

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

FLAMBEAU, INC.,
801 Lynn Avenue
Baraboo, WI 53913

Plaintiff,

v.

Case No. _____

HUNTER'S EDGE, LLC
191 Kelley Road
Bainbridge, GA 39817

and

JAMIE BULGER
195 Kelley Road
Bainbridge, GA 39817

Defendants.

COMPLAINT

Plaintiff, Flambeau, Inc. ("Flambeau"), hereby states its complaint against Defendants, Hunter's Edge, LLC ("Hunter's Edge") and Jamie Bulger ("Bulger"), as follows:

PARTIES, JURISDICTION AND VENUE

1. Flambeau is a Wisconsin corporation with its principal place of business at 801 Lynn Avenue, Baraboo, Wisconsin, 53913. Flambeau also has a facility located at 15981 Valpast Road, Middlefield, Ohio, 44062 that serves as the headquarters for Flambeau Outdoors, a division of Flambeau. The Flambeau facility in Ohio markets and sells Flambeau's King Strut Decoy which is at issue in this case.

2. On information and belief, Hunter's Edge is a Georgia limited liability corporation with its principal place of business at 191 Kelley Road, Bainbridge, Georgia, 39817. On information and belief, Hunter's Edge's members are all residents of the state of Georgia.

3. Jamie Bulger is an adult citizen of Georgia residing at 195 Kelley Road, Bainbridge, Georgia, 39817.

4. This Court has subject matter jurisdiction over this matter under 28 U.S.C. §§ 1331 and 1338. The matter involves claims arising under the Patent Laws, Title 35 of the United States Code, for a declaratory judgment of invalidity and non-infringement of U.S. Patent Nos. US D560,745 S and US D560,746 S (the "Patents"). Bulger is the purported inventor on the Patents and claims to have assigned the Patents to Hunter's Edge. Copies of the Patents are attached as Exhibit A. Jurisdiction is also based on 28 U.S.C. §§ 2201 and 2202.

5. Jurisdiction over Hunter's Edge is appropriate under Ohio's long arm statute, Ohio Rev. Code Ann. § 2307.382. Hunter's Edge has purposefully directed its activities to the state of Ohio. Hunter's Edge conducts substantial, systematic and continuous business in Ohio. Hunter's Edge markets, offers to sell and sells its products to retailers in Ohio and markets, offers to sell and sells products directly to residents of the state of Ohio. In addition, Hunter's Edge has directed all of its improper claims of infringement that are at issue in this case to Flambeau at its facility located in Ohio.

6. Jurisdiction over Bulger is appropriate under Ohio's long arm statute, Ohio Rev. Code Ann. § 2307.382. Bulger has directed and directly participated in each of the activities by Hunter's Edge in Ohio set forth above in Paragraph 5. Bulger has sufficient contacts with the State of Ohio in his personal capacity as well as an agent for Hunter's Edge to support personal jurisdiction over him in the state of Ohio.

7. Venue for this matter is proper in this Court under 28 U.S.C. § 1391.

FACTS AND CLAIMS

8. Flambeau repeats and re-alleges each and every allegation set forth in paragraphs 1-7 above.

9. This complaint is for declaratory judgment pursuant to 28 U.S.C. § 2201, *et. seq.* and arises under the Patent Laws of the United States, 35 U.S.C. § 1, *et. seq.*

10. Hunter's Edge and Bulger have threatened Flambeau in Ohio with a lawsuit unless Flambeau immediately pays them for a license to the Patents. Hunter's Edge and Bulger claim that Flambeau's King Strut Decoy marketed and sold in Ohio infringes the Patents. Flambeau has denied any liability to Hunter's Edge and Bulger and has told them that the Patents are invalid and not infringed. Hunter's Edge and Bulger have improperly asserted rights against Flambeau relating to the Patents in the state of Ohio. The assertion of these claims and rights have caused injury to Flambeau in Ohio.

11. Accordingly, an actual controversy now exists between Flambeau and Hunter's Edge and Bulger with respect to the alleged infringement of the Patents and the validity and enforceability of the claims of the Patents.

