

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

**JAGER PRO INCORPORATED**

**Plaintiff,**

**v.**

**W-W MANUFACTURING CO., INC.,  
D/B/A “W-W LIVESTOCK SYSTEMS”,**

**Defendant.**

**Case No.: CIV-20-95-HE**

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

Jager Pro Incorporated, for its Complaint against W-W Manufacturing Co., Inc., d/b/a “W-W Livestock Systems” (“Defendant”), states:

**PARTIES**

1. Jager Pro Incorporated (“Jager Pro”) is a Georgia corporation with its principal place of business in Fortson, Georgia.
2. On information and belief, Defendant W-W Manufacturing Co., Inc., is a Kansas corporation with a principal place of business at 8832 Highway 54, Thomas, Oklahoma 73669.
3. On information and belief, Defendant conducts business relating to the acts of infringement alleged in this Complaint as W-W Manufacturing Co., Inc., and also under the name “W-W Livestock Systems.”

**JURISDICTION AND VENUE**

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

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

6. This Court has personal jurisdiction over Defendant because it is registered with the Oklahoma Secretary of State to do business in Oklahoma; because it presently conducts business in Oklahoma, and has conducted business in Oklahoma at all relevant times; and because its continuing conduct in Oklahoma gives rise to the patent infringement allegations set forth herein.

7. Venue in this District is proper under 28 U.S.C. § 1400(b), because Defendant resides in this District, has a regular and established place of business in this District (on information and belief, at 8832 Highway 54, Thomas, Oklahoma 73669), and has committed acts of infringement in this District. These acts of infringement include practicing and inducing the practice of methods that infringe the Patents-in-Suit listed herein, and making, using, offering to sell, selling, and having sold devices that infringe the Patents-in-Suit, including without limitation the BoarBuster trap.

**JAGER PRO'S PATENTED SOLUTION  
TO THE FERAL HOG PROBLEM**

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

9. 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.

10. 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.

11. 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.

12. 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.

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.

18. 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.

#### **JAGER PRO'S PATENTS**

19. 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 1.

20. 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 2.

21. The '228 and '339 Patents (the "Patents-in-Suit") claim a trapping method for capturing feral pigs ('228 Patent), and a device capable of performing that trapping method ('339 Patent).

**DEFENDANT'S BOARBUSTER TRAP**

22. Defendant's BoarBuster trap and the use thereof infringes both of the Patents-in-Suit.

23. The BoarBuster trap utilizes an enclosure with at least one portion that can move from an open position that permits passage of a plurality of feral pigs into the enclosure, as shown below in the top image of FIG. 1 (images from [www.boarbuster.com](http://www.boarbuster.com)), to a closed position that restricts passage of the plurality of feral pigs out of the enclosure by cooperating with a ground surface to define an enclosure area in which the feral pigs are trapped, with said ground surface extending continuously from within the enclosure area to areas surrounding the enclosure, as shown below in the bottom image of FIG. 1.



FIG. 1

The BoarBuster trap utilizes a release mechanism (referred to as the “corral latch” in supporting documentation for the BoarBuster trap) that effects movement of the at least one portion of the enclosure from the open position to the closed position upon receipt of a signal from a control mechanism (referred to as the “Trap Unit” in supporting documentation for the BoarBuster trap). *See* FIG. 2.



FIG. 2

24. The BoarBuster trap utilizes a camera assembly (referred to as the "Camera Unit" in supporting documentation for the BoarBuster trap) that is in communication with the control mechanism (referred to as the "Trap Unit" in supporting documentation for the BoarBuster trap). See FIG. 3.

