

TO: Director of the U.S. Patent and Trademark Office Mail Stop 8 P.O. Box 1450 Alexandria, VA 22313-1450	SOLICITOR SEP 24 2007 REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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U.S. PATENT & TRADEMARK OFFICE
 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 on the following Patents or Trademarks:

DOCKET NO. 1:07CV707	DATE FILED 9/21/2007	U.S. DISTRICT COURT MIDDLE
PLAINTIFF BLUE RHINO GLOBAL SOURCING, INC.		DEFENDANT RTA TRADING, INC.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	SEE ATTACHED	
2	6,470,877	
3	6,651,647	
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 	(BY) DEPUTY CLERK 	DATE 9/24/2007
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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

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**U.S. District Court
North Carolina Middle District (Durham)
CIVIL DOCKET FOR CASE #: 1:07-cv-00707-UA-PTS
Internal Use Only**

BLUE RHINO GLOBAL SOURCING, INC. v.
RTA TRADING, INC.
Assigned to: UNASSIGNED
Referred to: MAG/JUDGE P. TREVOR SHARP
Cause: 15:1126 Patent Infringement

Date Filed: 09/21/2007
Jury Demand: Plaintiff
Nature of Suit: 830 Patent
Jurisdiction: Federal Question

Plaintiff

**BLUE RHINO GLOBAL
SOURCING, INC.**

represented by **JENNA L. LEAROYD**
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Email:
jlearoyd@kilpatrickstockton.com
ATTORNEY TO BE NOTICED

V.

Defendant

RTA TRADING, INC.

Date Filed	#	Docket Text
09/21/2007	●1	COMPLAINT <i>for patent infringement</i> against RTA Trading, Inc. (Filing fee \$ 350 receipt number 363639.), filed by Blue Rhino Global Sourcing, Inc..(LEAROYD, JENNA) (Entered: 09/21/2007)
09/21/2007	●2	Additional Attachments to Main Document re 1 (LEAROYD, JENNA) (Entered: 09/21/2007)
09/21/2007	●3	CIVIL COVER SHEET, filed by BLUE RHINO GLOBAL SOURCING, INC..(LEAROYD, JENNA) (Entered: 09/21/2007)

		09/21/2007)
09/21/2007	4	CORPORATE DISCLOSURE STATEMENT filed pursuant to FRCP 7.1(a) by Plaintiff BLUE RHINO GLOBAL SOURCING, INC.. (LEAROYD, JENNA) (Entered: 09/21/2007)
09/21/2007	3	CASE REFERRED to Standing Order 30 (McClain, Abby) (Entered: 09/21/2007)
09/21/2007	3	(Court only) ***Set Magistrate Judge Flag for Judge P. Trevor Sharp (McClain, Abby) (Entered: 09/21/2007)
09/21/2007	3	CASE REFERRED to Mediation pursuant to Local Rule 83.9b of the Rules of Practice and Procedure of this Court. Please go to our website form directory for a list of mediators which must be served on all parties. (McClain, Abby) (Entered: 09/21/2007)

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

BLUE RHINO GLOBAL SOURCING, INC.)	
)	
Plaintiff,)	Civil Action No. 07-707
)	
v.)	COMPLAINT FOR FEDERAL
)	PATENT INFRINGEMENT
RTA TRADING, INC.)	
)	
Defendant.)	JURY TRIAL DEMANDED
)	
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Plaintiff BLUE RHINO GLOBAL SOURCING, INC. ("BRGS" or "Plaintiff") hereby files this Complaint for Federal Patent Infringement against Defendant RTA TRADING, INC. ("RTA Trading" or "Defendant"), showing the Court as follows:

1. BRGS is a corporation formed under the laws of the State of Delaware, having its principal place of business at 470 West Hanes Mill Road, Suite 200, Winston-Salem, North Carolina 27105.
2. Defendant RTA Trading, on information and belief, is a corporation organized and existing under the laws of the State of California, having a principal place of business at 13200 Brooks Drive, Suite F, Baldwin Park, California 91706.
3. This is an action for federal patent infringement pursuant to 35 U.S.C. § 1 *et seq.* This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a), and venue has been properly laid in this district pursuant to 28 U.S.C. §§ 1391 and 1400(b).
4. On information and belief, Defendant is conducting business by servicing their product market, either directly or indirectly, in the State of North Carolina and this judicial

district. On information and belief, Defendant is placing infringing heaters into the stream of commerce with knowledge, or reasonable foreseeability, that a termination point of the stream is the State of North Carolina and this judicial district.

5. BRGS is the owner, by assignment, of all right, title, and interest in and to United States Patent No. 6,470,877 (“the ‘877 patent”) entitled “Heating Apparatus.” A true and correct copy of the ‘877 patent is attached hereto as Exhibit A.

6. The ‘877 patent was duly and lawfully issued by the United States Patent and Trademark Office on October 29, 2002. The ‘877 patent and all of its claims are presumed valid pursuant to 35 U.S.C. § 282.

7. BRGS is the owner, by assignment, of all right, title, and interest in and to United States Patent No. 6,651,647 (“the ‘647 patent”) entitled “Heating Apparatus with Slidable Shroud.” A true and correct copy of the ‘647 patent is attached hereto as Exhibit B.

8. The ‘647 patent was duly and lawfully issued by the United States Patent and Trademark Office on November 25, 2003. The ‘647 patent and all of its claims are presumed valid pursuant to 35 U.S.C. § 282.

9. BRGS is in the business of marketing and selling outdoor heaters, among other products. On information and belief, products sold under the ‘877 patent and the ‘647 patent by BRGS have been properly marked pursuant to 35 U.S.C. § 287.

10. On information and belief, Defendant is engaged in the business of marketing and selling outdoor heaters.

11. On information and belief, Defendant has been offering for sale and selling, and presently is offering for sale and selling, through established streams of commerce throughout

the United States, including to customers and potential customers in this judicial district, outdoor heaters that infringe one or more claims of the '877 patent.

12. Additionally, on information and belief, Defendant has been offering for sale and selling, and presently is offering for sale and selling, through established streams of commerce throughout the United States, including to customers and potential customers in this judicial district, outdoor heaters that infringe one or more claims of the '647 patent.

13. On information and belief, Defendant is liable for said infringement by virtue of its participation in, contribution to, and/or inducement of the infringement of the '877 patent and the '647 patent.

14. Defendant has committed the acts of infringement complained of herein without the consent or authorization of Plaintiff and in derogation of 35 U.S.C. § 271. On information and belief, Defendant's acts of infringement will continue unabated unless and until enjoined by this Court.

15. Plaintiff is entitled to damages from Defendant pursuant to 35 U.S.C. § 284 and injunctive relief from this Court pursuant to 35 U.S.C. § 283.

WHEREFORE, Plaintiff prays for the entry of a judgment:

1. Holding that Defendant has infringed the '877 patent;
2. Holding that Defendant has infringed the '647 patent;
3. Awarding Plaintiff damages adequate to compensate for all such unauthorized acts of infringement pursuant to 35 U.S.C. § 284;
4. To the extent applicable, declaring this case as exceptional pursuant to 35 U.S.C. § 285;
5. Awarding Plaintiff its attorneys' fees and other costs and expenses;

6. Awarding Plaintiff interest to the extent permitted by law;
7. Permanently enjoining Defendant from any further acts of infringement; and
8. Awarding such other and further relief as this Court may deem just and proper.

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

Respectfully submitted, this 18th day of September, 2007.

/s/ J. Mark Wilson

J. Mark Wilson N.C. State Bar No. 25763
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