12. Flambeau has not directly infringed, contributorily infringed, or induced the infringement of any valid and enforceable claim of the Patents.

13. The Patents are invalid for failure to comply with the requirements of 35 U.S.C. §§ 102, 103 and/or 171, as well as the regulations promulgated thereunder.

14. Flambeau is entitled to attorneys fees under 35 U.S.C. § 285.

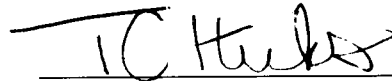
WHEREFORE, Flambeau demands judgment on its complaint against Hunter's Edge and Bulger and demands a declaration: (1) that the claims in the Patents are invalid and unenforceable for each of the reasons set forth above; (2) that the claims in the Patents are not

infringed by Flambeau; (3) that Flambeau is entitled to a full recovery of all of its costs and attorneys' fees; (4) that this case is exceptional; and (5) any such further and other relief as the Court deems appropriate.

Dated this 11th day of March, 2009.

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Attorneys for Plaintiff Flambeau, Inc.



US00D560745S

(12) **United States Design Patent** (10) **Patent No.:** **US D560,745 S**
Bulger (45) **Date of Patent:** **** Jan. 29, 2008**

- (54) **TURKEY FEATHER AND HEAD FAN DECOY**
 - (75) **Inventor:** **Jamie Bulger, Bainbridge, GA (US)**
 - (73) **Assignee:** **Hunter's Edge, LLC, Bainbridge, GA (US)**
 - (**) **Term:** **14 Years**
 - (21) **Appl. No.:** **29/272,287**
 - (22) **Filed:** **Feb. 6, 2007**
 - (51) **LOC (8) Cl.** **22-05**
 - (52) **U.S. Cl.** **D22/125**
 - (58) **Field of Classification Search** **D22/125-133;**
D3/1-4; 43/1-3; 416/70-74
- See application file for complete search history.

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5,172,506 A	12/1992	Tiley et al.	43/3
D365,136 S	12/1995	Shaver et al.	D22/125
D365,440 S	12/1995	Stokesberry, Jr.	D3/3
5,515,637 A	5/1996	Johnson	43/2
D373,015 S *	8/1996	Schwartz	D3/2
D398,697 S	9/1998	Scordo	D22/125
D437,382 S	2/2001	Krise et al.	D22/125
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6,634,133 B1	10/2003	Levandowski	43/3
7,028,428 B1	4/2006	Spencer	43/2
2006/0053675 A1	3/2006	Lindaman	43/2
2006/0143970 A1	7/2006	Lindaman	43/2

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Primary Examiner—Catherine R. Oliver
(74) *Attorney, Agent, or Firm*—Clark & Brody

(56) **References Cited**

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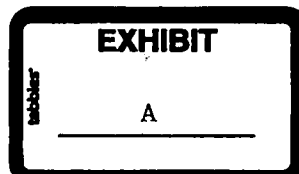
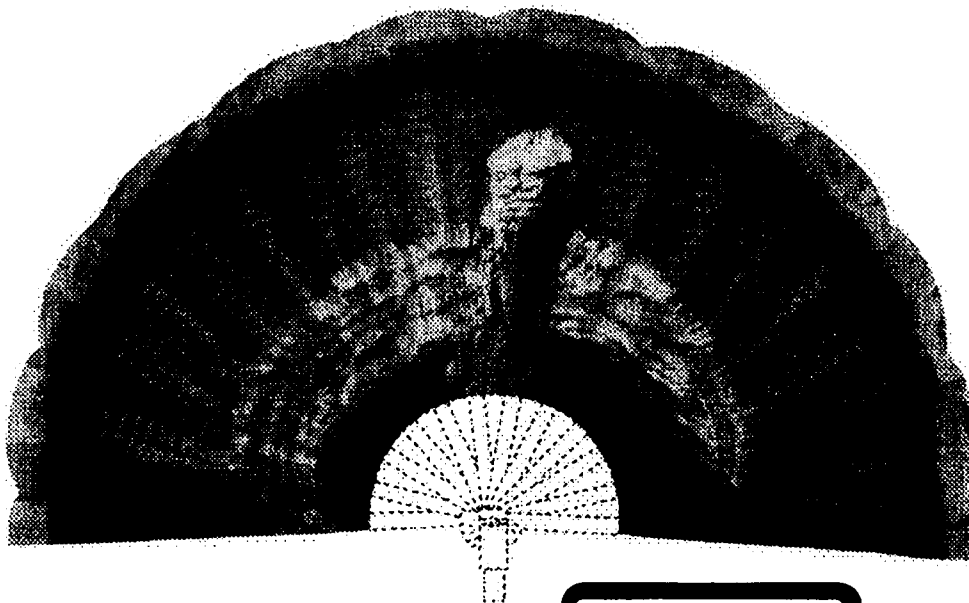
(57) **CLAIM**

