

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

|                    |   |                  |
|--------------------|---|------------------|
| -----X             |   |                  |
| METSO PAPER, INC., | : |                  |
|                    | : | Civil Action No. |
| Plaintiff,         | : |                  |
|                    | : |                  |
| v.                 | : |                  |
|                    | : |                  |
| ENERQUIN AIR INC., | : | COMPLAINT and    |
|                    | : | JURY DEMAND      |
| Defendant.         | : |                  |
| -----X             |   |                  |

**COMPLAINT**

Plaintiff, Metso Paper, Inc., by and through its undersigned attorneys, and as and for its complaint, alleges and states as follows:

**PARTIES**

1. Plaintiff Metso Paper, Inc., is a corporation incorporated under the laws of Finland, having a place of business at Fabianinkatu 9A, Helsinki, Finland FI-00130. Plaintiff Metso Paper, Inc. has a regular and established place of business at 2111 North Sandra Street, Appleton, Wisconsin 54911-8667, in the county of Outagamie, Wisconsin.

2. Upon information and belief, Defendant Enerquin Air, Inc., is a corporation organized and existing under the laws of Canada, having a place of business at 5730 Place Turcot, Montreal, Quebec, Canada H4C 1V8. Defendant Enerquin Air, Inc. has a regular and established place of business at 1920 East Northland Avenue, Appleton, Wisconsin 54911, in the county of Outagamie, Wisconsin.

3. Upon information and belief, Defendant transacts and/or has transacted business within this judicial district and is subject to the jurisdiction of this Court, having made, used, offered for sale, and/or sold in this judicial district and elsewhere in the United States, and/or

import and/or have imported into this judicial district and/or elsewhere in the United States, certain blow boxes used in the manufacture of paper and board.

### **JURISDICTION AND VENUE**

4. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1 et seq.

5. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a). This Court has venue pursuant to 28 U.S.C. §§ 1391 and/or 1400(b).

### **FACTUAL BACKGROUND**

6. On March 6, 1990, the United States Patent and Trademark Office (“USPTO”) duly and legally issued United States Patent No. 4,905,380 (“the ‘380 patent”) to Pekka Eskelinen, Raimo Virta and Vesa Vuorinen. The ‘380 patent is valid and enforceable. Pekka Eskelinen, Raimo Virta and Vesa Vuorinen are the true, correct and sole inventors of the subject matter claimed in the ‘380 patent. A copy of the ‘380 patent is annexed hereto as Exhibit A.

7. On November 17, 1992, the USPTO duly and legally issued United States Patent No. 5,163,236 (“the ‘236 patent”) to Pertti Heikkilä. The ‘236 patent is valid and enforceable. Pertti Heikkilä is the true, correct and sole inventor of the subject matter claimed in the ‘236 patent. A copy of the ‘236 patent is annexed hereto as Exhibit B.

8. On August 22, 2000, the USPTO duly and legally issued United States Patent No. 6,105,277 (“the ‘277 patent”) to Kari Lindberg, Pekka Saarikivi and Raimo Virta. The ‘277 patent is valid and enforceable. Kari Lindberg, Pekka Saarikivi and Raimo Virta are the true, correct and sole inventors of the subject matter claimed in the ‘277 patent. A copy of the ‘277 patent is annexed hereto as Exhibit C.

9. Plaintiff Metso Paper, Inc. currently owns all right, title and interest in the '380, '236 and '277 patents, including the right to sue and collect damages for all prior, current and future infringements, and Plaintiff Metso Paper, Inc. is the owner of the '380, '236 and '277 patents.

**COUNT 1**  
**PATENT INFRINGEMENT**  
**U.S. PATENT NO. 4,905,380**

10. Plaintiff repeats and realleges Paragraphs 1 through 9 of this Complaint as if fully set forth herein.

11. On information and belief, Defendant has been and still is infringing, and/or is actively inducing or contributing to the infringement by Defendant's customers in violation of 35 U.S.C. §§ 271(a), (b) and/or (c) of the '380 patent by making, using, offering for sale, and/or selling within the United States, and/or by importing into the United States, certain blow boxes embodying the invention patented in the '380 patent, and will continue such infringement unless enjoined by this Court. These blow boxes are those referred to in paragraph 3, above.

