

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

JAGER PRO, LLC

PLAINTIFF

v.

Case No. 4:19-cv-108-JM

TUSK INNOVATIONS INC.

DEFENDANT

FIRST AMENDED COMPLAINT AND JURY DEMAND

Jager Pro, LLC, for its First Amended Complaint against Tusk Innovations Inc, states:

PARTIES

1. Jager Pro, LLC (“Jager Pro”) is a Georgia limited liability company with its principal place of business in Fortson, Georgia.

2. Tusk Innovations, Inc. (“Tusk Innovations”) is a, Arkansas corporation with a registered principal place of business at 32 Western Hills Circle, Greenbrier, Arkansas 72058.

JURISDICTION AND VENUE

3. This action includes claim for patent infringement arising under the Patent Act of the United States, 35 U.S.C. § 1 *et seq.*

4. This Court has subject-matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Tusk Innovations because Tusk Innovations is an Arkansas corporation with its principal place of business in Arkansas and because it is registered with the Arkansas Secretary of State to do business in Arkansas and is doing business in Arkansas. Further, the claims in this First Amended Complaint arise out of conduct and events taking place in Arkansas.

6. Venue is proper in this District under 28 U.S.C. § 1400(b) because Tusk Innovations resides in this District, has a regular and established place of business in this District (specifically, upon information and belief, at 32 Western Hills Circle, Greenbrier, Arkansas 72058), and has committed acts of infringement in this District. Those acts of infringement include practicing and inducing the practice of methods that infringe the Patents-in-Suit and making, using, offering to sell, selling and having sold a device that infringes the Patents-in-Suit.

THE PATENTS-IN-SUIT

7. United States Patent Number 9,814,228 (“The ’228 Patent”) is titled “Systems and Methods for Animal Trapping.” The ’228 Patent was filed March 16, 2016. The ’228 Patent was duly and legally issued by the United States Patent and Trademark Office on November 14, 2017. Jager Pro is the owner of the ’228 Patent with all substantive rights. A true and correct copy of the ’228 Patent is attached as Exhibit A.

8. United States Patent Number 9,101,126 (“The ’126 Patent”) is titled “Remote Control Gate Release for Trap Enclosure.” The ’126 Patent was filed January 11, 2011. The ’126 Patent was duly and legally issued by the United States Patent and Trademark Office on August 11, 2015. Jager Pro is the owner of the ’126 Patent with all substantive rights. A true and correct copy of the ’126 Patent is attached as Exhibit B.

9. United States Patent Number 10,098,339 (“The ’339 Patent”) is titled “System and Methods for Animal Trapping.” The ’339 Patent was filed October 25, 2017. The ’339 Patent was duly and legally issued by the United States Patent and Trademark Office on October 16, 2018. Jager Pro is the owner of the ’339 Patent with all substantive rights. A true and correct copy of the ’339 Patent is attached as Exhibit C.

10. The ’228 Patent, the ’126 Patent, and ’339 Patent recite a series of tangible steps directed to operating an animal-trapping system to effectively eliminate wild animals, such as feral hogs. The claims of the ’228, ’126, and ’339 Patents require specific components, such as a camera assembly and an enclosure with at least one portion that can move from an open to a closed position, therein trapping animals in the enclosure. There is also a release mechanism that effects movement of at least a part of an enclosure from an open to closed position, as well

as a display device that is in communication with the camera assembly and configured to communicate with other components to effectuate the trapping of wild animals.

JAGER PRO'S SOLUTION TO THE FERAL-HOG PROBLEM

11. The Patents-in-Suit are generally related to methods of trapping animals, such as feral hogs.

12. A wild-animal infestation may be difficult to resolve. Feral hogs are recognized as a public nuisance and health hazard by various Federal and State environmental agencies.

13. Traditionally, eliminating a feral-hog problem requires trapping or shooting a group of hogs (known as a sounder) and eliminating the hogs one by one. However, this approach is very inefficient and time-consuming, and it can be dangerous to the hunter. It is also difficult to eliminate an entire sounder, as any animals that escape will learn from the failed experience, reproduce, and continue to destroy property.

14. Rod Pinkston, named inventor on the Patents-in-Suit, developed the M.I.N.E. Trapping System based on his experience while serving on active duty in the United States Army. Mr. Pinkston founded Jager Pro to bring his feral-hog-control solution to the public.

15. Before founding Jager Pro, Mr. Pinkston served in the United States Army for 24 years. Part of his military service included two tours in Germany, attending the U.S. Forces European Hunting School, and studying European boar behavior with German jägermeisters and forstmeisters.

16. Relying on his Army experience, military training, and innovative ideas around wild-pig captures, Mr. Pinkston developed efficient methods of whole-sounder removal. Emphasis is placed on efficient removal of the entire sounder at one time to eliminate escapes, reproduction, and education while reducing the time and labor required to perform the task.

17. Mr. Pinkston founded Jager Pro with a team of other U.S. military veterans. Jager Pro employs ten retired soldiers who have, collectively, more than 220 years of military training and experience. Jager Pro is the first company to use military-grade technology and methods to address the feral-hog problem in the United States, and the results speak for themselves. Jager Pro's M.I.N.E. Trapping System has been used to harvest over 32,000 feral swine in Georgia alone.

