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FEDERAL DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

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JUN 20 2000

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

SCHNEIDERS SADDLERY CO., INC.)
8255 E. Washington St.)
Chagrin Falls, Ohio 44023)

Plaintiff,)

v.)

TOKLAT ORIGINALS, INC.)
115 Foothills Road)
Lake Oswego, Oregon 97304-3105)

Defendant.)

100 CV 1542
Civil Action No.

JUDGE WELLS
COMPLAINT AND
JURY TRIAL DEMAND

MAG. JUDGE BAUGHMAN

Plaintiff Schneiders Saddlery Co., Inc. ("Schneiders"), for its claims against defendant Toklat Originals, Inc. ("Toklat"), alleges as follows:

THE PARTIES

1. Plaintiff Schneiders is a corporation organized and existing under the laws of the State of Ohio that maintains its principal place of business in Chagrin Falls, Ohio.
2. Defendant Toklat is a corporation organized and existing under the laws of the State of Oregon that maintains its principal place of business in Lake Oswego, Oregon.

JURISDICTION AND VENUE

3. This action arises under the patent laws of the United States, Title 35, United States Code. The subject matter jurisdiction of this Court is proper under 28 U.S.C. §§ 1331 and 1338.

4. Personal jurisdiction exists over the defendant because the defendant has minimum contacts with this forum as a result of business regularly conducted within the State of Ohio and within this judicial district. Defendant regularly sells or has sold infringing product in this judicial district.

5. Venue is proper in this Court under 28 U.S.C. § 1391(b)(1) and (c).

THE PATENT

6. On May 23, 2000, United States Letters Patent No. 6,065,273 ("the '273 patent"), entitled "Contoured English Saddle Pad Having Exhibitor Number Display," was duly and legally issued to Schneiders as the assignee of the named inventor Donald P. Schneider. Since that date, Schneiders has been the owner of the '273 patent. A true and correct copy of the '273 patent is attached to this Complaint as Exhibit A.

7. Defendant had actual notice of the claims of the '273 patent as of January 21, 2000, by correspondence from plaintiff Schneiders to defendant.

COUNT I: INFRINGEMENT OF THE '273 PATENT

8. Plaintiff incorporates by reference the allegations set forth in paragraphs 1 through 7 as if fully rewritten herein.

9. On information and belief, defendant is infringing the '273 patent by offering to sell and selling products that infringe the '273 patent, without authority or license from plaintiff.

10. On information and belief, defendant is willfully and wantonly infringing the '273 patent, without authority or license from plaintiff.

11. Plaintiff has been damaged, in an amount yet to be determined, by defendant's acts of infringement and will continue to be damaged by such acts in the future.

RELIEF

WHEREFORE, Plaintiff Schneiders respectfully requests the following relief:

A. That the Court adjudge and decree that the defendant has infringed and is infringing the '273 patent;

B. That the Court enter a permanent injunction enjoining defendant, its officers, employees, agents, and all others acting in concert with it or participating with it from further acts that infringe the '273 patent;

C. That defendant be ordered by this Court to account for and pay to plaintiff damages adequate to compensate plaintiff for defendant's infringement of the '273 patent;

D. That the Court treble the damages for willfully infringing the '273 patent;

E. That the Court award interest on the damages;

F. That the Court award plaintiff's costs and attorney's fees incurred in this action;

and

G. That the Court award such other relief as it deems just and proper.

Respectfully submitted,



Kenneth R. Adamo (State Bar No. 0009303)
David M. Maiorana (State Bar No. 0071440)

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ATTORNEYS FOR PLAINTIFF
SCHNEIDERS SADDLERY CO., INC.

JURY TRIAL DEMAND

Plaintiff, Schneiders Saddlery Co., Inc., respectfully requests a trial by jury of all issues so triable in this action.



Kenneth R. Adamo (State Bar No. 0009303)
David M. Maiorana (State Bar No. 0071440)

ATTORNEYS FOR PLAINTIFF
SCHNEIDERS SADDLERY CO., INC.