IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
WESTERN DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT ABINGDON, VA
FILED
MAR 18 2014
JULIA C. DUDLEY, CLERK
BY: DEPUTY CLERK

JERRY ARTRIP,

Plaintiff(s),

v.

THE BALL COMPANY,

Defendant(s).

(Enter the full name(s) of ALL parties in this lawsuit. Please attach additional sheets if necessary).

Civil Action No.: 1:14CV00014
(To be assigned by Clerk of District Court)

COMPLAINT

PARTIES

1. List all Plaintiffs. State the full name of the Plaintiff, address and telephone number. Do the same for any additional Plaintiffs.

   a. Plaintiff No. 1

      Name: JERRY ARTRIP

      Address: 164 KALUNA AVE. TN.

      Telephone Number: 423 538 5302

   b. Plaintiff No. 2

      Name: _____

      Address: _____

      Telephone Number: _____

2. List all Defendants. State the full name of the Defendant, even if that Defendant is a government agency, an organization, a corporation, or an individual. Include the address where each Defendant may be served. Make sure that the Defendant(s) listed below are identical to those contained in the above caption of the complaint.

a. Defendant No. 1

Name: THE BALL COMPANY

Address: 750 Old Abingdon HWY, BRISTOL, VA

b. Defendant No. 2

Name: ALCOA ALUMINUM COMPANY

Address: 2300 NORTH WRIGHT RD. , ALCOA ,TN. 37701 -3141

NOTE: IF THERE ARE ADDITIONAL PLAINTIFFS OR DEFENDANTS, PLEASE PROVIDE THEIR NAMES AND ADDRESSES ON A SEPARATE SHEET OF PAPER.
Check here if additional sheets of paper are attached: ☐
Please label the attached sheets of paper to correspond to the appropriate numbered paragraph above (e.g. Additional Defendants 2.c., 2.d., etc.).

JURISDICTION

Federal courts are courts of limited jurisdiction. Generally, two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount of damages is more than $75,000 is a diversity of citizenship case. Federal courts also have jurisdiction over cases where the United States is a Defendant.

3. What is the basis for federal court jurisdiction?

☒ Federal Question ☐ Diversity of Citizenship ☐ Government Defendant

4. If the basis for jurisdiction is Federal Question, which Federal Constitution, statutory or treaty right is at issue? List all that apply.

US CODES 35 271, 35- 287

5. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party? Each Plaintiff must be diverse from each Defendant for diversity jurisdiction.

Plaintiff No. 1: _____ State of Citizenship: _____

Plaintiff No. 2: _____ State of Citizenship: _____

Defendant No. 1: _____ State of Citizenship: _____

Defendant No. 2: _____ State of Citizenship: _____

Attach additional sheets of paper as necessary and label this information as paragraph 5. Check here if additional sheets of paper are attached. ☐

STATEMENT OF THE CLAIM

Describe in the space provided below the basic facts of your claim. The description of facts should include a specific explanation of how, where, and when each of the defendants named in the caption violated the law, and how you were harmed. Do not give any legal arguments or cite cases or statutes. Each paragraph must be numbered separately, beginning with number 6. Please write each single set of circumstances in a separately numbered paragraph.

6. THE BALL COMPANY, 750 old abingdon hwy, Bristol Va. makes lift-tab can tops . I am the assignee of US patent # 7344 347. BALL INFRINGED THE PATENT WHICH IS A PROCESS PATENT TIME OF INFRINGEMENT WAS APP. 5 years one month just prior to 5-12 2013.

7. ALCOACOMPANY OF 2300 north wright rd Alcoa Tn. infringed the process patent # 7344347 by making the stock to Balls specificiations for making the lif-tab can top during approximately 5 years and one month just prior to 5-12-13

8. I the assignee paid for the prosecution of the patents and have not received any money return on the patent.

This is the way I have been hurt.

Attach additional sheets of paper as necessary and label them as Additional Facts and continue to number the paragraphs consecutively. Check here if additional sheets of paper are attached. ☐

REQUEST FOR RELIEF

State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking.

I request attorney fees for this case plus three per cent Balls BRISTOL factory profits during enfringe period.

From ALCOA I request one half cent for each can top made at the Ball factory in Bristol during ingringement period

DEMAND FOR JURY TRIAL: [x] YES [ ] NO

Signed this 18 day of March, 2014.

Signature of Plaintiff No. 1 Jerry Astrip

Signature of Plaintiff No. 2 _____

NOTE: All Plaintiffs named in the caption of the complaint must date and sign the complaint. Attach additional sheets of paper as necessary.