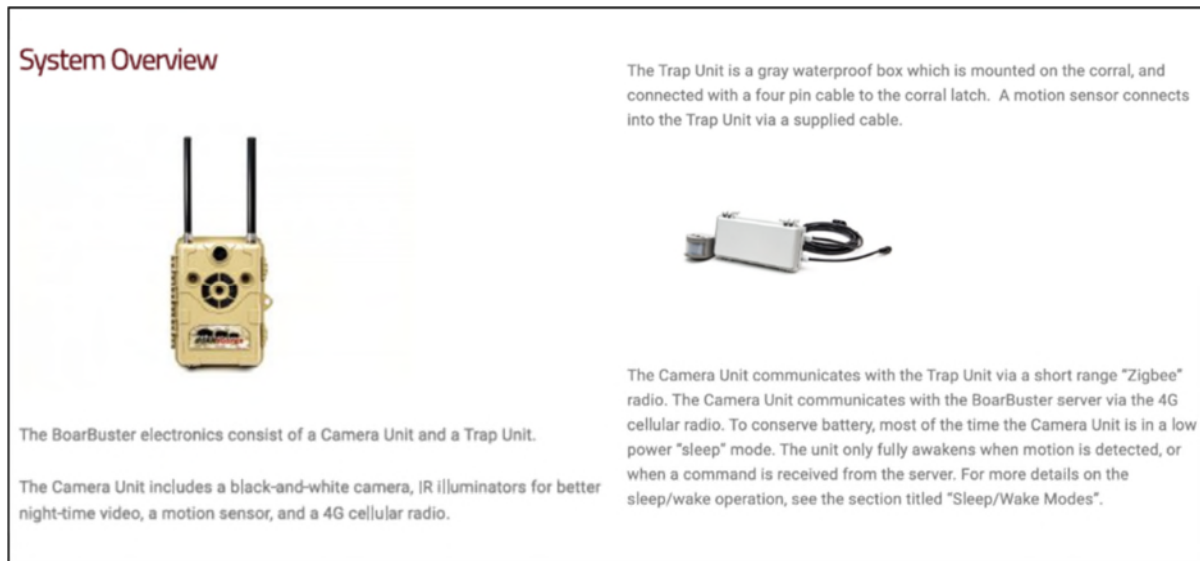


FIG. 3.



25. The BoarBuster trap utilizes a display device that is in communication with the control mechanism and the camera assembly. *See* FIG. 4.

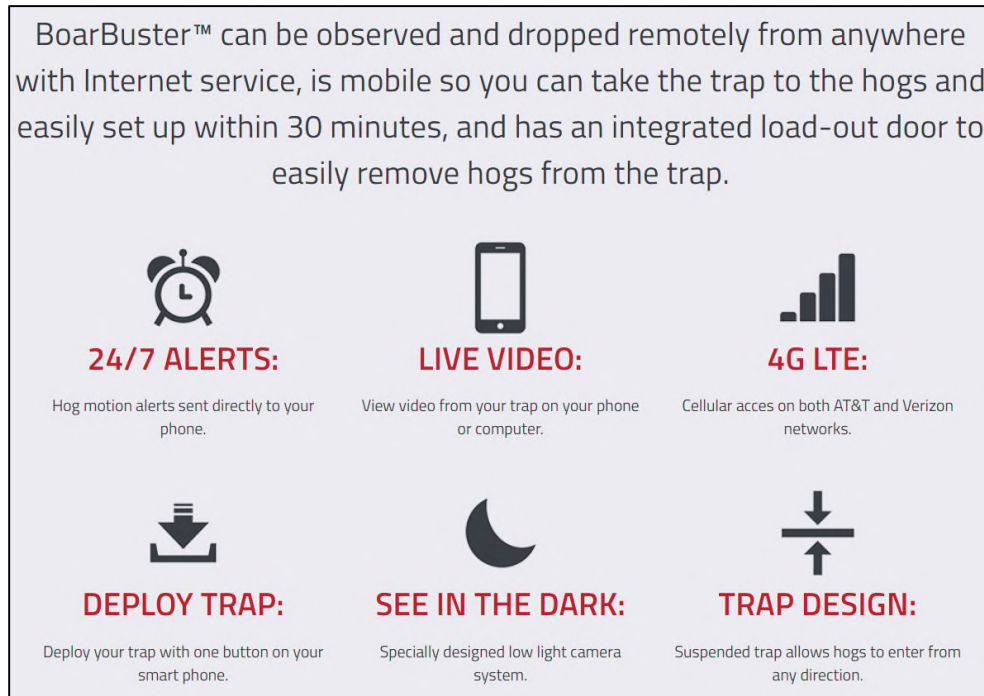


FIG. 4

26. The display device utilized by the BoarBuster trap can receive a signal from the camera assembly upon detection of feral pigs within the enclosure, and can transmit a wireless signal to the control mechanism, instructing the control mechanism to transmit a release signal instructing the release mechanism to effect movement of the at least one portion of the enclosure from the open position to the closed position inside of an enclosure. *See* FIG. 5.

