

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA

ALPHA TECHNOLOGY U.S.A.  
CORPORATION, d/b/a FUTURECOW, a  
Florida corporation,

Plaintiff,

v.

LDS ACQUISITION CORPORATION, a  
Wisconsin corporation,

Defendants.

CASE NO.:

6:13-cv-1626-ORG-37-DAB

JURY TRIAL DEMANDED

FILED  
2013 OCT 21 PM 12:21  
U.S. DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO, FLORIDA

**COMPLAINT**

Plaintiff, ALPHA TECHNOLOGY U.S.A. CORPORATION, d/b/a FUTURECOW (“Plaintiff” or “FutureCow”) by and through its undersigned counsel, files this Complaint against LDS ACQUISITION CORPORATION (“LDS” or “Defendant”) as follows:

**NATURE OF THE ACTION**

1. This is a patent infringement action to stop Defendant’s willful infringement of Plaintiff’s United States Patent No. 8,402,920 entitled “*System and Method for Cleaning Teats of a Milk-Producing Animal*” (the “920 patent”) (a copy of which is attached hereto as Exhibit “A”). Plaintiff seeks injunctive relief and monetary damages against Defendant.

**PARTIES**

2. Plaintiff, ALPHA TECHNOLOGY U.S.A. CORPORATION, d/b/a FUTURECOW is a corporation organized and existing under the laws of Florida. Plaintiff maintains its principal place of business at 1340 Bennett Drive, Longwood, Florida 32750.

3. Defendant, LDS ACQUISITION CORPORATION is a Wisconsin corporation organized and existing under the laws of the state of Wisconsin. LDS has a principal place of business located at 946 Progress Way, Chilton, Wisconsin 53014.

### **JURISDICTION AND VENUE**

4. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*, including 35 U.S.C. §§ 154(d), 271, 281, 283, 284, and 285. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a) and 15 U.S.C §1121.

5. This Court has personal jurisdiction over Defendant, LDS pursuant to Fla. Stat. §48.193(1)(b) because LDS committed a tortious act within this state, which was targeted at Plaintiff who is domiciled in this State and which caused injury to Plaintiff who is domiciled in this State.

6. Venue is proper in the this District pursuant to 28 U.S.C. §§ 139(b)(1) and (2) and 1400(b) because a substantial part of the events or omissions giving rise to the claims occurred in this district, because Defendant has committed a tort causing injury to Plaintiff, who is located in this very District and because Defendant, as a former dealer for Plaintiff, has tortiously interfered with Plaintiff's customer relationships causing injury to Plaintiff in this District.

### **FACTUAL BACKGROUND**

7. FutureCow manufactures, markets, and distributes teat-scrubbing equipment disinfectants, comfort brushes and other related products for use on dairy cows inside the United States, including the Middle District of Florida, as well as internationally. The teat scrubbing equipment that is manufactured and marketed by FutureCow is called the FutureCow Teatscrubber® (also referred to as the "FutureCow system").

8. FutureCow invested significant time, resources, labor and money in research and development of past and current versions of its FutureCow Teatscrubber®. Some of the features developed by FutureCow include, but are not limited to: (1) optimizing the speed of the drive motor, which influences the spin rate of the teat scrubbing brushes to allow for the best combination of animal comfort, soil removal and milk letdown; (2) changing the brush material in order to clean the cow with more animal comfort while maintaining cleaning efficiency; (3) replacing and enlarging the brushes to allow for more surface area of the brush to come in contact with smaller cow teats; (4) significantly improving the reliability of the scrubber due to minimal drive motor wear on parts and wasted energy lost as heat; and (5) developing a unique sanitizing cleanser that is both effective and easy to remove from the teat.

9. On March 26, 2013, the United States Patent and Trademark Office issued the '920 Patent, which discloses and claims several of the above-listed improvements. A copy of the '920 Patent is attached as Exhibit "A."

