

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CREATIVE PLASTIC CONCEPTS, LLC;)	
)	
Plaintiff,)	
)	No.
v.)	
)	
EDGE PLASTICS, INC.)	
)	JURY TRIAL DEMANDED
Defendant.)	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Creative Plastic Concepts, LLC (“CPC”) for its Complaint for patent infringement against Defendant Edge Plastics, Inc. (“Edge”) alleges as follows:

INTRODUCTION

1. CPC is a leading designer and manufacturer of innovative plastic-injection molded products for the home and garage storage and waste receptacle end-markets.
2. CPC has developed its brand and earned its distinction through significant investments in the research, design, development, and marketing of its products.
3. Rather than innovating, Edge has copied CPC’s patented designs; and by making, offering for sale, selling and/or importing its Industrial Polymer Storage Containers with accompanying tote lids, Edge is infringing CPC’s patent.
4. CPC is filing this lawsuit to protect its design innovations and to stop Edge from infringing CPC’s patent.

PARTIES

5. Plaintiff Creative Plastic Concepts, LLC is an Ohio limited liability company with a principal place of business at 206 South Griffith Street, Sycamore, Ohio 44882.

6. On information and belief, Defendant Edge Plastics, Inc. is an Ohio corporation with a principal place of business at 449 Newman Street, Mansfield, Ohio 44902.

JURISDICTION AND VENUE

7. This is a complaint for patent infringement arising under the patent laws of the United States (35 U.S.C. § 101 *et seq.*). This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

8. This Court has personal jurisdiction over Edge. Edge has its principal place of business in this District, is incorporated in Ohio, has committed and continues to commit acts of infringement in this District, and has conducted business in this District and/or engaged in continuous and systematic activities in this District.

9. Venue is proper in this Court pursuant to 28 U.S.C. § 1400(b) because, on information and belief, Edge resides in this District, and/or because Edge has a regular and established place of business and has committed acts of infringement in this District by making, using, offering to sell, selling, and/or importing products that infringe CPC's patent at issue in this lawsuit.

FACTUAL BACKGROUND

A. CPC Background and the '821 Patent

10. CPC owns all right, title, and interest in, and has the right to sue and recover for all infringements of U.S. Patent No. D773,821 (the "'821 Patent"), which matured from App. No. 29/542,955.

11. App. No. 29/542,955 was filed on October 20, 2015. The U.S. Patent and Trademark Office duly and legally issued the '821 Patent on December 13, 2016. A true and correct copy of the '821 Patent is attached as Exhibit 1 to the Complaint.

12. The '821 Patent is presumed to be valid, and the burden of establishing invalidity of a patent or any claim thereof shall rest on the party asserting such invalidity. 35 U.S.C. § 282.

13. CPC marks products, including those covered by the '821 Patent, in conformity with 35 U.S.C. § 287.

B. Edge's Infringing Activities

14. On information and belief, Edge makes, uses, sells, offers for sale and/or imports its Industrial Polymer Storage Containers with accompanying tote lids (the tote lids are hereinafter the "Accused Products") An example of the Accused Products is shown below:



15. Edge makes, uses, offers for sale, sells, and/or imports into the United States the Accused Products without CPC's authorization.

16. Edge offers to sell and sells the Accused Products through its website (edgeplasticsinc.com)¹, and on information and belief, through retailer partners throughout the United States.

17. The Accused Products are the inventions claimed in the figures of the '821 Patent.

18. Upon information and belief, Edge's copying of CPC's designs was deliberate.

¹ Edge Plastics, Inc., Heavy Duty and Industrial Products, <https://edgeplasticsinc.com/industrial-polymer-storage-tote-manufacturing/> (last visited Feb. 19, 2024) (Edge states: "private labeling available on all products.").

19. Because CPC marks products and because the Accused Products are CPC's designs, Edge either had knowledge of the '821 Patent prior to the filing of this Complaint or engaged in willful blindness as to the '821 Patent.

20. Despite its knowledge of and/or willful blindness to the '821 Patent, Edge proceeded to make, use, sell, offer for sale, and/or import the Accused Products in egregious disregard of the '821 Patent.

21. Edge has infringed, and continues to willfully infringe, the '821 Patent by making, using, selling, offering to sell, and/or importing the Accused Products in this District and elsewhere in the United States, without the consent or authorization of CPC.