The ornamental design for a turkey feather and head fan decoy, as shown and described.

DESCRIPTION

FIG. 1 is a front perspective view of a turkey feather and head fan decoy, showing my new design; and, FIG. 2 is a front view thereof.
The broken line showing of environment in the drawings is included for the purpose of illustrating only and forms no part of the claimed design.

1 Claim, 2 Drawing Sheets



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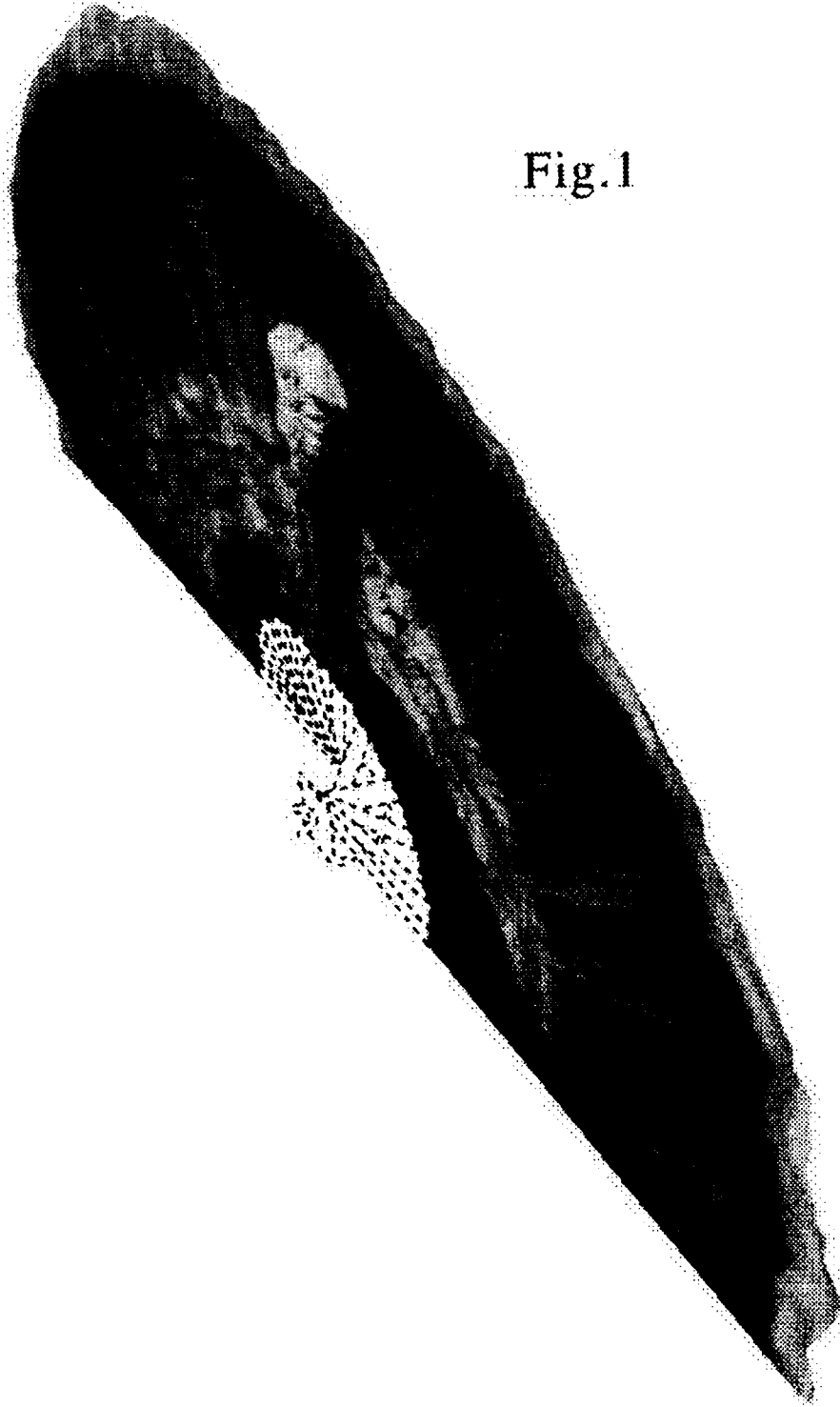


