

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION, ALLEGAN COUNTY**

NO-BULL ENTERPRISES, LLC,

Plaintiff,

v.

ZB PRODUCTS, LLC d/b/a ZIP BANDIT,

Defendant.

Civil Action No.

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**COMPLAINT FOR PATENT INFRINGEMENT
AND DEMAND FOR JURY TRIAL**

Plaintiff No-Bull Enterprises, LLC ("No-Bull"), for its Complaint with Jury Demand for patent infringement against Defendant ZB Products, LLC d/b/a Zip Bandit ("ZB"), based on its own knowledge and based on information and belief as to all other matters, alleges as follows:

PARTIES

1. No-Bull is a limited liability company existing under the laws of Wyoming with its principal place of business at 402 East US Business Highway 36, St. Francis, Kansas 67756.
2. On information and belief, ZB is a domestic limited liability company organized under the laws of the State of Michigan. It can be served with the process by serving its registered agent: Brian Kuperus located at 2510 22nd Street, Hopkins, Michigan 49328.

NATURE OF ACTION

3. This is an action for patent infringement under the Patent Laws of the United States, 35 U.S.C. §§ 271, 281, and 284-85, among others.

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, including 35 U.S.C. § 271, et seq.

5. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 and 1400(b). Upon information and belief, ZB resides in this district, has transacted business in this District, and has committed acts of patent infringement in this District.

6. ZB is subject to this Court's specific and general personal jurisdiction pursuant to due process and the Michigan Long Arm Statute, due at least to ZB's residence in this forum and its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct; and (iii) deriving substantial revenue from goods and services provided to individuals in Michigan and in this district.

THE PATENT-IN-SUIT

7. The patent-in-suit, U.S. Patent No. 10,045,783 ("the '783 Patent"), titled "Method and System for Ligating a Body Part," was duly and legally issued by the United States Patent and Trademark Office ("USPTO"). The '783 Patent is directed, among other things, to methods and tools used for ligating a body party of an animal. A true and accurate copy of the '783 Patent is attached at Exhibit A, and is incorporated by reference in its entirety hereto.

8. No-Bull is the assignee of all rights, title, and interest in the '783 Patent, and possesses all rights to sue and recover for any current or patent infringement of the '783 Patent.

9. The '783 Patent is valid and enforceable.

COUNT I
(Direct Infringement of U.S. Patent No. 10,045,783)

10. No-Bull incorporates the foregoing paragraphs as if fully set forth herein.

11. No-Bull is the owner of the '783 Patent, with all substantive rights in and to that patent, including the sole and exclusive right to prosecute this action and enforce the '783 Patent against infringers, and to collect damages for all relevant times.

12. ZB made, had made, used, imported, provided, supplied, distributed, sold, and offered for sale an animal castration device, the Zip Bandit, that includes the infringing features ("accused product").

13. By doing so, ZB has directly infringed (literally and under the doctrine of equivalents) at least Claim 1 of the '783 Patent. ZB's infringement in this regard is ongoing.

14. Claim 1 of the '783 Patent claims: A ligature device for ligating an animal body part that does not require the use of cutting tools, comprising: an elastomeric member with a non-elastic portion attached thereto; the elastomeric member comprising at least one of natural rubber and latex, and wherein the elastomeric member is operable to at least partially surround an animal body part; the non-elastic portion comprising a plurality of teeth; wherein the non-elastic portion is operable to transmit a tension to the elastomeric member; a locking member provided on one end of the ligature device, wherein the locking member comprises an aperture and at least one of a pawl, a projection, a ridge, a hook and a barb provided within the aperture; wherein the locking member is adapted to engage the plurality of teeth of the non-elastic portion and allow for movement of the non-elastic portion when the non-elastic portion is translated through the

aperture; and wherein the locking member prevents reverse translation of the non-elastic portion thereby permitting tightening of the device while maintaining tension therein.

15. ZB's accused device does not require the use of cutting tools to perform castration. It further comprises an elastomeric portion with a non-elastic portion, where the rubber portion surrounds the animal body party. For a complete preliminary claim chart detailing each asserted claim of the '783 Patent and the corresponding infringing element literally and under the doctrine of equivalents found in the Zip Bandit bull bander, see Exhibit B, which is incorporated by reference in its entirety hereto.