COUNT I
(Patent Infringement Under 35 U.S.C. § 271 of the '821 Patent)

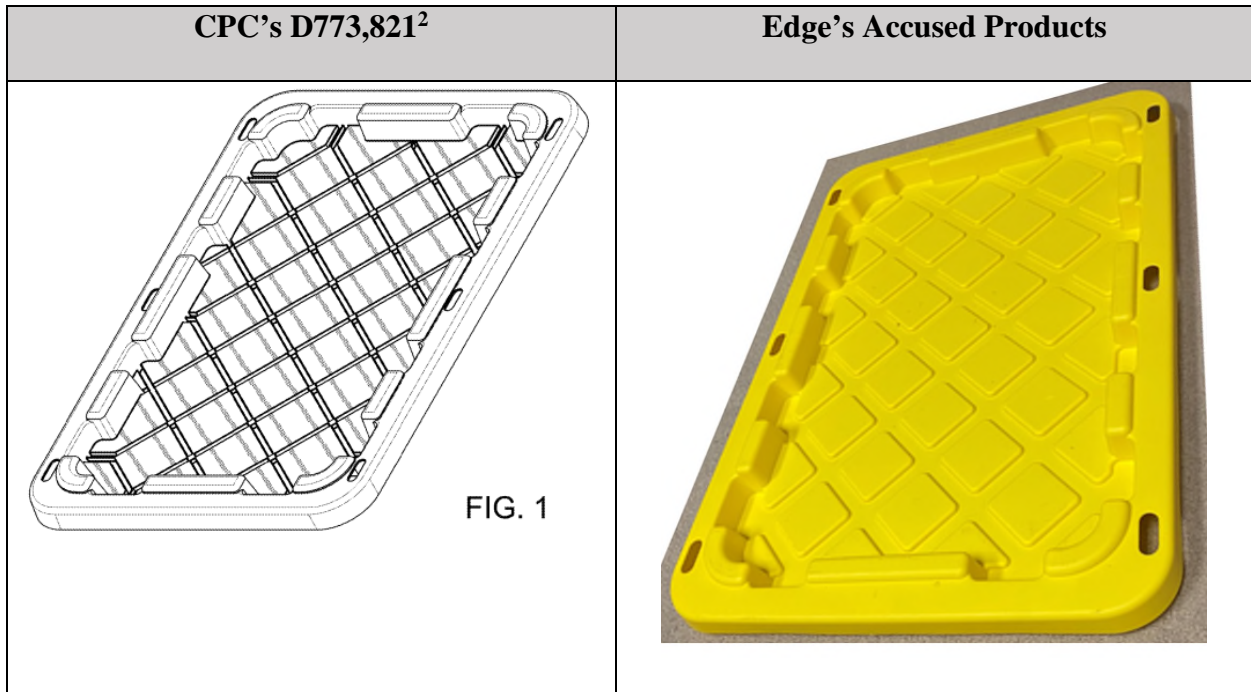
22. CPC re-alleges and incorporates by reference the foregoing paragraphs of the Complaint as though set forth fully under this Count.

23. Edge, without authorization from CPC, has made, used, offered for sale, sold, and/or imported in or into the United States, and continues to make, use, offer for sale, sell, and/or import in or into the United States, tote lids having designs that infringe the '821 Patent, including at least the Accused Products.

