

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION**

PURE FISHING, INC., an Iowa Corporation,	)	
	)	
Plaintiff,	)	Case No.: <u>3:10-2139-CMC</u>
	)	
v.	)	
	)	<b>COMPLAINT FOR PATENT</b>
SHIMANO AMERICAN CORPORATION, a	)	<b>INFRINGEMENT</b>
California Corporation, and	)	
	)	(Jury Trial Demanded)
INNOVATIVE TEXTILES, a Colorado	)	
Corporation,	)	
	)	
Defendants.	)	
_____	)	

Plaintiff, PURE FISHING, INC. (“Pure Fishing”), a corporation organized under the laws of Iowa, hereby complains of SHIMANO AMERICAN CORPORATION, a corporation organized under the laws of California (“Shimano”), and INNOVATIVE TEXTILES, a corporation organized under the laws of Colorado (“Innovative”) as follows:

**THE PARTIES**

1. Pure Fishing is an Iowa corporation doing business in South Carolina at 7 Science Court, Columbia, South Carolina 29203.
2. Upon information and belief, Shimano is a California corporation with its principal place of business at One Holland, Irvine, California 92618.
3. Upon information and belief, Innovative is or was a Colorado corporation with its principal place of business at 559 Sandhill Lane, Grand Junction, Colorado. Upon information and belief Shimano acquired Innovative in 2008.

**JURISDICTION AND VENUE**

4. This is an action for patent infringement under the United States Patent Laws, 35 U.S.C. § 271, et. seq.

5. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338.

6. Shimano conducts business in this District and has committed acts of patent infringement in this District including making, using, selling, offering to sell, and/or products made according to an infringing process.

7. Innovative previously conducted business in this District and committed acts of patent infringement in this District including making, using, selling, offering to sell, and/or products made according to an infringing process.

8. Venue is proper in this Court pursuant to 28 U.S.C. § 1391.

**FACTS**

9. Pure Fishing is owner of all right, title, and interest in and to United States Patent No. 5,749,214 (“the ‘214 patent”) entitled “Braided Or Twisted Lines” which issued on May 12, 1998 (Exhibit A). The claims of the ‘214 patent are directed to processes for making fishing lines.

10. Shimano makes, uses, sells, offers to sell, and/or imports fishing lines under the “Power Pro” designation. These fishing lines compete with fishing lines that are sold by Pure Fishing.

11. The process used to make the Power Pro fishing lines infringes at least Claim One of the ‘214 patent.

12. Innovative has made, used, sold, offered to sell, and/or imported fishing lines under the “Power Pro” designation. These fishing lines competed with fishing lines that were sold by Pure Fishing.

13. The process used to make the Power Pro fishing lines infringed at least Claim One of the ‘214 patent.

**FOR A FIRST CAUSE OF ACTION**  
**(Direct Infringement of the ‘214 Patent by Shimano)**

14. Shimano has been, and currently is, infringing at least Claim One of the ‘214 patent by making, using, selling, offering for sale, and/or importing its Power Pro fishing lines.

15. Shimano’s infringement of the ‘214 patent will continue unless enjoined by this Court.

16. As a direct and proximate consequence of Shimano’s infringement of the ‘214 patent, Pure Fishing has suffered and will continue to suffer irreparable injury and damages in an amount not yet determined for which Pure Fishing is entitled to relief.

**FOR A SECOND CAUSE OF ACTION**  
**(Direct Infringement of the ‘214 Patent by Innovative)**

17. Innovative has infringed at least Claim One of the ‘214 patent by making, using, selling, offering for sale, and/or importing its Power Pro fishing lines.

18. As a direct and proximate consequence of Innovative’s infringement of the ‘214 patent, Pure Fishing suffered irreparable injury and damages in an amount not yet determined for which Pure Fishing is entitled to relief.

**PRAYER FOR RELIEF**

Wherefore, Pure Fishing requests entry of judgment in its favor and against Shimano and Innovative as follows:

A. Entry of judgment that Shimano has infringed and is infringing the ‘214 patent;

B. Entry of a permanent injunction restraining and enjoining Shimano and its respective officers, agents, servants, employees, attorneys, and those persons in active concert or participation with them who receive actual notice of the order by personal service or otherwise, from any further sales or use of their infringing products and/or services and any other infringement of the '214 patent, whether direct or indirect;

C. Damages adequate to compensate Pure Fishing for Shimano's infringement of the '214 patent;

D. Enhanced damages for Shimano's infringement pursuant to 35 U.S.C. § 284;

E. An award of pre-judgment and post-judgment interest and costs to Pure Fishing in accordance with 35 U.S.C. § 284 for Shimano's infringement;

F. An award of Pure Fishing's reasonable attorney's fees pursuant to 35 U.S.C. § 285 for Shimano's infringement;

G. Entry of judgment that Innovative has infringed the '214 patent;

H. Damages adequate to compensate Pure Fishing for Innovative's infringement of the '214 patent;

I. Enhanced damages for Innovative's infringement, pursuant to 35 U.S.C. § 284;

J. An award of pre-judgment and post-judgment interest and costs to Pure Fishing for Innovative's infringement in accordance with 35 U.S.C. § 284;

K. An award of Pure Fishing's reasonable attorney's fees pursuant to 35 U.S.C. § 285; and

L. A grant to Pure Fishing of such other and further relief as the Court may deem just, proper, and equitable under the circumstances.

**JURY TRIAL DEMAND**

Pure Fishing demands a jury trial.

DATED this the 16th day of August 2010.

Respectfully submitted,

OGLETREE, DEAKINS, NASH,  
SMOAK & STEWART, P.C.

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