Fig.1

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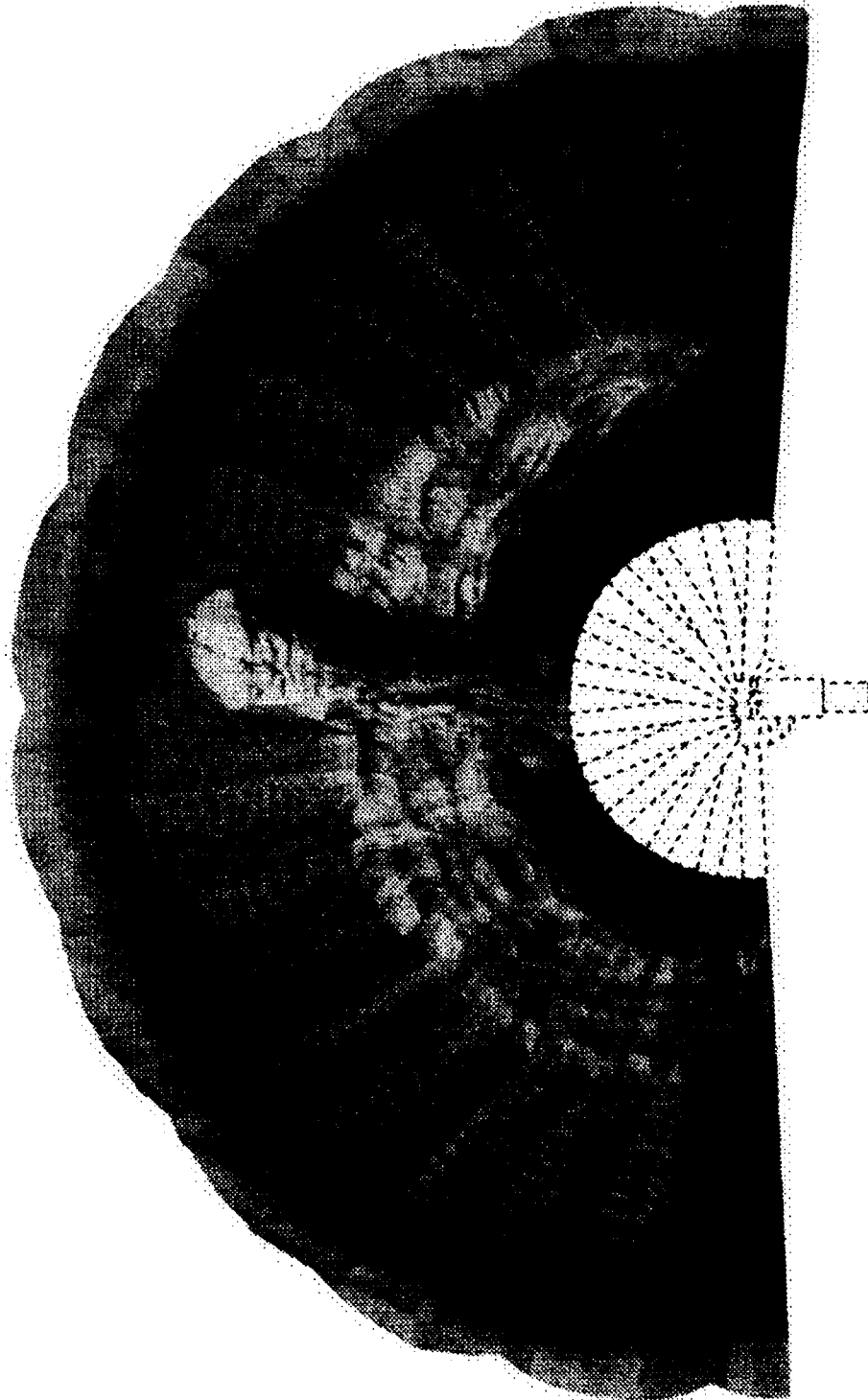


