Oehme and Polytechnics have infringed the '222 Patent by making, having made, selling, and/or offering for sale an extender trim strip which can be installed by a user comprising: (a) a flat elongated trim strip facing having a continuous outer edge, formed of a material capable of some deformation while retaining elastic memory to retain its original flat state; (b) a band of contact adhesive, affixed to the inner face of said facing, proximate said first side edge; (c) an adhesive-free portion along the inner face of said facing, proximate said second side edge; (d) a backing, removably covering said band of contact adhesive; (e) wherein said inner face opens into a plurality of score lines lying in said adhesive-free portion of said inner face between said band of contact adhesive and said second edge, said plurality of score lines being parallel to said elongated side edges; (f) wherein each of said score lines creates a localized reduction in thickness of said trim strip; and (g) wherein each of said localized reductions weakens said trim strip sufficiently so that folding said trim strip along one of said score lines causes said trim strip to break into two pieces along said score line.

COUNT II: INFRINGEMENT OF THE '472 PATENT

15. Plaintiff realleges and incorporates by reference the preceding paragraphs.

16. Plaintiff RWD is the exclusive licensee with the right to manufacture, sell, and offer for sale the plastic trim products covered by the '472 Patent. RWD has the right to collect past, present and future damages for the infringement of the '472 Patent.

17. Plaintiff RWD has complied with its marking obligations.

18. The '472 Patent is directed to a plastic trim strip useful for trimming the installation of doors, windows and the like. The trim strip is comprised of two sides, one facing the viewer with an aesthetically appealing finished surface; the other side faces away from the viewer containing *two strips* of contact adhesive. A plurality of score lines runs between the two strips of contact adhesive which have a peelable backing to permit the trim to be pressed into place for a tightly sealed installation. The plurality of score lines are cut deep enough so that the if the facing is bent along the score line, it will break.

19. Beginning on a date after June 26, 2004, Defendants Oehme and Polytechnics have directly infringed the '472 Patent under the provisions of 35 U.S.C. §271(a). To wit, Oehme and Polytechnic are making, have made, are offering for sale and/or have sold trim products with pre-scoring and two strips of adhesive tape falling at least under claims 1 and 2 of the '472 Patent, as more particularly described in the following paragraph.

14. Beginning on a date after June 26, 2004, Defendants Oehme and Polytechnics have infringed the '472 Patent by making, having made, selling, and/or offering for sale an extender trim strip which can be installed by a user comprising: (a) a flat elongated trim strip facing, having a continuous outer-face, an inner face, a first

elongated side edge and a second elongated side edge, and the trim strip is formed of a material which is capable of deformation while retaining elastic memory to retain its original flat state; (b) a first band of contact adhesive, affixed to said inner face of said facing, proximate said first side edge; (c) a second band of contact adhesive, spaced apart from said first band of contact adhesive by an adhesive-free central portion, wherein said second band is, affixed to said inner face of said facing, proximate said second side edge; (d) a first backing, removably covering said first band of contact adhesive; (e) a second backing, removably covering said second band of contact adhesive, wherein said second backing is spaced apart from said first backing by said adhesive free central portion; (f) wherein said inner face opens into a plurality of score lines lying in the adhesive-free central portion between the first band of contact adhesive and the second band of contact adhesive; (g) wherein the plurality of score lines are parallel to said elongated side edges; and (h) wherein the facing is frangible along the plurality of score lines, such that the facing is configured to break in two pieces when it is bent along the plurality of score lines.

15. Plaintiff is entitled to recover from each Defendant the damages sustained by Plaintiff as a result of each Defendant's wrongful acts in an amount subject to proof at trial.

16. The infringement of Defendant Oehme of the '222 and '472 Patents is ongoing and will continue unless enjoined by this Court

PRAYER FOR RELIEF –ALL COUNTS

WHEREFORE Plaintiff prays for relief against the Defendants and request that the Court enter judgment against Defendant and in favor of RWD as follows:

- a. That the Court hold that Defendants have infringed the '222 and '472 Patents;
- b. That the Court enter a permanent injunction against further infringement of the '222 and '742 Patents by Defendants as well as its officers, subsidiaries, employees, and affiliates;
- c. That the Court order Defendants to pay compensatory damages to Plaintiff pursuant to 35 U.S.C. §284;
- d. That the Court find Defendants guilty of willful infringement of the '222 and '472 Patents and enter an order trebling damages pursuant to 35 U.S.C. §285;
- e. That the Court deem this an exceptional case and award Plaintiff reasonable attorney fees and costs pursuant to 35 U.S.C. §285; and
- f. Such other relief as the Court deems proper.

DEMAND FOR JURY TRIAL

Plaintiff request trial by jury pursuant to Rule 38(b), Fed.R.Civ.P., of all claims and issues so triable under law.

Respectfully submitted this 15th day of November, 2012.

/s/ John Wiley Horton
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