

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION**

HANSEN MANUFACTURING CORP.,)	
)	
Plaintiff,)	
)	Case No. 4:11-CV-4030-KES
vs.)	
)	
INTERSYSTEMS INTERNATIONAL, INC.,)	
formerly known as ENDURO SYSTEMS,)	
INC. d/b/a Intersystems)	
)	
Defendant.)	

SECOND SUPPLEMENTAL AND AMENDED COMPLAINT

Hansen Manufacturing Corp. (“Hansen”) files this Complaint against Intersystems International, Inc. (“Intersystems”) for infringement of United States Patent No. 6,044,965 C1 (hereinafter also referred to as “the ‘965 patent”). A copy of the ‘965 patent, including the *Ex Parte* Reexamination Certificate issued on March 5, 2013, is attached as Exhibit 1.

JURISDICTION

1. This is an action for patent infringement under Title 35 of the United States Code. Hansen is seeking injunctive relief as well as damages.
2. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patents) because this is a civil action for patent infringement arising under the United States’ patent statutes, 35 U.S.C. §101 *et seq.*
3. Upon information and belief, venue is proper under 28 U.S.C. §§ 1391(c) and 1400(b) because Intersystems has committed acts of infringement in this district and is deemed to reside in this district. Intersystems directly distributes, offers for sale, sells, and advertises its products and services to the residents of this judicial district.

4. Hansen is a South Dakota corporation with its principal place of business in this judicial district, in Sioux Falls, South Dakota.

5. On February 28, 2011, Hansen filed suit against Enduro Systems, Inc., which was doing business as Intersystems. *See* Dkt. No. 1.

6. On January 23, 2013, Enduro Systems, Inc. was reincorporated in Delaware as Intersystems International, Inc.

7. Per the Nebraska Secretary of State' online database, Intersystems is a Nebraska foreign corporation with its principal office address at 9575 North 109th Avenue, Omaha, Nebraska 68142. The agent for service is CT Corporation, located at 1024 K Street; Lincoln, NE 68508.

8. On information and belief, Intersystems International, Inc. conducts substantially the same business operations as did Enduro Systems, Inc., at least with respect to the subject matter of this litigation.

9. This Court has personal jurisdiction over Intersystems and venue is proper in this district because Intersystems has committed, and continues to commit, acts of infringement in the state of South Dakota, including in this district and has engaged in continuous and systematic activities in the state of South Dakota, including in this district.

BACKGROUND FACTS RELATED TO INFRINGEMENT

10. Hansen incorporates the preceding paragraphs herein by reference.

11. Hansen is a leading manufacturer of enclosed belt conveyors for the handling of a wide variety of materials, including many dry, granular materials.

12. Hansen is the owner of all right, title and interest in the '965 patent with rights to enforce the '965 patent and sue infringers.

13. The '965 patent, titled "Troughing Idlers for Belt Conveyors," is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

14. According to the abstract of '965 patent: A troughing idler of an enclosed belt conveyor has a horizontal shaft that is supported by antifriction bearings mounted outside of the side walls of the trunking and carries a medial roller. Each of the side walls of the trunking supports a downwardly and inwardly sloping side roller in cantilevered relation by means of a side roller carrier that is mounted on the side wall and includes a spindle, a hub, and inboard and outboard antifriction bearings interposed between the spindle and the hub.

15. For at least several years, Intersystems (in its various corporate forms) has been discussing with customers their impending offer for sale of an enclosed belt conveyor that has cantilevered rollers of the type described and claimed in the '965 patent. At least as early as the Illinois Grain & Feed Show ("IGF Show"), from February 20–22, 2011, Intersystems offered for sale its RollerFLO 3i Enclosed Belt Conveyor ("RollerFLO 3i"). Exhibit 2. Representatives from companies from around the Midwest states attended the IGF Show.

16. On February 25, 2011, Intersystems announced the rollout of the RollerFLO 3i conveyor in a press release posted to its website at www.Intersystems.net, including a picture of the conveyor. Exhibit 3.