12. On information and belief, as a result of each of the Defendant's acts of infringement, the Defendant has unjustly profited and Plaintiff has been damaged.

13. Defendant has been and is aware of the '380 patent during Defendant's infringement thereof, and Defendant's infringement of the '380 patent has been willful.

**COUNT 2**  
**PATENT INFRINGEMENT**  
**U.S. PATENT NO. 5,163,236**

14. Plaintiff repeats and realleges Paragraphs 1 through 9 of this Complaint as if fully set forth herein.

15. On information and belief, Defendant has been and still is infringing, and/or is actively inducing or contributing to the infringement by Defendant's customers in violation of 35 U.S.C. §§ 271(a), (b) and/or (c) of the '236 patent by making, using, offering for sale, and/or selling within the United States, and/or by importing into the United States, certain blow boxes embodying the invention patented in the '236 patent, and will continue such infringement unless enjoined by this Court. These blow boxes are those referred to in paragraph 3, above.

16. On information and belief, as a result of each of the Defendant's acts of infringement, the Defendant has unjustly profited and Plaintiff has been damaged.

17. Defendant has been and is aware of the '236 patent during Defendant's infringement thereof, and Defendant's infringement of the '236 patent has been willful.

**COUNT 3**  
**PATENT INFRINGEMENT**  
**U.S. PATENT NO. 6,105,277**

18. Plaintiff repeats and realleges Paragraphs 1 through 9 of this Complaint as if fully set forth herein.

19. On information and belief, Defendant has been and still is infringing, and/or is actively inducing or contributing to the infringement by Defendant's customers in violation of 35 U.S.C. §§ 271(a), (b) and/or (c) of the '277 patent by making, using, offering for sale, and/or selling within the United States, and/or by importing into the United States, certain blow boxes embodying the invention patented in the '277 patent, and will continue such infringement unless enjoined by this Court. These blow boxes are those referred to in paragraph 3, above.

20. On information and belief, as a result of each of the Defendant's acts of infringement, the Defendant has unjustly profited and Plaintiff has been damaged.

21. Defendant has been and is aware of the '277 patent during Defendant's infringement thereof, and Defendant's infringement of the '277 patent has been willful.

WHEREFORE, Plaintiff prays for:

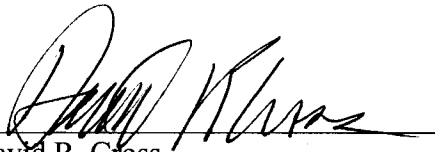
- a. A finding by this Court that Defendant has infringed each of the '380, '236 and '277 patents;
- b. An award against Defendant for the damages suffered by Plaintiff as a result of Defendant's acts of infringement of the '380, '236 and '277 patents, with prejudgment interest thereon;
- c. An order enjoining Defendant and its agents, servants, employees and attorneys and all persons acting in concert or in participation with Defendant from infringing the '380, '236 and '277 patents;
- d. A finding that Defendant's infringement has been willful;
- e. An order that the damages assessed against Defendant's be trebled pursuant to 35 U.S.C. § 284;
- f. An award to Plaintiff of costs and expenses;
- g. An award to Plaintiff of attorneys fees pursuant to 35 U.S.C. § 285; and
- h. Such other and further relief as this Court or a jury may deem just and proper.

JURY DEMAND

Plaintiff demands a trial by jury.

November 10<sup>th</sup>, 2006

Respectfully submitted,



David R. Cross  
Quarles & Brady LLP  
411 East Wisconsin Avenue  
Milwaukee, Wisconsin 53202-4497  
Phone: 414-277-5669  
Telefax: 414-978-8669  
E-Mail: DRC@QUARLES.com

Michael C. Stuart  
Cohen, Pontani, Lieberman & Pavane LLP  
551 Fifth Avenue  
New York, New York 10176  
Phone: 212-687-2770  
Telefax: 212-972-5487  
E-Mail: MStuart@CPLPLAW.com

Attorneys for Plaintiff,  
Metso Paper, Inc.

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