

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
CIVIL ACTION NO. 10-11512

ADA SOLUTIONS, INC.,

Plaintiff,

vs.

ENGINEERED PLASTICS, INC. d/b/a
ARMOR-TILE and ACCESS
PRODUCTS INC. d/b/a ACCESS TILE,

Defendants.

COMPLAINT

(Jury Trial Requested)

Plaintiff ADA Solutions, Inc., complaining of Defendants Engineered Plastics, Inc. d/b/a Armor-Tile ("EPI") and Access Products Inc. d/b/a Access Tile ("Access") (referenced collectively as "Defendants" and individually as "Defendant" herein), alleges and asserts the following:

GENERAL ALLEGATIONS

1. Plaintiff ADA Solutions, Inc. ("ADA") is a corporation organized and existing under the laws of the State of Massachusetts and has a place of business at 10 Elizabeth Drive, Chelmsford, Massachusetts 01824.

2. Upon information and belief, Defendant Engineered Plastics, Inc. d/b/a Armor-Tile ("EPI") is a business entity organized and existing under the laws of the State of New York and having a place of business at 300 International Drive, Suite 100, Williamsville, New York 14221.

3. Upon information and belief, Defendant Access Products Inc. d/b/a Access Tile ("Access") is a business entity organized and existing under the laws of the State of New York and having a place of business at 241 Main Street, Suite 100, Buffalo, New York 14203.

JURISDICTION AND VENUE

4. The action herein alleged arises under the Patent Laws of the United States, 35 U.S.C. §§ 1 et seq. and, more particularly 35 U.S.C. §§ 271, 285-87.

5. Jurisdiction is conveyed upon this Court pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6. Upon information and belief, this Court has personal jurisdiction over Defendants at least by virtue of each Defendant having conducted business in this District and/or having committed one or more acts of infringement in this District.

7. Venue is proper pursuant to 28 U.S.C. §§ 1391(c) and 1400(b).

PATENT-IN-SUIT

8. The allegations set forth in the previous paragraphs are incorporated by reference as if fully set forth herein.

9. U.S. Patent No. 7,779,581 ("the '581 patent") entitled "Replaceable Wet-Set Tactile Warning Surface Unit and Method of Installation and Replacement" was duly and legally issued on August 24, 2010. A true and correct copy of the '581 patent is attached hereto as Exhibit A and is incorporated herein by reference.

10. The inventors of the '581 patent, namely John P. Flaherty and William Scott Ober, have assigned all right, title, and interest in and to the '581 patent to ADA, as recorded in the United States Patent Office at Reel 020903 and Frame 0530.

11. ADA presently owns all right, title, and interest in and to the '581 patent.

FIRST CLAIM FOR RELIEF
(Patent Infringement)

12. The allegations set forth in the previous paragraphs are incorporated by reference as if fully set forth herein.

13. Upon information and belief, Defendants have manufactured, supplied, offered for sale, and/or sold, and upon information and belief continue to manufacture, supply, offer for sale, and/or sell, certain replaceable tactile warning systems (collectively "Infringing Products"), including without limitation certain products identified as Armor-Tile Replaceable Cast in Place products and Access Tile Cast in Place Replaceable products.

14. Upon information and belief, Defendants' aforementioned actions directly infringe the '581 patent.

15. Upon information and belief, purchasers of Infringing Products from Defendants use and install the Infringing Products so as to directly infringe the '581 patent.

16. Upon information and belief, Defendants' Infringing Products are especially made or adapted for use in a manner that infringes one or more claims of the '581 patent.

17. Upon information and belief, Defendants' Infringing Products do not have a substantial noninfringing use.

18. Upon information and belief, Defendants knew or should have known that their actions and/or any continued actions would cause direct infringement.

19. Upon information and belief, Defendants intended and continue to intend to cause acts that constitute direct infringement by those who purchase and/or install the Infringing Products.

20. Upon information and belief, Defendants' aforementioned actions constitute contributory infringement of the '581 patent.

21. Upon information and belief, Defendants' aforementioned actions constitute active inducement of infringement of the '581 patent.

22. Upon information and belief, any continuation of Defendants' aforementioned actions after notice of this lawsuit constitute willful infringement of the '581 patent.

23. Upon information and belief, as a direct result of each of Defendants' infringement, Plaintiff has suffered, and continues to suffer, harm.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that this Court:

A. Hold that each Defendant has infringed, contributed to infringement, and actively induced infringement of the '581 patent;

B. Preliminarily and permanently enjoin each Defendant, its officers, agents, employees, representatives, and all others acting in concert therewith from further infringing, directly or indirectly, the '581 patent;

C. Award Plaintiff damages adequate to compensate for Defendants' infringement, together with interest and costs;

D. Award Plaintiff its reasonable attorneys' fees and costs;

E. Declare any continued infringement by Defendants willful, declare this case exceptional, and award treble damages; and

F. Award Plaintiff such further and other relief as this Court may deem just and proper.

Respectfully submitted,
ADA Solutions, Inc.
By its attorneys

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Dated: September 3, 2010