10. FutureCow has dealers all across the United States and abroad that sell, install and service the FutureCow system. Indeed, LDS is a former dealer for FutureCow and sold the FutureCow Teatscrubbers to dairy farms. FutureCow learned that LDS developed and manufactured a knockoff of the FutureCow System and was attempting to sell the knockoff at a cheaper price to FutureCow's current and prospective customers. Once FutureCow learned this information, it terminated its relationship with LDS.

11. The business relationship between LDS and FutureCow began in June of 2011 and was terminated on September 16, 2013 through a termination letter, which included five (5) demands pertaining to LDS' infringement of Plaintiff's copyright and misuse of its parts and chemicals. *See* Exhibit "B."

12. On September 27, 2013, counsel for LDS responded to the letter and assured Plaintiff that LDS had complied with each of Plaintiff's demands. *See* Exhibit "C."

13. Plaintiff was under the impression that in addition to complying with its five (5) demands that LDS had ceased selling its teatscrubbing system. Plaintiff recently learned that LDS is continuing to sell its teatscrubbing system and has stolen a number of Plaintiff's customers in the process.

14. LDS' manufacture, offering for sale and sale of its teatscrubbing system infringes one or more claims of the '920 patent literally and/or through the doctrine of equivalents.

15. Plaintiff has been damaged as a result of Defendants activities described herein.

16. Plaintiff has performed all conditions precedent to be performed by Plaintiff or the conditions have occurred.

17. Plaintiff has been forced to retain the law firm of Beusse Wolter Sanks Mora & Maire, P.A. for representation in this action.

**COUNT I**  
**DIRECT PATENT INFRINGEMENT**

18. Plaintiff repeats and makes a part hereof each and every allegation contained in paragraphs 1 through 17 of the Complaint.

19. Plaintiff is the owner of United States Patent No. 8,402,920 (the '920 Patent) at all times material hereto. *See* Exhibit "A."

20. The '920 Patent is for a system and method of cleaning teats of milk-producing animals.

21. The '920 Patent also covers methods for cleaning the teats of milk producing animals.

22. Defendant, LDS manufactures, promotes, advertises, offers for sale and sells a teatscrubbing system that infringes one or more claims of the '920 Patent either literally or through the doctrine of equivalents.

23. Defendant's aforesaid activities have been without authority and/or license from Plaintiff and are considered intentional and willful.

24. Plaintiff is entitled to recover from the Defendant the damages sustained by Plaintiff as a result of the Defendant's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

25. Defendant's infringement of Plaintiff's exclusive rights under the '920 Patent will continue to damage Plaintiff, causing irreparable harm for which there is no adequate remedy at law, unless enjoined by this Court.

#### **JURY DEMAND**

Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

#### **PRAYER FOR RELIEF**

Plaintiff respectfully requests that the Court find in its favor and against Defendant, and that the Court grant Plaintiff the following relief:

- A. An adjudication that Plaintiff's rights in the '920 Patent are valid and enforceable;
- B. An adjudication that one or more claims of the '920 Patent have been infringed, either literally and/or under the doctrine of equivalents, by Defendant;
- C. An award to Plaintiff of damages adequate to compensate Plaintiff for the Defendant's acts of infringement together with pre-judgment and post-judgment interest;

D. An award of Defendant's profits from the sale of the infringing product from March 26, 2013 until the present;

E. A grant of permanent injunction pursuant to 35 U.S.C. § 283 and 15 U.S.C. §1117, enjoining the Defendant, its agents, employees, officers, attorneys, successors, assigns, and all persons in active concert or participation with them from further acts of infringement of the '920 Patent and from making, using, offering or sale or selling any teatscrubbing systems that infringe one or more of the independent claims of the '920 Patent either literally or under the doctrine of equivalents;

F. That this Court declare this to be an exceptional case and award Plaintiff its reasonable attorneys' fees and costs in accordance with 35 U.S.C. §285; and

G. Any further relief that this Court deems just and proper.

DATED this 21st day of October, 2013.

Respectfully submitted,

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