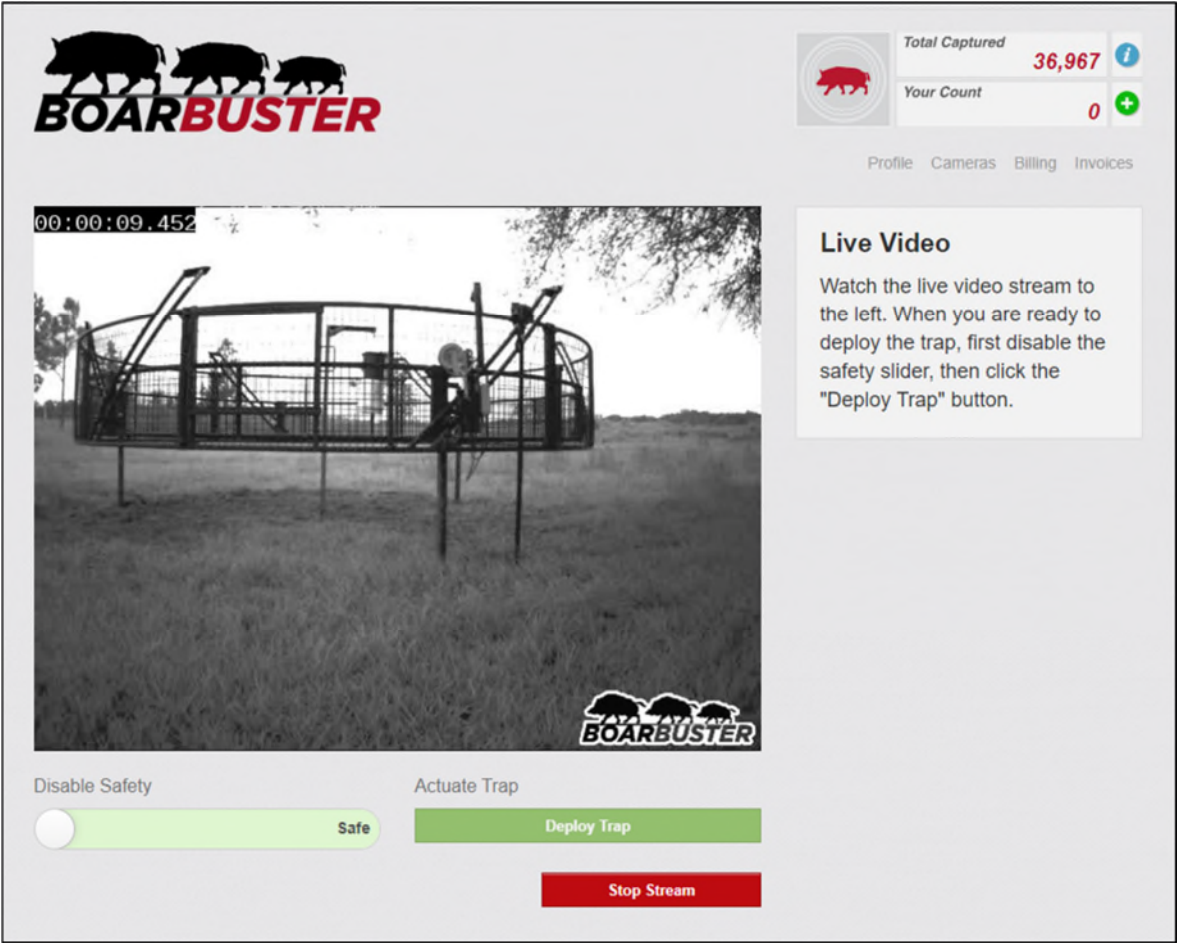


FIG. 5

**DEFENDANT’S WILLFUL INFRINGEMENT OF THE PATENTS-IN-SUIT**

27. The manufacture, use, offer for sale, and sale of the BoarBuster trap by Defendant and/or its customers satisfies each element of at least one claim of the '228 and '339 Patents.

28. On February 1, 2019, Jager Pro provided written notice addressed to Mr. Doug Eyster (CEO of W-W Manufacturing Co., Inc.), informing Defendant that it was infringing the '228 Patent.

29. On December 20, 2019, W-W Manufacturing Co., Inc. was named as a defendant in *Jager Pro, LLC v. WW Livestock Corp. and W-W Manufacturing Co., Inc.* (CIV-19-1180-J), a patent infringement case that was filed in the Western District of Oklahoma, wherein Defendant was accused of infringing the '228 and '339 Patents. On information and belief, counsel for Defendant accepted service of the complaint in that case on behalf of Defendant on January 6, 2020.