17. Intersystems also offered for sale its RollerFLO 3i conveyor at the Grain Elevator and Processing Society ("GEAPS") Exchange 2011 trade show in Portland, Oregon starting on February 27, 2011. The GEAPS trade show is regarded as one of the largest and most important trade shows in the grain handling industry. In 2011, over 245 companies from around the country had exhibits at the show, including Intersystems and Hansen. These exhibiting companies displayed, offered for sale, and sold their products and services. In addition, representatives from

hundreds of additional companies from around the country attended the GEAPS trade show, seeking to learn about and potentially purchase the displayed products and services.

18. Intersystems continues to offer its RollerFLO 3i conveyor for sale. For example, on information and belief, Intersystems displayed the RollerFLO 3i and offered it for sale at the GEAPS Exchange 2013 trade show in Louisville, Kentucky from February 23–26, 2013.

19. The RollerFLO 3i troughing idler meets each and every limitation of at least claim 19 of the ‘965 patent, including the absence of stationary parts on the portion of the side roller unit inside the trunking which the United States Patent Office found to be novel in enclosed conveyors.

20. Sometime before July 2013, Intersystems developed a revised version of the RollerFLO 3i conveyor (“Updated RollerFLO 3i”). Intersystems sold or offered for sale its Updated RollerFLO 3i at least as early as November 2013 and continues to offer its Updated RollerFLO 3i for sale.

21. The Updated RollerFLO 3i meets each and every limitation of at least claim 19 of the ‘965 patent.

COUNT I

INFRINGEMENT OF THE ‘965 PATENT BY INTERSYSTEMS

22. Hansen incorporates the preceding paragraphs herein by reference.

23. Hansen has not licensed or otherwise authorized Intersystems to make, use, offer for sale, or sell any products that embody the inventions of the ‘965 patent.

24. Intersystems has been, and is now, directly infringing the ‘965 patent through Intersystems’ making, using, offering for sale, and selling of the RollerFLO 3i troughing idler and Updated RollerFLO3i troughing idler that is covered by at least claim 19 of the ‘965 patent, either literally or under the doctrine of equivalents.

25. Intersystems has been aware of the '965 patent since well before the filing date of this first supplemental and amended complaint, including based on Intersystems' monitoring of the *ex parte* reexamination proceeding that it initiated and which produced the '965 patent in its current state.

26. Intersystems' continued infringement of the '965 patent since the Patent Office issued its Notice of Intent to Issue Ex Parte Reexamination Certificate, dated February 13, 2013, has been and will continue to be willful, wanton, and deliberate.

27. Hansen has complied with 35 U.S.C. § 287.

28. Intersystems' actions complained of herein are causing irreparable harm and monetary damage to Hansen and will continue to do so unless and until Defendants are enjoined and restrained by this Court.

29. Intersystems is thus liable to Hansen for infringement of the '965 patent pursuant to 35 U.S.C. §271.

PRAYER FOR RELIEF

WHEREFORE, Hansen asks the Court to:

- a) Enter judgment holding Intersystems liable for infringement of the '965 patent;
- b) Enter an order permanently enjoining Intersystems, including its agents, officers, servants, employees, attorneys, and all persons in active concert or participation with the Intersystems who receive notice of the order from further infringement of the '965 patent;
- c) Award Hansen damages resulting from Defendants' infringement in accordance with 35 U.S.C. § 284;
- d) Trebling of damages in view of the willful and deliberate nature of Intersystems' infringement of the '965 patent;

- e) An order awarding Hansen its attorney fees under 35 U.S.C. §285;
- f) An order awarding Hansen interest and costs; and
- g) An order awarding Hansen such further relief to which the Court finds Hansen entitled under law or equity.

DEMAND FOR JURY TRIAL

Hansen demands a trial by jury on all issues properly triable by jury in this action.

Dated: January 31, 2014

Respectfully submitted,

JOHNSON, HEIDPRIEM, & ABDALLAH, LLP

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CERTIFICATE OF SERVICE

I certify that on this 31th day of January, 2014, a true and correct copy of the **Plaintiff Hansen's Second Supplemental and Amended Complaint** was served on the following via the Court's Electronic Filing System:

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