18. Jager Pro was founded to bring the M.I.N.E. Trapping System to the public to help alleviate the public health and private property-damage issues associated with wild animals, especially feral hogs. Jager Pro has demonstrated the effectiveness of the M.I.N.E Trapping System at numerous conferences and through

successful use in the field. Mr. Pinkston has been a national speaker at every Wildlife Damage Management Conference and every International Wild Pig Conference since 2007. The effectiveness and operation of the system have garnered tremendous industry praise.

19. For example, the M.I.N.E. Trapping System is currently being operated by state or federal government agencies in 22 states, and it has earned praise from Certified Wildlife Biologists for its increased efficiency, reliability, and ease of capturing an entire sounder at one time while saving time and labor expenses over previous trip-wire-activated trapping methods.

20. The M.I.N.E. Trapping System was praised for its high capture percentage, which prevents “method education.” Method education refers to the number of hogs that learn how to evade or escape capture and then spread their trap-avoidance knowledge to the remaining hog population, creating future trap avoidance or resistance to the removal method.

21. Before Jager Pro’s development of the M.I.N.E. Trapping System, traps generally were smaller, trip-wire-activated, fully enclosed traps that had narrow openings, metallic trap bottoms, and overhead covers. The M.I.N.E. Trapping System eschewed these features, which feral hogs distrust and cause them to avoid traps, resulting in low capture percentage and high method education.

DEFENDANT'S WILLFUL INFRINGEMENT OF THE PATENTS-IN-SUIT

22. Tusk Innovations has been on notice of its infringement of the Patents-in-Suit since at least March 16, 2018, when Jager Pro provided written notice of infringement to Tusk Innovations.

23. On information and belief, Tusk Innovations was aware of the M.I.N.E. Trapping System as early as March 7, 2017, when the United States Patent and Trademark Office cited U.S. Published Patent App. No. 2011/0,167,709 (the application that issued as the '126 Patent) as prior art to Tusk Innovations's pending U.S. Patent App. No. 14/613,776.

24. Tusk Innovations has been on notice of its infringement of the '339 Patent since at least the filing date of this First Amended Complaint, when Jager Pro provided written notice of infringement to Tusk Innovations of the '339 Patent.

25. Each of Tusk Innovations's Ultimate Animal Trap System and its operation, along with the instructions Tusk Innovations has provided to the public, satisfy every element of at least one claim of the '228, '126, and '339 Patents.

26. Therefore, as Tusk Innovations has been on notice of the '126 Patent since at least March 7, 2017, and the '228 Patent since at least March 16, 2018, and the '339 Patent since at least the filing date of this First Amend Complaint, and its infringement has been willful since that time.

THE ULTIMATE ANIMAL TRAP

27. Tusk Innovations's Ultimate Animal Trap infringes both the '126 and the '228 Patents.

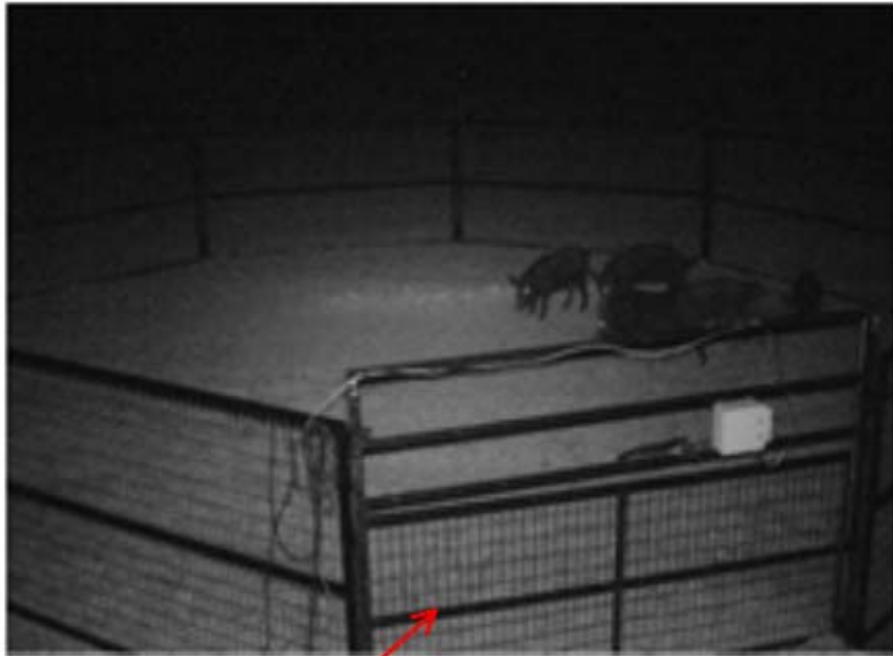
28. The Ultimate Animal Trap includes an enclosure having a gate that can go from an open to a closed position. In the open position, the Ultimate Animal Trap allows animals, such as hogs, to pass into the enclosure. *See infra* Figs. 1 and 2.

29. Figures 1 through 4 below are from Tusk Innovations's public website.



Gate in open position allowing passage into enclosure

FIG. 1



Gate in closed position, restricting passage of animals from enclosure

FIG. 2

30. The Ultimate Animal Trap functions with a camera assembly to monitor at least the number of animals inside of an enclosure. *See* Figs. 1 and 2 (camera detecting at least a number of animals in an enclosure); *see also infra* Fig. 3 (Listing camera as component of The Ultimate Animal Trap).