16. ZB has infringed the '783 Patent by making, having made, using, importing, providing, supplying, distributing, selling or offering for sale a bloodless animal castration device.

17. No-Bull has been damaged as a result of the infringing conduct by ZB, as alleged above. Thus, ZB is liable to No-Bull in an amount that adequately compensates it for such infringements 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.

18. No-Bull and its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of the '783 Patent.

19. ZB's acts of infringement have been willful, deliberate, and in reckless disregard of No-Bull's patent rights, and will continue unless permanently enjoined by this Court.

20. ZB has also directly infringed the '783 Patent by exercising direction or control over the use of the accused product by its customers. When ZB's customers use the accused product, ZB is putting the accused product into service. ZB conditions the benefit received by each customer from using the accused product, which use the methods taught by the '783 Patent, such

benefit includes bloodless castration of animals. Use of the accused product in such manner infringes the '783 Patent.

COUNT II
(Indirect Infringement of U.S. Patent No. 10,045,783)

21. No-Bull incorporates the foregoing paragraphs as if fully set forth herein.

22. ZB has also indirectly infringed the '783 Patent by inducing others to directly infringe the '783 Patent. ZB has induced the end-users, its customers, to directly infringe (literally and under the doctrine of equivalents) the '783 Patent by using the accused product. ZB took active steps, directly and through contractual relationships with others, with the specific intent to cause its customers to use the accused product in a manner that infringes one or more claims of the patents-in-suit, including, for example, Claim 1 of the '783 Patent. Such steps by ZB include, among other things, advising or directing customers and end-users to use the accused product in an infringing manner; advertising and promoting the use of the accused product in an infringing manner; and distributing instructions that guide users to use the accused product in an infringing manner. ZB is performing these steps, which constitute induced infringement with the knowledge of the '783 Patent and with the knowledge that the induced acts constitute infringement. ZB is aware that the normal and customary use of the accused product by ZB's customers would infringe the '783 Patent. ZB's inducement is ongoing.

23. ZB has also indirectly infringed by contributing to the infringement of the '783 Patent. ZB has contributed to the direct infringement of the '783 Patent by the end-user of the accused product. The accused product have special features that are specially designed to be used in an infringing way and that have no substantial uses other than ones that infringe the '783 Patent, including, for example, Claim 1 of the '783 Patent. The special features include ligation of an animal body part, without the use of cutting tools, in a manner that infringes the '783 Patent. The

special features constitute a material part of the invention of one or more of the claims of the '783 Patent and are not staple articles of commerce suitable for substantial non-infringing use. ZB's contributory infringement is ongoing.

24. ZB has knowledge of the '783 Patent at least as of the date when it was notified of the filing of this action.

25. No-Bull has been damaged as a result of the infringing conduct by ZB alleged above. Thus, ZB is liable to No-Bull in an amount that adequately compensates it for such infringements 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.

PRAYER FOR RELIEF

WHEREFORE, No-Bull requests that the Court find in its favor and against ZB, and that the Court grant No-Bull the following relief:

A. Judgment that one or more claims of the '783 Patent has been infringed, either literally and/or under the doctrine of equivalents, by ZB;

B. A permanent injunction enjoining ZB and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in concert therewith from infringement of the '783 Patent; or, in the alternative, an award of a reasonable ongoing royalty for future infringement of the '783 Patent by such entities;

C. Judgment that ZB accounts for and pays to No-Bull all damages to and costs incurred by No-Bull because of ZB's infringing activities and other conduct complained of herein, including an award of all increased damages to which No-Bull is entitled under 35 U.S.C. § 284;

D. Pre-judgment and post-judgment interest on the damages caused to it by reason of ZB's infringing activities and other conduct complained of herein;

E. That this Court declare this an exceptional case and award No-Bull its reasonable attorney's fees and costs in accordance with 35 U.S.C. § 285; and

F. Such other and further relief as the Court may deem just and proper under the circumstances.

DEMAND FOR JURY TRIAL

No-Bull hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

Dated: November 9, 2018

Respectively submitted,

By: /s/ Deborah J. Swedlow
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