

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BANDIT INDUSTRIES, INC.,
a Michigan corporation,

Plaintiff,

vs.

Case No. 14-cv-13920

Hon. Thomas L. Ludington

Mag. Judge Patricia T. Morris

PETERSON PACIFIC CORP.,
An Oregon corporation,

Defendant.

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FIRST AMENDED COMPLAINT and JURY DEMAND

NOW COMS Plaintiff, BANDIT INDUSTRIES, INC. ("Bandit"), a
Michigan corporation, by and through its attorneys, and for its First

Amended Complaint against the Defendant, PETERSON PACIFIC CORP., an Oregon corporation, states as follows:

JURISDICTION AND VENUE

1. Plaintiff, Bandit Industries, Inc., is a Michigan corporation with its principal place of business located in Isabella County, Michigan.

2. Defendant, Peterson Pacific Corp., is an Oregon corporation, with its principal place of business located in Eugene, Oregon.

3. This is a Complaint for patent infringement pursuant to 35 U.S.C. §271 et. seq. The court has subject matter jurisdiction over Plaintiff's claims pursuant to 28 U.S.C. §§1331 and 1338. This court has personal jurisdiction over Defendant and venue is proper under 28 U.S.C. §1391(b) and (c) for the reason that Defendant has offered for sale and sold products accused of infringing the patents throughout the country.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 6,036,125

4. Plaintiff realleges paragraphs 1 through 4 above as if fully set forth at this point.

5. U.S. Patent No. 6,036,125 was duly issued on March 14, 2000.

6. Plaintiff by virtue of an assignment, and in particular, by virtue of its merger with Tramor, Inc., the original assignee of the patent, is the

owner of all rights in the '125 patent, including the right to bring suit for infringement.

7. Defendant has infringed and is infringing at least independent claims 1 through 11 of '125 patent, as well as all dependent claims of that patent by making, selling, using or offering to sell the patented inventions.

8. Plaintiff has complied with the requirements of 35 U.S.C. § 287 by placing a notice of the '125 patent on all the wood chippers it sells and manufacturers, and has sold and manufactured, that embody the patented invention.

9. Defendant is a direct competitor of Plaintiff and has inspected and examined Plaintiff's products, including Plaintiff's products that embody the patented invention. Defendant has had actual notice of the claims of the '125 patent and has infringed and continues to infringe that patent.

10. Defendant's infringement of the '125 patent has been knowing and willful.

11. Plaintiff has suffered damages as a result of Defendant's infringement.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests this Honorable Court to enter a judgment in its favor and against Defendant:

- A. declaring that Defendant has infringed U.S. Patent 6,036,125;
- B. awarding Plaintiff damages, pursuant to 35 U.S.C. §284, adequate to compensate Plaintiff for Defendant's infringing activities together with interest and costs; and
- C. awarding Plaintiff such other and further relief as the Court may deem just and appropriate including attorney fees pursuant to 35 U.S.C. §285 and injunctive relief precluding future infringement by Defendant, and any other appropriate equitable and legal remedies.

Respectfully submitted,

PLUNKETT COONEY

/s/ Michael J. Barton (P34509)

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- and -

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(616) 949-6055

Dated: April 9, 2015

DEMAND FOR JURY TRIAL

NOW COMES the Plaintiff, by and through its attorneys, Plunkett Cooney, and hereby demands a trial by jury in the above-entitled matter of all claims so triable.

Respectfully submitted,

PLUNKETT COONEY

/s/ Michael J. Barton (P34509)

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Dated: April 9, 2014

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PROOF OF SERVICE

The undersigned certifies that on the 9th day of April, 2015, a copy of the foregoing document was served upon the attorney(s) of record in this matter at their stated business address as disclosed by the records herein via:

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| <input type="checkbox"/> Hand delivery | <input type="checkbox"/> Overnight mail |
| <input type="checkbox"/> U.S. Mail | <input type="checkbox"/> Facsimile |
| <input type="checkbox"/> Email | <input checked="" type="checkbox"/> Electronic e-file |

I declare under the penalty of perjury that the foregoing statement is true to the best of my information, knowledge and belief.

/s/ Michael J. Barton (P34509)

MICHAEL J. BARTON (P34509)
PLUNKETT COONEY
Attorneys for Plaintiff/Counter-Defendant