Listing of various components of The Ultimate Animal Trap, including: a release mechanism, a camera, and a means for remotely actuating the gate

FIG. 3

31. The Ultimate Animal Trap comprises a release mechanism for receiving a signal to effectuate closure of the gate. *See* Figs. 2 and 3 (Fig. 3 listing “manual and automatic trigger”).

32. The Ultimate Animal Trap uses a remote-control mechanism that transmits a wireless signal to The Ultimate Animal Trap to activate the gate upon meeting a predetermined condition, such as a number of animals detected in the

enclosure. See Figs. 1-3 (Fig. 3 listing Black Cat Antenna for wireless signal reception).



Automatic feeder

FIG. 4

33. As shown in Fig. 4, above, the Ultimate Animal Trap further functions with an automatic feeder positioned within the enclosure providing food to at least one animal.

FIRST CLAIM FOR RELIEF

Direct Infringement of United States Patent No. 9,814,228

34. Jager Pro repeats and realleges the allegations set forth in the paragraphs above as if fully set forth herein.

35. Tusk Innovations has directly infringed and continues to directly infringe the '228 Patent by making, using, selling, and offering to sell The Ultimate Animal Trap System in this District and elsewhere in the United States.

36. For example, with respect to claim 1 of the '228 Patent, Tusk Innovations performs, and instructs its customers to perform, the following steps with The Ultimate Animal Trap System to trap feral pigs in such a way that results in infringement of the '228 Patent:

- a. Using The Ultimate Animal Trap System to move at least one portion of an enclosure from an open position that permits passage of feral pigs into the enclosure to a closed position that restricts passage of the feral pigs out of the enclosure;
- b. When The Ultimate Animal Trap System enclosure is in the closed position, the enclosure cooperates with a ground surface to define an enclosure area in which the feral pigs are trapped, and the ground surface extends continuously from within the enclosure area to areas surrounding the enclosure;
- c. The Ultimate Animal Trap System enclosure comprises a release mechanism that effects movement of at least one portion of the enclosure from the open position to the closed position;

- d. The Ultimate Animal Trap System release mechanism effects movement of at least one portion of the enclosure from the open position to the closed position upon receipt of a release signal from a control mechanism that is in communication with a display device;
- e. The Ultimate Animal Trap System display device is in communication with a camera assembly and configured to receive a wireless detection signal from the camera assembly and transmit a wireless control signal upon receipt of the wireless detection signal from the camera assembly, where the wireless control signal corresponds to an instruction to the control mechanism to generate the release signal; and
- f. Upon detection of a presence of feral pigs within the enclosure by the camera assembly, The Ultimate Animal Trap System camera assembly transmits the wireless detection signal to the display device.

37. On information and belief, Tusk Innovations knew of the '228 Patent at least as of March 16, 2018, when it received written notice of its infringing activities and a copy of the '228 Patent. Tusk Innovations has knowingly continued

its infringing activities referenced in paragraph 36 of this First Amended Complaint after receiving such notice.

38. On information and belief, Tusk Innovations will continue to infringe the '228 Patent unless and until it is enjoined by the Court.

39. As a result of Tusk Innovations's infringement of the '228 Patent, Jager Pro has suffered damages, including lost profits.

SECOND CLAIM FOR RELIEF
Induced Infringement of United States Patent No. 9,814,228

40. Jager Pro repeats and realleges the allegations set forth in the paragraphs above as if fully set forth herein.

41. On information and belief, Tusk Innovations has actively induced others to infringe the '228 Patent by selling, offering to sell, or otherwise providing The Ultimate Animal Trap System to customers and providing training and instruction on its use, with knowledge of the Patents-in-Suit and the specific intent of encouraging, aiding, or causing others to directly infringe the '228 Patent.

42. For example, with respect to claim 1 of the '228 Patent, Tusk Innovations instructs and its customers perform the following steps with The Ultimate Animal Trap System to trap feral pigs in such a way that results in infringement of the '228 Patent:

- a. Using The Ultimate Animal Trap System to move at least one portion of an enclosure from an open position that permits passage of feral pigs into the enclosure to a closed position that restricts passage of the feral pigs out of the enclosure;
- b. When The Ultimate Animal Trap System enclosure is in the closed position, the enclosure cooperates with a ground surface to define an enclosure area in which the feral pigs are trapped, and the ground surface extends continuously from within the enclosure area to areas surrounding the enclosure;
- c. The Ultimate Animal Trap System enclosure comprises a release mechanism that effects movement of at least one portion of the enclosure from the open position to the closed position;
- d. The Ultimate Animal Trap System release mechanism effects movement of at least one portion of the enclosure from the open position to the closed position upon receipt of a release signal from a control mechanism that is in communication with a display device;

- e. The Ultimate Animal Trap System display device is in communication with a camera assembly and configured to receive a wireless detection signal from the camera assembly and transmit a wireless control signal upon receipt of the wireless detection signal from the camera assembly, where the wireless control signal corresponds to an instruction to the control mechanism to generate the release signal; and
- f. Upon detection of a presence of feral pigs within the enclosure by the camera assembly, The Ultimate Animal Trap System camera assembly transmits the wireless detection signal to the display device.

