

AO 120 (Rev. 3/04)

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Middle District of Florida, Tampa on the following Patents or Trademarks:

DOCKET NO. 8:08-cv-1893-T-33MAP	DATE FILED 9/23/08	U.S. DISTRICT COURT Middle District of Florida - Tampa Division
PLAINTIFF ALPS SOUTH, L.L.C., a Florida Corporation		DEFENDANT THE OHIO WILLOW WOOD COMPANY, an Ohio Corporation
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	See attached complaint	
2	6,522,109 B2	
3		
4		
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK HOLDER OF PATENT OR TRADEMARK
1	
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK Sheryl L. Loesch	(BY) DEPUTY CLERK Lisa Bingham	DATE 9/23/08
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

ALPS SOUTH, LLC,
a Florida corporation,

Plaintiff,

v.

Case No. _____

THE OHIO WILLOW WOOD
COMPANY, an Ohio corporation,

Defendant.

COMPLAINT AND DEMAND FOR
JURY TRIAL, INJUNCTIVE RELIEF SOUGHT

Plaintiff, ALPS SOUTH, LLC, sues Defendant, THE OHIO WILLOW WOOD COMPANY, and as its complaint states as follows:

NATURE OF ACTION

1. This is an action for patent infringement under the United States Patent Law, 35 U.S.C. § 271 et. seq.

PARTIES

2. Plaintiff, ALPS SOUTH, LLC ("Plaintiff"), is a Florida limited liability company with its principal place of business in St. Petersburg, Florida. Plaintiff is engaged in the business of manufacturing and selling prosthetic liners for use by customers who have prosthetic limbs.

3. Defendant, THE OHIO WILLOW WOOD COMPANY ("Defendant"), is an Ohio corporation with its principal place of business in Mt. Sterling, Ohio. Defendant is engaged in the same type of business as, and is a competitor of, Plaintiff.

JURISDICTION AND VENUE

4. This Court has exclusive subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338 in that this Complaint states an action based upon a federal question relating to patents.

5. Defendant is subject to jurisdiction in Florida because it has engaged in business in, or has an office in, the State of Florida; is engaged in substantial and not isolated activity within the State of Florida; and/or has committed acts of infringement in the State of Florida.

6. Venue is proper in this district and in this division under 28 U.S.C. §§ 1391 and 1400.

CLAIM FOR PATENT INFRINGEMENT

7. Plaintiff is engaged in the business of manufacturing and selling prosthetic liners for use by customers who have prosthetic limbs.

8. On March 8, 1996, a patent application was filed with the U.S. Patent and Trademark Office to protect Mr. John Y. Chen's invention entitled "Gelatinous Elastomer Compositions and Articles," which application was assigned Serial No. 08/612,586. The ownership rights to the invention disclosed and claimed in the application were assigned to Applied Elastomerics, Inc. ("AEI").

9. On April 22, 2003, United States Patent No. 6,552,109 B1 (the "'109 Patent") was duly, validly, and legally issued to AEI, which remains the owner of all right, title, and interest in and to the '109 Patent. A true and correct copy of the '109 Patent is attached hereto as Exhibit 1.

10. On August 31, 2008, AEI granted an exclusive license to Plaintiff under the '109 Patent pursuant to a Patent Sale and License Agreement.

11. On information and belief, Defendant has been, and is now, infringing one or more of claims of the '109 Patent in violation of 35 U.S.C. § 271(a) by:

- (a) making, importing, using, offering to sell, and/or selling in this judicial district, and elsewhere in the United States, products which embody the invention claimed in the '109 Patent; and/or
- (b) actively inducing others to infringe the '109 Patent; and/or
- (c) contributing to the infringement of the '109 Patent.

12. Defendant's actions with respect to the '109 Patent are without authority or license from Plaintiff.

13. Defendant has been, and will continue, making, importing, using, offering to sell, and/or selling products that infringe the '109 Patent without a license from Plaintiff.

14. Defendant's conduct as described in this Complaint has been, and will continue to be, willful.

15. As a direct and proximate result of Defendant's infringement, Plaintiff has been damaged and will continue to be damaged in an amount to be determined at trial.

16. As a direct and proximate result of Defendant's infringement of the '109 Patent, Plaintiff has suffered and continues to suffer irreparable harm and impairment of the value of its licensed patent rights, is threatened with continuing loss of sales to its existing and potential customers, is losing and will continue to lose the goodwill of its customers, and is suffering a violation of its licensed patent rights, all of which will continue unless Defendant is preliminarily and permanently enjoined by this Court from infringing the '109 Patent under 35 U.S.C. § 283. Plaintiff has no adequate remedy at law.

WHEREFORE, Plaintiff demands judgment:

(a) Finding that Defendant has been and is infringing, contributing to the infringement of, and/or actively inducing infringement of U.S. Patent No. 6,552,109 B1;

(b) Entering preliminary and permanent injunctions against Defendant and its parents, subsidiaries, divisions, directors, officers, employees, agents, representatives, distributors, dealers, successors, and assigns, and all others acting in concert or participation with them, from making, importing, using, offering to sell, and/or selling the invention of U.S. Patent No. 6,552,109 B1, practicing the invention of U.S. Patent No. 6,552,109 B1, and/or securing or supplying items used to infringe U.S. Patent No. 6,552,109 B1;

(c) Finding the infringement to be willful;

(d) Ordering an accounting of and awarding Plaintiff such damages, profits, royalties, attorneys' fees, costs, prejudgment interest, and enhanced damages as may be shown by the evidence;

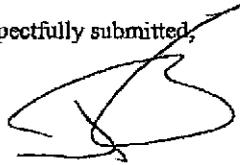
(e) Finding this to be an exceptional case under 35 U.S.C. § 283 and awarding Plaintiff its reasonable attorneys' fees under 35 U.S.C. § 285; and

(f) Awarding Plaintiff such other and further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

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

Respectfully submitted,



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