Fig. 2



US00D560746S

(12) **United States Design Patent**
Bulger

(10) **Patent No.:** **US D560,746 S**
(45) **Date of Patent:** **** Jan. 29, 2008**

- (54) **TURKEY FEATHER FAN DECOY**
- (75) **Inventor:** **Jamie Bulger, Bainbridge, GA (US)**
- (73) **Assignee:** **Hunter's Edge, LLC, Bainbridge, GA (US)**
- (**) **Term:** **14 Years**
- (21) **Appl. No.:** **29/272,292**
- (22) **Filed:** **Feb. 6, 2007**
- (51) **LOC (8) Cl. 22-05**
- (52) **U.S. Cl. D22/125**
- (58) **Field of Classification Search D22/125-133;**
D3/1-5; 416/70-74; 43/1-3
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Primary Examiner—Catherine R. Oliver
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(57) **CLAIM**

The ornamental design for a turkey feather fan decoy, as shown and described.

DESCRIPTION

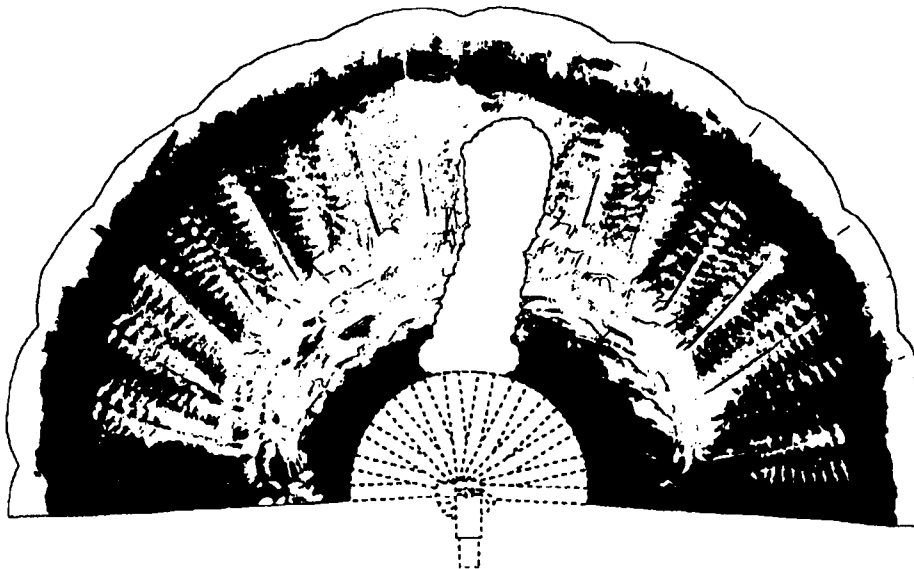
FIG. 1 is a front perspective view of a turkey feather fan decoy, showing my new design;

FIG. 2 is a front view thereof; and,

FIG. 3 is a rear view thereof.

The broken line showing of environment in the drawings is included for the purpose of illustrating only and forms no part of the claimed design.