43. On information and belief, Tusk Innovations has specific intent to encourage direct infringement of the '228 Patent. Tusk Innovations knew of the '228 Patent at least as of March 16, 2018, when it received written notice of its infringing activities and a copy of the '228 Patent. Tusk Innovations has knowingly continued its infringing activities referenced in paragraph 42 of this First Amended Complaint after receiving such notice.

44. Alternatively, Tusk Innovations subjectively believed there was a high probability that the valid '228 Patent protected M.I.N.E Trapping System and its

methods of use and that the activities referenced in paragraph 42 of this First Amended Complaint would actively induce infringement of the '228 Patent, but Tusk Innovations took deliberate steps to avoid confirming these facts and therefore willfully blinded itself to the nature of its sales of The Ultimate Animal Trap.

45. On information and belief, Tusk Innovations knew that use of The Ultimate Animal Trap would be an act of direct infringement of the '228 Patent and that the activities referenced in paragraph 42 of this First Amended Complaint would actively induce direct infringement of the '228 Patent. Despite such knowledge, Tusk Innovations has been and is actively inducing the infringement of the '228 Patent by others.

46. On information and belief, Tusk Innovations acted despite an objectively high likelihood that its actions constituted infringement of a valid patent. On information and belief, Tusk Innovations actually knew, or it was so obvious that Tusk Innovations should have known, that its actions constituted infringement of a valid patent. Tusk Innovations's infringement is therefore willful.

47. On information and belief, Tusk Innovations will continue to induce infringement of the '228 Patent unless and until it is enjoined by the Court.

48. As a result of Tusk Innovations's induced infringement of the '228 Patent, Jager Pro has suffered damages, including lost profits.

THIRD CLAIM FOR RELIEF

Contributory Infringement of United States Patent No. 9,814,228

49. Jager Pro repeats and realleges the allegations set forth in the paragraphs above as if fully set forth herein.

50. Tusk Innovations contributed to the infringement of others by selling, leasing, or otherwise providing to others The Ultimate Animal Trap System, which is a device especially made for or adapted for use in performing the methods of the '228 Patent, the use of which is material part of the claimed invention, and which is not a staple article suitable for non-infringing use. Tusk Innovations's customers then use The Ultimate Animal Trap System to perform the methods of at least claim 1 of the '228 Patent.

51. For example, with respect to claim 1 of the '228 Patent, Tusk Innovations instructs and its customers perform the following steps with The Ultimate Animal Trap System to trap feral pigs in such a way that results in infringement of the '228 Patent:

- a. Using The Ultimate Animal Trap System to move at least one portion of an enclosure from an open position that permits passage of feral pigs into the enclosure to a closed position that restricts passage of the feral pigs out of the enclosure;

- b. When The Ultimate Animal Trap System enclosure is in the closed position, the enclosure cooperates with a ground surface to define an enclosure area in which the feral pigs are trapped, and the ground surface extends continuously from within the enclosure area to areas surrounding the enclosure;
- c. The Ultimate Animal Trap System enclosure comprises a release mechanism that effects movement of at least one portion of the enclosure from the open position to the closed position;
- d. The Ultimate Animal Trap System release mechanism effects movement of at least one portion of the enclosure from the open position to the closed position upon receipt of a release signal from a control mechanism that is in communication with a display device;
- e. The Ultimate Animal Trap System display device is in communication with a camera assembly and configured to receive a wireless detection signal from the camera assembly and transmit a wireless control signal upon receipt of the wireless detection signal from the camera assembly, where the wireless control signal corresponds to an instruction to the control mechanism to generate the release signal; and

- f. Upon detection of a presence of feral pigs within the enclosure by the camera assembly, The Ultimate Animal Trap System camera assembly transmits the wireless detection signal to the display device.

52. On information and belief, Tusk Innovations knew of the '228 Patent at least as of March 16, 2018, when it received written notice of its infringing activities and a copy of the '228 Patent. Tusk Innovations has knowingly continued its infringing activities referenced in paragraph 51 of this First Amended Complaint after receiving such notice.

53. Alternatively, Tusk Innovations subjectively believed there was a high probability that the valid '228 Patent protected the M.I.N.E Trapping System and its methods of use and that the activities referenced in paragraph 51 of this First Amended Complaint would contribute to the infringement of the '228 Patent, but Tusk Innovations took deliberate steps to avoid confirming these facts and therefore willfully blinded itself to the nature of its sales of The Ultimate Animal Trap System.

54. On information and belief, Tusk Innovations knew that its Ultimate Animal Trap System was especially made and especially adapted for use in a manner that would infringe the '228 Patent and that Tusk Innovations's The Ultimate Animal

Trap System is not a staple article or commodity of commerce suitable for substantial non-infringing use.

55. On information and belief, Tusk Innovations acted despite an objectively high likelihood that its actions constituted infringement of a valid patent. On information and belief, Tusk Innovations actually knew, or it was so obvious that Tusk Innovations should have known, that its actions constituted infringement of a valid patent. Tusk Innovations's infringement is therefore willful.

56. On information and belief, Tusk Innovations will continue to contribute to the infringement of the '228 Patent unless and until it is enjoined by the Court.

57. As a result of Tusk Innovations's contributory infringement of the '228 Patent, Jager Pro has suffered damages, including lost profits.