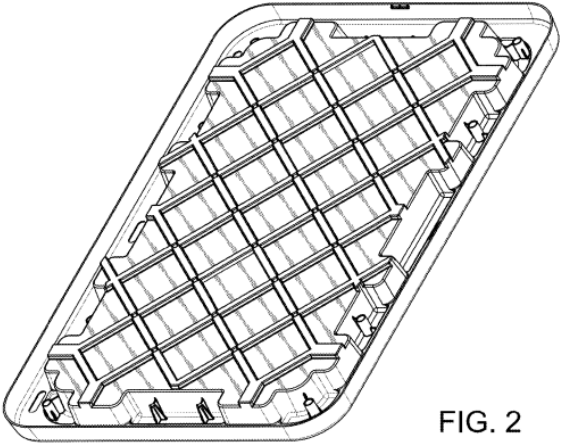

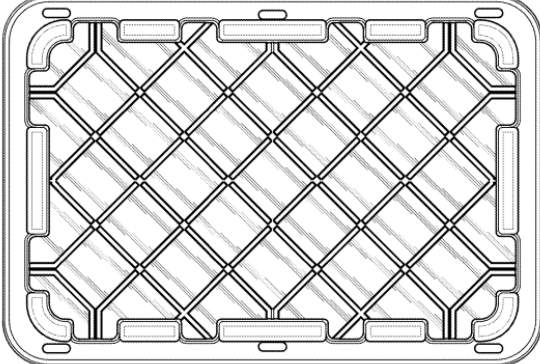

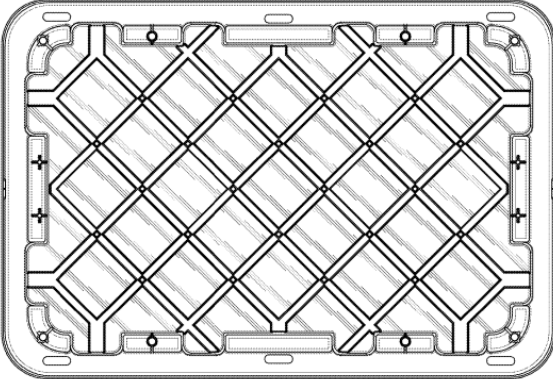

24. Edge directly infringes the '821 Patent in violation of 35 U.S.C. § 271(a) by making, using, offering for sale, selling and/or importing the Accused Products, because in the eye of an ordinary observer, giving such attention as a purchaser usually gives, the Accused Products are substantially the same as the '821 Patent, since the resemblance between the two is such as to deceive the ordinary purchaser, inducing the observer to purchase one supposing it to be the other.





25. The aforementioned resemblance between the Accused Products and the '821 Patent is apparent when comparing the similarities in the overall claimed design of the '821 Patent and the design of the Accused Products, as shown in the side-by-side comparison of the figures of the '821 Patent and the Accused Products.

26. The below chart is a side-by-side comparison of the figures of the '821 Patent to the Accused Products.



² As set forth in U.S. Patent No. D773,821, the “ornamental design which is claimed is shown in solid lines in the drawings.”

CPC's D773,821 ²	Edge's Accused Products
 <p data-bbox="646 678 732 709">FIG. 2</p>	
 <p data-bbox="675 1287 760 1318">FIG. 3</p>	
 <p data-bbox="683 1749 768 1780">FIG. 4</p>	

CPC's D773,821²	Edge's Accused Products
 <p data-bbox="667 348 747 380">FIG. 5</p>	
 <p data-bbox="586 533 703 569">FIG. 6</p>	

27. CPC has suffered, and continues to suffer damage, including economic harm, as a result of Edge's infringement in an amount to be proven at trial.

28. CPC has been and will continue to be irreparably harmed by Edge's infringement of the '821 Patent.

29. CPC has no adequate remedy at law for Edge's infringement of the '821 Patent.

30. On information and belief, Edge's infringement of the '821 Patent will continue unless enjoined by this Court.

JURY DEMAND

31. Pursuant to Federal Rule of Civil Procedure 38(b), CPC demands a trial by jury of all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, CPC prays for judgement against Edge as follows:

A. A judgement and order that Edge has infringed the '821 Patent by making, using, offering to sell, selling, and/or importing the Accused Products into the United States;

B. A judgment and order permanently enjoining Edge and its affiliates, officers, agents, employees, attorneys, and all other persons acting in concert with Edge, from infringing the '821 Patent;

C. A judgment and order that Edge's infringements of the '821 Patent has been willful;

D. A judgment and order requiring Edge to pay CPC damages adequate to compensate CPC for Edge's infringements of the '821 Patent pursuant to 35 U.S.C. § 284, or the total profit made by Edge from its infringements of the '821 Patent pursuant to 35 U.S.C. § 289;

E. A judgment and order requiring Edge to pay CPC supplemental damages or profits for any continuing post-verdict infringement up until entry of the final judgement, with an accounting, as needed;

F. A judgment and order requiring Edge to pay CPC increased damages up to three times the amount found or assessed pursuant to 35 U.S.C. § 284;

G. A judgment and order requiring Edge to pay CPC pre-judgment and post-judgment interest on any damages or profits awarded;

H. A determination that this action is an exceptional case pursuant to 35 U.S.C. § 285;

I. An award of CPC's attorneys' fees for bringing and prosecuting this action;

J. An award of CPC's costs and expenses incurred in bringing and prosecuting this action;
and

K. Such further and additional relief as this Court deems just and proper.

Dated: February 21, 2024

Respectfully submitted,

/s/ Forrest A. Norman
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