30. As such, Defendant has been on notice regarding its infringement of the '228 Patent since at least on or around February 1, 2019, and the '339 Patent since at least January 6, 2020, and Defendant's infringement has been willful since at least those dates.

**FIRST CLAIM FOR RELIEF**

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

31. Jager Pro repeats the allegations set forth in the paragraphs above as if fully set forth herein.

32. Defendant has directly infringed, and is still directly infringing, the '228 Patent by making, using, selling, and offering to sell the BoarBuster trap in this District and elsewhere in the United States.

33. For example, with respect to claim 1 of the '228 Patent, Defendant utilizes the BoarBuster trap to trap feral pigs in a manner that infringes that claim for at least the reasons set forth *supra* in Paragraphs 22–31.

34. On information and belief, Defendant has known of the '228 Patent since at least on or around February 1, 2019, when Jager Pro provided written notice of infringement to Defendant, along with a copy of the '228 Patent. Since that time, Defendant has knowingly continued its directly infringing activities.

35. On information and belief, Defendant will continue to directly infringe the '228 Patent unless and until it is enjoined by the Court.

36. Defendant's direct infringement of the '228 Patent has caused Jager Pro to suffer damages that include lost profits.

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

37. Jager Pro repeats the allegations set forth in the paragraphs above as if fully set forth herein.

38. On information and belief, Defendant has actively induced infringement of the '228 Patent by selling, leasing, or otherwise providing the BoarBuster trap to customers, and by providing training and/or instruction concerning 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, and/or willful blindness to the same.

39. For example, with respect to claim 1 of the '228 Patent, Defendant instructs customers to utilize the BoarBuster trap in a manner that infringes that claim for at least the reasons set forth *supra* in Paragraphs 22–31.

40. On information and belief, Defendant has known of the '228 Patent since at least on or around February 1, 2019, when Jager Pro provided written notice of infringement to Defendant, along with a copy of the '228 Patent. Since that time, Defendant has knowingly continued to actively induce infringement of the '228 Patent by selling, leasing, or otherwise providing the BoarBuster trap to customers, and by providing training and/or instruction concerning its use. Defendant's induced infringement is therefore willful.

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

42. Defendant's induced infringement of the '228 Patent has caused Jager Pro to suffer damages that include lost profits.

**THIRD CLAIM FOR RELIEF**

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

43. Jager Pro repeats the allegations set forth in the paragraphs above as if fully set forth herein.

44. On information and belief, Defendant has contributed to the infringement of others by selling, leasing, or otherwise providing to others the BoarBuster trap, which is a device especially made for or adapted for use in performing the methods of the '228 Patent,

the use of which is a material part of the claimed invention, and which is not a staple article suitable for substantial non-infringing use. Defendant's customers then use the BoarBuster trap in a manner that infringes at least claim 1 of the '228 Patent for at least the reasons set forth *supra* in Paragraphs 22–31.

45. On information and belief, Defendant has known of the '228 Patent since at least on or around February 1, 2019, when Jager Pro provided written notice of infringement to Defendant, along with a copy of the '228 Patent. Since that time, Defendant has knowingly continued to actively contribute to the infringement of the '228 Patent by others, by selling, leasing, or otherwise providing the BoarBuster trap to customers, and by providing training and/or instruction concerning its use. Defendant's contributory infringement is therefore willful.

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

47. Defendant's contributory infringement of the '228 Patent has caused Jager Pro to suffer damages that include lost profits.

**FOURTH CLAIM FOR RELIEF**

***Direct Infringement of United States Patent No. 10,098,339***

48. Jager Pro repeats the allegations set forth in the paragraphs above as if fully set forth herein.

49. Defendant has directly infringed, and is still directly infringing, the '339 Patent by making, using, selling, and offering to sell the BoarBuster trap in this District and elsewhere in the United States.

50. For example, with respect to claim 1 of the '339 Patent, Defendant makes, uses, offers to sell, and/or sells a trap—the BoarBuster trap—that is designed to trap feral pigs in a manner that infringes that claim for at least the reasons set forth *supra* in Paragraphs 22–31.

51. On information and belief, Defendant has known of the '339 Patent since at least January 6, 2020, when its counsel accepted on Defendant's behalf service of the complaint in *Jager Pro, LLC v. WW Livestock Corp. and W-W Manufacturing Co., Inc.* (CIV-19-1180-J), a patent infringement case in which Defendant was accused of infringing the '339 Patent. Since that time, Defendant has knowingly continued its infringing activities.