FOURTH CLAIM FOR RELIEF
Direct Infringement of United States Patent No. 9,101,126

58. Jager Pro repeats and re-alleges the allegations set forth in the paragraphs above as if fully set forth herein.

59. Tusk Innovations has directly infringed and continues to directly infringe the '126 Patent by making, using, selling, and offering to sell The Ultimate Animal Trap in this District and elsewhere in the United States.

60. For example, with respect to claim 1 of the '126 Patent, Tusk Innovations performs, and instructs its customers to perform, the following steps

with The Ultimate Animal Trap System to trap feral pigs in such a way that results in infringement of the '126 Patent:

- a. The Ultimate Animal Trap System is a system for capturing a plurality of animals;
- b. The Ultimate Animal Trap System has an enclosure with at least one opening through which at least one animal of the plurality of animals can pass;
- c. The Ultimate Animal Trap System has a gate positioned with at least one opening, where the gate is movable between an open position and a closed position;
- d. The Ultimate Animal Trap System has an automatic food-dispensing mechanism positioned in the enclosure and is configured to selectively provide food to at least one animal in the enclosure, where the automatic food-dispensing mechanism provides food at a predetermined time or at predetermined time intervals;
- e. The Ultimate Animal Trap System has a means for remotely actuating the gate to move the gate from the open position to the closed position when a predetermined condition has been met, the means for remotely actuating the gate including a transmitter and a

remote control mechanism, where the predetermined condition includes at least one of a certain date, a certain time, a predetermined level of food remaining in the automatic food-dispensing mechanism, and a predetermined number of animals detected in the enclosure; and

- f. The Ultimate Animal Trap System has a means for detecting the presence of animals in the enclosure, and the predetermined number of animals detected in the enclosure is detected by a camera.

61. On information and belief, Tusk Innovations knew of the '126 Patent at least as of March 7, 2017, when the USPTO cited the Published Patent App. No. 2011/0,167,709 (the application that issued as the '126 Patent without changes to the claims) as prior art against Tusk Innovations's then-pending patent application. Defendant has knowingly continued its infringing activities referenced in paragraph 60 of this First Amended Complaint after becoming aware of the '126 Patent.

62. On information and belief, Tusk Innovations will continue to infringe the '126 Patent unless and until it is enjoined by the Court.

63. As a result of Tusk Innovations's infringement of the '126 Patent, Jager Pro has suffered damages, including lost profits.

FIFTH CLAIM FOR RELIEF
Induced Infringement of United States Patent No. 9,101,126

64. Jager Pro repeats and re-alleges the allegations set forth in the paragraphs above as if fully set forth herein.

65. Tusk Innovations has actively induced others to infringe the '126 Patent by selling, leasing, or otherwise providing The Ultimate Animal Trap System to customers and providing training and instruction on its use, with knowledge of the Patents-in-Suit and the specific intent of encouraging, aiding, or causing others to directly infringe the '126 Patent.

66. For example, with respect to claim 1 of the '126 Patent, Tusk Innovations instructs and its customers perform the following steps with The Ultimate Animal Trap System to trap feral pigs in such a way that results in infringement of the '126 Patent:

- a. The Ultimate Animal Trap System is a system for capturing a plurality of animals;
- b. The Ultimate Animal Trap System has an enclosure with at least one opening through which at least one animal of the plurality of animals can pass;

- c. The Ultimate Animal Trap System has a gate positioned with at least one opening, where the gate is movable between an open position and a closed position;
- d. The Ultimate Animal Trap System has an automatic food-dispensing mechanism positioned in the enclosure and is configured to selectively provide food to at least one animal in the enclosure, where the automatic food-dispensing mechanism provides food at a predetermined time or at predetermined time intervals;
- e. The Ultimate Animal Trap System has a means for remotely actuating the gate to move the gate from the open position to the closed position when a predetermined condition has been met, the means for remotely actuating the gate including a transmitter and a remote control mechanism, where the predetermined condition includes at least one of a certain date, a certain time, a predetermined level of food remaining in the automatic food-dispensing mechanism, and a predetermined number of animals detected in the enclosure; and

- f. The Ultimate Animal Trap System has a means for detecting the presence of animals in the enclosure, and the predetermined number of animals detected in the enclosure is detected by a camera.

67. On information and belief, Tusk Innovations has specific intent to encourage direct infringement of the '126 Patent. Tusk Innovations knew of the '126 Patent at least as of March 7, 2017, when the USPTO cited the Published Patent App. No. 2011/0,167,709 (the application that issued as the '126 Patent without changes to the claims) as prior art against Tusk Innovations's then-pending patent application. Tusk Innovations has knowingly continued its infringing activities referenced in paragraph 66 of this First Amended Complaint after becoming aware of the '126 Patent.

68. Alternatively, Tusk Innovations subjectively believed there was a high probability that the valid '126 Patent protected the M.I.N.E Trapping System and its methods of use and that the activities referenced in paragraph 66 of this First Amended Complaint would actively induce infringement of the '126 Patent, but Tusk Innovations took deliberate steps to avoid confirming these facts and therefore willfully blinded itself to the nature of its sales of The Ultimate Animal Trap.

69. On information and belief, Tusk Innovations knew that use of The Ultimate Animal Trap would be an act of direct infringement of the '126 Patent and

that the activities referenced in paragraph 66 of this First Amended Complaint would actively induce direct infringement of the '126 Patent. Despite such knowledge, Tusk Innovations has been and is actively inducing the infringement of the '126 Patent by others.

