

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN**

GENESIS ATTACHMENTS, LLC,  
Plaintiff,  
  
v.  
EXODUS MACHINES USA, INC. and  
EXODUS MACHINES, LLC d/b/a  
BLADECORE  
Defendants.

Case No. 15-cv-462

**COMPLAINT**

(Jury Trial Demanded)

Plaintiff Genesis Attachments, LLC (“Genesis”), for its Complaint against Exodus Machines USA, Inc. and Exodus Machines, LLC doing business as BladeCore (collectively “Defendants”), state and allege as follows:

**NATURE OF ACTION**

1. This is an action for patent infringement under 35 U.S.C. § 271, *et seq.*, by Genesis against Defendants for infringement of United States Patent No. RE45,341 (“the RE’341 patent”). A true and correct copy of the RE’341 patent is attached hereto as **Exhibit A**.

**PARTIES**

2. Genesis is a Delaware limited liability company with its world headquarters at 1000 Genesis Drive, Superior, Wisconsin 54880.

3. Upon information and belief, Defendant Exodus Machines USA, Inc. is a Wisconsin corporation, with its principle place of business at One Exodus Drive, Superior, Wisconsin 54880.

4. Upon information and belief, Defendant Exodus Machines, LLC, d/b/a BladeCore, is a Delaware limited liability company with its principle place of business at One Exodus Drive,

Superior, Wisconsin 54880.

**JURISDICTION AND VENUE**

5. This Court has subject matter jurisdiction over Genesis's patent infringement claims under 28 U.S.C. §§ 1331 and 1338(a), in that the claims arise under the Acts of Congress relating to patents, including but not limited to 35 U.S.C. § 271, *et seq.*

6. Defendants' principal place of business is in this judicial district and therefore Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b) and (c) and 1400(b).

**COUNT I: PATENT INFRINGEMENT OF U.S. PATENT NO. RE45,341**

7. Plaintiffs incorporate by reference paragraphs 1 – 6 as if fully set forth herein.

8. On January 20, 2015, the United States Patent and Trademark Office ("USPTO") duly and legally issued the RE'341 patent, as a broadening reissue of United States Patent No. 7,895,755 entitled "Replaceable Demolition Shear Piercing Tip" ("the '755 patent").

9. Plaintiff is the assignee of the '755 patent and the RE'341 patent.

10. Defendants have been engaging in infringing activity, by making, using, selling, offering for sale and/or importing into the United States products, including without limitation shear tips for the Genesis XP Series shear, which are covered by the claims of the RE'341 patent without authorization from Genesis in violation of 35 U.S.C. § 271.

11. Mr. Bruce Bacon was a founder and officer of Genesis and is one of the named inventors of the '755 patent.

12. After termination of his employment with Genesis, Mr. Bacon founded Defendant Exodus Machines USA, Inc.

13. As one of the named inventors of the '755 patent, Mr. Bacon executed the reissue declarations when Genesis filed its application seeking the broadening reissue of the '755 patent.

14. Thus, Defendants, through Mr. Bacon, have had actual knowledge that Genesis was seeking the broadening reissue of the '755 patent at least as early as December 7, 2012.

15. Because Defendants had actual knowledge of Genesis's broadening reissue application before engaging in the infringing activity, Defendants are not entitled to equitable intervening rights.

16. Defendants' acts of infringement have caused and will continue to cause damage to Genesis and Genesis is entitled to recover from Defendants the damages sustained by Genesis and any additional remedy in an amount to be determined at trial.

17. Defendants' acts of infringement will continue to cause Genesis irreparable harm in the future unless and until Defendants are enjoined from infringing the RE'341 patent.

18. On information and belief, Defendants willfully infringed the RE'341 patent.

**DEMAND FOR JURY TRIAL**

Genesis hereby demands a trial by jury of all issues so triable.

**PRAYER FOR RELIEF**

WHEREFORE, Genesis respectfully requests the following relief:

(A) a declaration that Defendants have infringed one or more claims of the RE'341 patent in violation of 35 U.S.C. § 271;

(B) equitable relief under 35 U.S.C. § 283, including, but not limited to, permanently enjoining Defendants and their officers, agents, employees, assigns, representatives, privies, successors, and all those acting in concert or participation with them from infringing, contributing to, and/or inducing infringement of the RE'341 patent;

(C) an award of damages adequate to compensate Genesis for Defendants' infringement of the RE'341 patent, together with prejudgment and post-judgment interest under 35 U.S.C. § 284;

(D) a declaration or order finding that Defendants' infringement is willful and/or an order increasing damages up to and including three times the amount found or assessed consistent with 35 U.S.C. § 284;

(E) a declaration that this case is "exceptional" under 35 U.S.C. § 285 and awarding Genesis its reasonable attorney fees, costs, and expenses; and

(F) such other relief deemed just and proper.

Dated: July 24, 2015

/s/Glenna L. Gilbert

John A. Cotter (MN Bar No. 134296)

Glenna L. Gilbert (MN Bar No. 389312)

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