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

53. Defendant's infringement of the '339 Patent has caused Jager Pro to suffer damages that include lost profits.

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

54. Jager Pro repeats the allegations set forth in the paragraphs above as if fully set forth herein.

55. On information and belief, Defendant has actively induced infringement of the '339 Patent by selling, leasing, or otherwise providing the BoarBuster trap to customers, and by providing training and/or instruction concerning 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, and/or willful blindness to the same.

56. For example, with respect to claim 1 of the '339 Patent, Defendant instructs customers to utilize the BoarBuster trap in a manner that infringes for at least the reasons set forth *supra* in Paragraphs 22–31.

57. On information and belief, Defendant has known of the '339 Patent since at least January 6, 2020, when its counsel accepted on Defendant's behalf service of the complaint in *Jager Pro, LLC v. WW Livestock Corp. and W-W Manufacturing Co., Inc.* (CIV-19-1180-J), a patent infringement case in which Defendant was accused of infringing the '339 Patent. Since that time, Defendant has knowingly continued to actively induce infringement of the '339 Patent by selling, leasing, or otherwise providing the BoarBuster trap to customers, and by providing training and/or instruction concerning its use. Defendant's induced infringement is therefore willful.

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

59. Defendant's induced infringement of the '339 Patent has caused Jager Pro to suffer damages that include lost profits.



**SIXTH CLAIM FOR RELIEF**

***Contributory Infringement of United States Patent No. 10,098,339***

60. Jager Pro repeats the allegations set forth in the paragraphs above as if fully set forth herein.

61. On information and belief, Defendant has contributed to the infringement of others by selling, leasing, or otherwise providing to others the BoarBuster trap, which is a device especially made for or adapted for use in trapping feral hogs as claimed by the '339 Patent, the use of which is a material part of the claimed invention, and which is not a staple article suitable for substantial non-infringing use. Defendant's customers then use the BoarBuster trap in a manner that infringes at least claim 1 of the '339 Patent for at least the reasons set forth *supra* in Paragraphs 22–31.

62. On information and belief, Defendant has known of the '339 Patent since at least January 6, 2020, when its counsel accepted on Defendant's behalf service of the complaint in *Jager Pro, LLC v. WW Livestock Corp. and W-W Manufacturing Co., Inc.* (CIV-19-1180-J), a patent infringement case in which Defendant was accused of infringing the '339 Patent. Since that time, Defendant has knowingly continued to actively contribute to the infringement of the '339 Patent by others, by selling, leasing, or otherwise providing the BoarBuster trap to customers, and by providing training and/or instruction concerning its use. Defendant's contributory infringement is therefore willful.

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

64. Defendant's contributory infringement of the '339 Patent has caused Jager Pro to suffer damages that include lost profits.

**PRAYER FOR RELIEF**

WHEREFORE, Jager Pro prays for the following relief:

- i. Entry of judgment that Defendant has directly infringed the Patents-in-Suit;
- ii. Entry of judgment that Defendant has induced infringement of the Patents-in-Suit;
- iii. Entry of judgment that Defendant has contributed to the infringement of the Patents-in-Suit;
- iv. Entry of judgment that Defendant's infringement of the Patents-in-Suit was willful, and that Jager Pro is entitled to treble damages under 35 U.S.C. § 284;
- v. Entry of an order awarding Jager Pro damages adequate to compensate for Defendant's infringing activities, including supplemental damages for any post-verdict infringement up until entry of the final judgment, with an accounting as needed, together with prejudgment and post-judgment interest on the damages awarded; all of these damages to be enhanced in an amount up to treble the amount of compensatory damages as justified under 35 U.S.C. § 284;

- vi. Entry of an order permanently enjoining Defendant and its officers, agents, directors, employees, parents, subsidiaries, affiliates, divisions, successors, assigns, and all persons in privity or active concert or participation with them, from infringing the Patents-in-Suit;
- vii. Entry of an order directing that Defendant 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 Plaintiffs' rights in the Patents-in-Suit.
- viii. Entry of an order declaring that this case is exceptional under 35 U.S.C. § 285, and awarding Jager Pro its reasonable costs and expenses of litigation, including attorneys' and experts' fees; and
- ix. Entry of an order awarding Jager Pro such other relief as the Court may deem just and proper.

**JURY DEMAND**

Jager Pro respectfully demands a trial by jury as to all claims and all issues properly triable thereby.

Dated: February 3, 2020

Respectfully submitted,

**HALL, ESTILL, HARDWICK, GABLE,  
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