70. On information and belief, Tusk Innovations acted despite an objectively high likelihood that its actions constituted infringement of a valid patent. On information and belief, Tusk Innovations actually knew, or it was so obvious that Tusk Innovations should have known, that its actions constituted infringement of a valid patent. Tusk Innovations's infringement is therefore willful.

71. On information and belief, Tusk Innovations will continue to induce infringement of the '126 Patent unless and until it is enjoined by the Court.

72. As a result of Tusk Innovations's induced infringement of the '126 Patent, Jager Pro has suffered damages, including lost profits.

SIXTH CLAIM FOR RELIEF

Contributory Infringement of United States Patent No. 9,101,126

73. Jager Pro repeats and re-alleges the allegations set forth in the paragraphs above as if fully set forth herein.

74. Tusk Innovations has contributed to the infringement of others by selling, leasing, or otherwise providing to others The Ultimate Animal Trap System, which is a device especially made for or adapted for use in performing the methods

of the '126 Patent, the use of which is material part of the claimed invention, and which is not a staple article suitable for non-infringing use. Tusk Innovations's customers then use The Ultimate Animal Trap System to perform the methods of at least claim 1 of the '126 Patent.

75. For example, with respect to claim 1 of the '126 Patent, Tusk Innovations instructs and its customers perform the following steps with The Ultimate Animal Trap System to trap feral pigs in such a way that results in infringement of the '126 Patent:

- a. The Ultimate Animal Trap System is a system for capturing a plurality of animals;
- b. The Ultimate Animal Trap System has an enclosure with at least one opening through which at least one animal of the plurality of animals can pass;
- c. The Ultimate Animal Trap System has a gate positioned with at least one opening, where the gate is movable between an open position and a closed position;

- d. The Ultimate Animal Trap System has an automatic food-dispensing mechanism positioned in the enclosure and is configured to selectively provide food to at least one animal in the enclosure, where the automatic food-dispensing mechanism provides food at a predetermined time or at predetermined time intervals;
- e. The Ultimate Animal Trap System has a means for remotely actuating the gate to move the gate from the open position to the closed position when a predetermined condition has been met, the means for remotely actuating the gate including a transmitter and a remote control mechanism, where the predetermined condition includes at least one of a certain date, a certain time, a predetermined level of food remaining in the automatic food-dispensing mechanism, and a predetermined number of animals detected in the enclosure; and
- f. The Ultimate Animal Trap System has a means for detecting the presence of animals in the enclosure, and the predetermined number of animals detected in the enclosure is detected by a camera.

76. On information and belief, Tusk Innovations knew of the '126 Patent at least as of March 7, 2017, when the USPTO cited the Published Patent App. No.

2011/0,167,709 (the application that issued as the '126 Patent without changes to the claims) as prior art against Tusk Innovations's then-pending patent application. Tusk Innovations has knowingly continued its infringing activities referenced in paragraph 75 of this First Amended Complaint after becoming aware of the '126 Patent.

77. Alternatively, Tusk Innovations subjectively believed there was a high probability that the valid '126 Patent protected M.I.N.E Trapping System and its methods of use and that the activities referenced in paragraph 73 of this complaint would contribute to the infringement of the '126 Patent, but Tusk Innovations took deliberate steps to avoid confirming these facts and therefore willfully blinded itself to the nature of its sales of The Ultimate Animal Trap System.

78. On information and belief, Tusk Innovations knew that its Ultimate Animal Trap System was especially made and especially adapted for use in a manner that would infringe the '126 Patent and that Tusk Innovations's Ultimate Animal Trap System is not a staple article or commodity of commerce suitable for substantial non-infringing use.

79. On information and belief, Tusk Innovations acted despite an objectively high likelihood that its actions constituted infringement of a valid patent. On information and belief, Tusk Innovations actually knew, or it was so obvious that

Tusk Innovations should have known, that its actions constituted infringement of a valid patent. Tusk Innovations's infringement is therefore willful.

80. On information and belief, Tusk Innovations will continue to contribute to the infringement of the '126 Patent unless and until it is enjoined by the Court.

81. As a result of Tusk Innovations's contributory infringement of the '126 Patent, Jager Pro has suffered damages, including lost profits.

SEVENTH CLAIM FOR RELIEF
Direct Infringement of United States Patent No. 10,098,339

82. Jager Pro repeats and re-alleges the allegations set forth in the paragraphs above as if fully set forth herein.

83. Tusk Innovations has directly infringed and continues to directly infringe the '339 Patent by making, using, selling, and offering to sell The Ultimate Animal Trap System in this District and elsewhere in the United States.

84. For example, with respect to claim 1 of the '339 Patent, Tusk Innovations performs, and instructs its customers to perform, the following steps with The Ultimate Animal Trap System to trap a wild animal in such a way that results in infringement of the '339 Patent:

- a. The Ultimate Animal Trap System is a system for capturing an animal;

- b. The Ultimate Animal Trap System has an enclosure with at least one portion of an enclosure moveable from an open position that permits passage of an animal into the enclosure to a closed position that restricts passage of the animal out of the enclosure;
- c. The Ultimate Animal Trap System has a camera assembly configured to transmit a wireless detection signal, where on detection of at least one animal within the enclosure by the camera assembly, the camera assembly transmits a wireless detection signal to a display device;
- d. The Ultimate Animal Trap System has a display device in communication with the camera assembly that is configured to receive the wireless detection signal from the camera assembly and transmit a wireless control signal on receiving the wireless detection signal from the camera assembly;
- e. The Ultimate Animal Trap System has a control mechanism configured to communicate with the display device and receive the wireless control signal, where the wireless control signal corresponds to an instruction to the control mechanism to generate a release signal; and

- f. The Ultimate Animal Trap System has a release mechanism that communicates with the control mechanism and is configured to effect movement of the portion of the enclosure from the open position to the closed position in response to receipt of the release signal.

85. On information and belief, Tusk Innovations knew of the '339 Patent at least as of the filing of this First Amended Complaint, when it received written notice of its infringing activities and a copy of the '339 Patent. Tusk Innovations has knowingly continued its infringing activities referenced in paragraph 84 of this First Amended Complaint after receiving such notice.

86. On information and belief, Tusk Innovations will continue to infringe the '339 Patent unless and until it is enjoined by the Court.

87. As a result of Tusk Innovations's infringement of the '339 Patent, Jager Pro has suffered damages including lost profits.

EIGHTH CLAIM FOR RELIEF
Induced Infringement of United States Patent No. 10,098,339

88. Jager Pro repeats and re-alleges the allegations set forth in the paragraphs above as if fully set forth herein.

89. Tusk Innovations has actively induced others to infringe the '339 Patent by selling, leasing, or otherwise providing The Ultimate Animal Trap System to

customers and providing training and instruction on its use, with knowledge of the Patents-in-Suit and the specific intent of encouraging, aiding, or causing others to directly infringe the '339 Patent.

90. For example, with respect to claim 1 of the '339 Patent, Tusk Innovations instructs and its customers perform the following steps with The Ultimate Animal Trap System to trap feral pigs in such a way that results in infringement of the '339 Patent:

- a. The Ultimate Animal Trap System is a system for capturing an animal;
- b. The Ultimate Animal Trap System has an enclosure with at least one portion of an enclosure moveable from an open position that permits passage of an animal into the enclosure to a closed position that restricts passage of the animal out of the enclosure;
- c. The Ultimate Animal Trap System has a camera assembly configured to transmit a wireless detection signal, where on detection of at least one animal within the enclosure by the camera assembly, the camera assembly transmits a wireless detection signal to a display device;

- d. The Ultimate Animal Trap System has a display device in communication with the camera assembly that is configured to receive the wireless detection signal from the camera assembly and transmit a wireless control signal on receiving the wireless detection signal from the camera assembly;
- e. The Ultimate Animal Trap System has a control mechanism configured to communicate with the display device and receive the wireless control signal, where the wireless control signal corresponds to an instruction to the control mechanism to generate a release signal; and
- f. The Ultimate Animal Trap System has a release mechanism that communicates with the control mechanism and is configured to effect movement of the portion of the enclosure from the open position to the closed position in response to receipt of the release signal.

91. On information and belief, Tusk Innovations has specific intent to encourage direct infringement of the '339 Patent. Tusk Innovations knew of the '339 Patent at least as of the filing of this First Amended Complaint, when it received written notice of its infringing activities and a copy of the '339 Patent. Tusk

Innovations has knowingly continued its infringing activities referenced in paragraph 90 of this First Amended Complaint after receiving such notice.

92. Alternatively, Tusk Innovations subjectively believed there was a high probability that the valid '339 Patent protected the M.I.N.E. Trapping System and its methods of use, and that the activities referenced in paragraph 90 of this First Amended Complaint would actively induce infringement of the '339 Patent, but took deliberate steps to avoid confirming these facts, and therefore willfully blinded itself to the nature of its sales of The Ultimate Animal Trap System.

93. On information and belief, Tusk Innovations knew that use of The Ultimate Animal Trap System would be an act of direct infringement of the '339 Patent, and that the activities referenced in paragraph 90 of this First Amended Complaint would actively induce direct infringement of the '339 Patent. Despite such knowledge, Tusk Innovations has been and is actively inducing the infringement of the '339 Patent by others.

94. On information and belief, Tusk Innovations acted despite an objectively high likelihood that its actions constituted infringement of a valid patent. On information and belief, Tusk Innovations actually knew, or it was so obvious that Tusk Innovations should have known, that its actions constituted infringement of a valid patent. Tusk Innovations's infringement is therefore willful.

95. On information and belief, Tusk Innovations will continue to induce infringement of the '339 Patent unless and until it is enjoined by the Court.

96. As a result of Tusk Innovations's induced infringement of the '339 Patent, Jager Pro has suffered damages including lost profits.

NINTH CLAIM FOR RELIEF
Contributory Infringement of United States Patent No. 10,098,339

97. Jager Pro repeats and re-alleges the allegations set forth in the paragraphs above as if fully set forth herein.

98. Tusk Innovations has contributed to the infringement of others by selling, leasing, or otherwise providing to others The Ultimate Animal Trap System, which are devices especially made for or adapted for use in performing the methods of the '339 Patent, the use of which is material part of the claimed invention, and which is not a staple article suitable for non-infringing use. Tusk Innovations's customers then use The Ultimate Animal Trap System to perform the methods of at least claim 1 of the '339 Patent.

99. For example, with respect to claim 1 of the '339 Patent, Tusk Innovations instructs and its customers perform the following steps with The Ultimate Animal Trap System to trap feral pigs in such a way that results in infringement of the '339 Patent:

- a. The Ultimate Animal Trap System is a system for capturing an animal;
- b. The Ultimate Animal Trap System has an enclosure with at least one portion of an enclosure moveable from an open position that permits passage of an animal into the enclosure to a closed position that restricts passage of the animal out of the enclosure;
- c. The Ultimate Animal Trap System has a camera assembly configured to transmit a wireless detection signal, where on detection of at least one animal within the enclosure by the camera assembly, the camera assembly transmits a wireless detection signal to a display device;
- d. The Ultimate Animal Trap System has a display device in communication with the camera assembly that is configured to receive the wireless detection signal from the camera assembly and transmit a wireless control signal on receiving the wireless detection signal from the camera assembly;

- e. The Ultimate Animal Trap System has a control mechanism configured to communicate with the display device and receive the wireless control signal, where the wireless control signal corresponds to an instruction to the control mechanism to generate a release signal; and
- f. The Ultimate Animal Trap System has a release mechanism that communicates with the control mechanism and is configured to effect movement of the portion of the enclosure from the open position to the closed position in response to receipt of the release signal.

100. On information and belief, Tusk Innovations knew of the '339 Patent at least as of the filing of this First Amended Complaint, when it received written notice of its infringing activities and a copy of the '339 Patent. Tusk Innovations has knowingly continued its infringing activities referenced in paragraph 99 of this First Amended Complaint after receiving such notice.

101. Alternatively, Tusk Innovations subjectively believed there was a high probability that the valid '339 Patent protected M.I.N.E. Trapping System and its methods of use, and that the activities referenced in paragraph 99 of this First Amended Complaint would contribute to the infringement of the '339 Patent, but

Tusk Innovations took deliberate steps to avoid confirming these facts, and therefore willfully blinded itself to the nature of its sales of The Ultimate Animal Trap System.

102. On information and belief, Tusk Innovations knew that its Ultimate Animal Trap System were especially made and especially adapted for use in a manner that would infringe the '339 Patent, and that Tusk Innovations's The Ultimate Animal Trap System are not a staple article or commodity of commerce suitable for substantial non-infringing use.

103. On information and belief, Tusk Innovations acted despite an objectively high likelihood that its actions constituted infringement of a valid patent. On information and belief, Tusk Innovations actually knew, or it was so obvious that Tusk Innovations should have known, that its actions constituted infringement of a valid patent. Tusk Innovations's infringement is therefore willful.

104. On information and belief, Tusk Innovations will continue to contribute to the infringement of the '339 Patent unless and until it is enjoined by the Court.

105. As a result of Tusk Innovations's contributory infringement of the '339 Patent, Jager Pro has suffered damages including lost profits.

PRAYER FOR RELIEF

WHEREFORE, Jager Pro prays for the following relief:

106. Entry of judgment that Tusk Innovations has directly infringed the Patents-in-Suit by making, using, selling, or offering to sell The Ultimate Animal Trap in the United States;

107. Entry of judgment that Tusk Innovations has induced infringement of the Patents-in-Suit by making, using, selling, or offering to sell The Ultimate Animal Trap in the United States;

108. Entry of judgment that Tusk Innovations has contributed to the infringement of the Patents-in-Suit by making, using, selling, or offering to sell Ultimate Animal Trap in the United States;

109. Entry of judgment that Tusk Innovations's infringement of the Patents-in-Suit was willful and that Jager Pro is entitled to treble damages under 35 U.S.C. § 284;

110. Entry of judgment in favor of Jager Pro and against Tusk Innovations for damages adequate to compensate for Tusk Innovations's infringing activities, including supplemental damages for any post-verdict infringement up until entry of final judgment with an accounting as needed, together with prejudgment and post-judgment interest on the damages awarded; and all compensatory damages as justified under 35 U.S.C. § 284;

111. Entry of a preliminary injunction and permanent injunction against Tusk Innovations; its officers, agents, directors, employees, parents, subsidiaries, affiliates, divisions, successors, and assigns; and all persons in privity or active concert or participation with Tusk Innovations enjoining them from infringing the Patents-in-Suit;

112. Entry of an order directing that Tusk Innovations destroy or deliver to Jager Pro all documents, materials, and things, including but not limited to products, advertising and promotional materials, sales and marketing plans, and the like, which infringe the Patents-in-Suit or otherwise violate Jager Pro's rights in the Patents-in-Suit.

113. Entry of a declaration that this case is exceptional under 35 U.S.C. § 285 and an award in favor of Jager Pro and against Tusk Innovations of Jager Pro's reasonable costs and expenses of litigation, including attorneys' and experts' fees; and

114. Entry of an award in favor of Jager Pro and against Tusk Innovations for such other relief as the Court may deem just and proper.

JURY DEMAND

115. Jager Pro demands a trial by jury on all issues so triable as a matter of right and law.

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CERTIFICATE OF SERVICE

This is to certify that, on April 8, 2019, a true and correct copy of the foregoing document was electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification to all counsel of record.

/s/ R. Ryan Younger

R. Ryan Younger