1 Claim, 3 Drawing Sheets



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Fig. 1

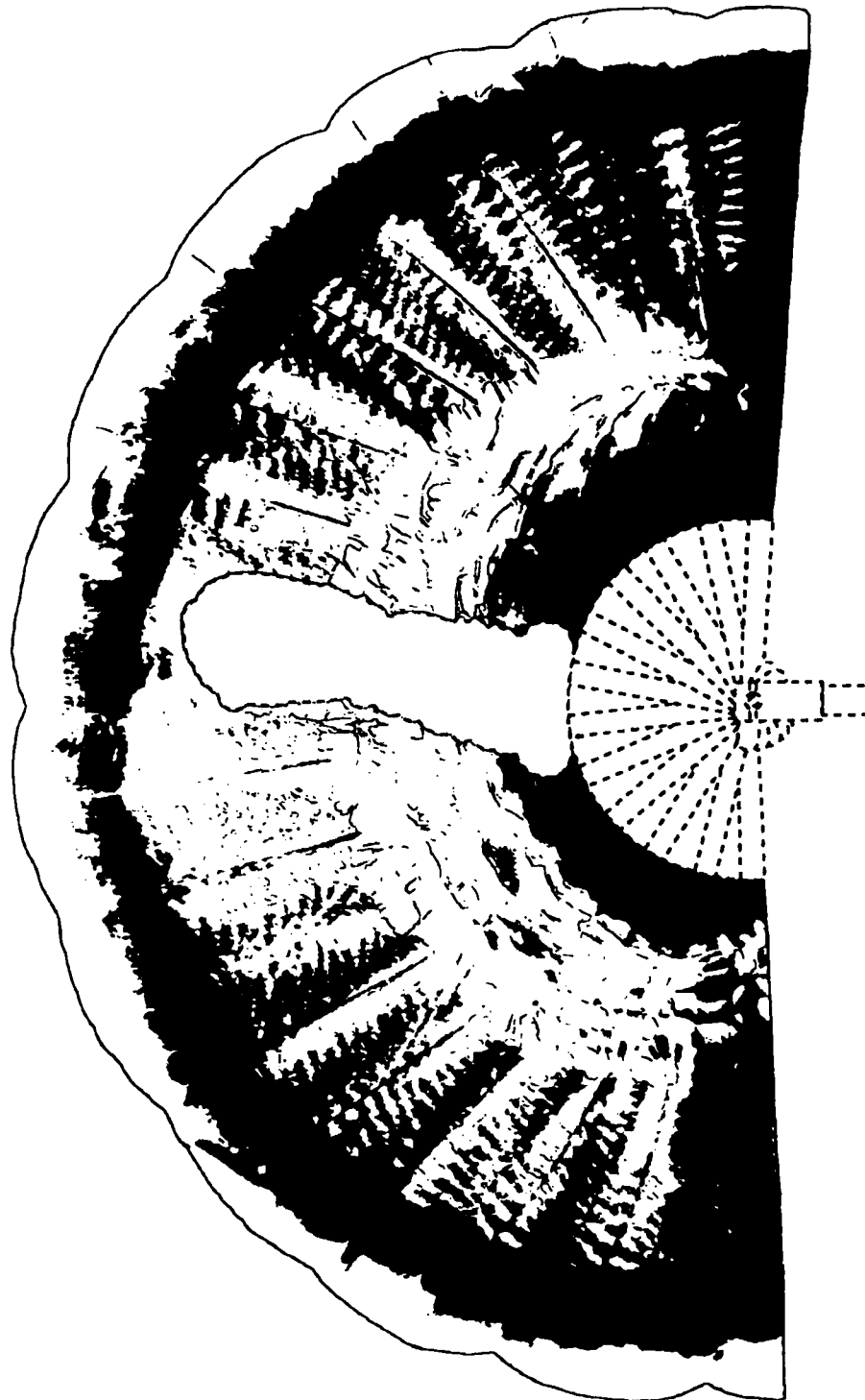


Fig.2

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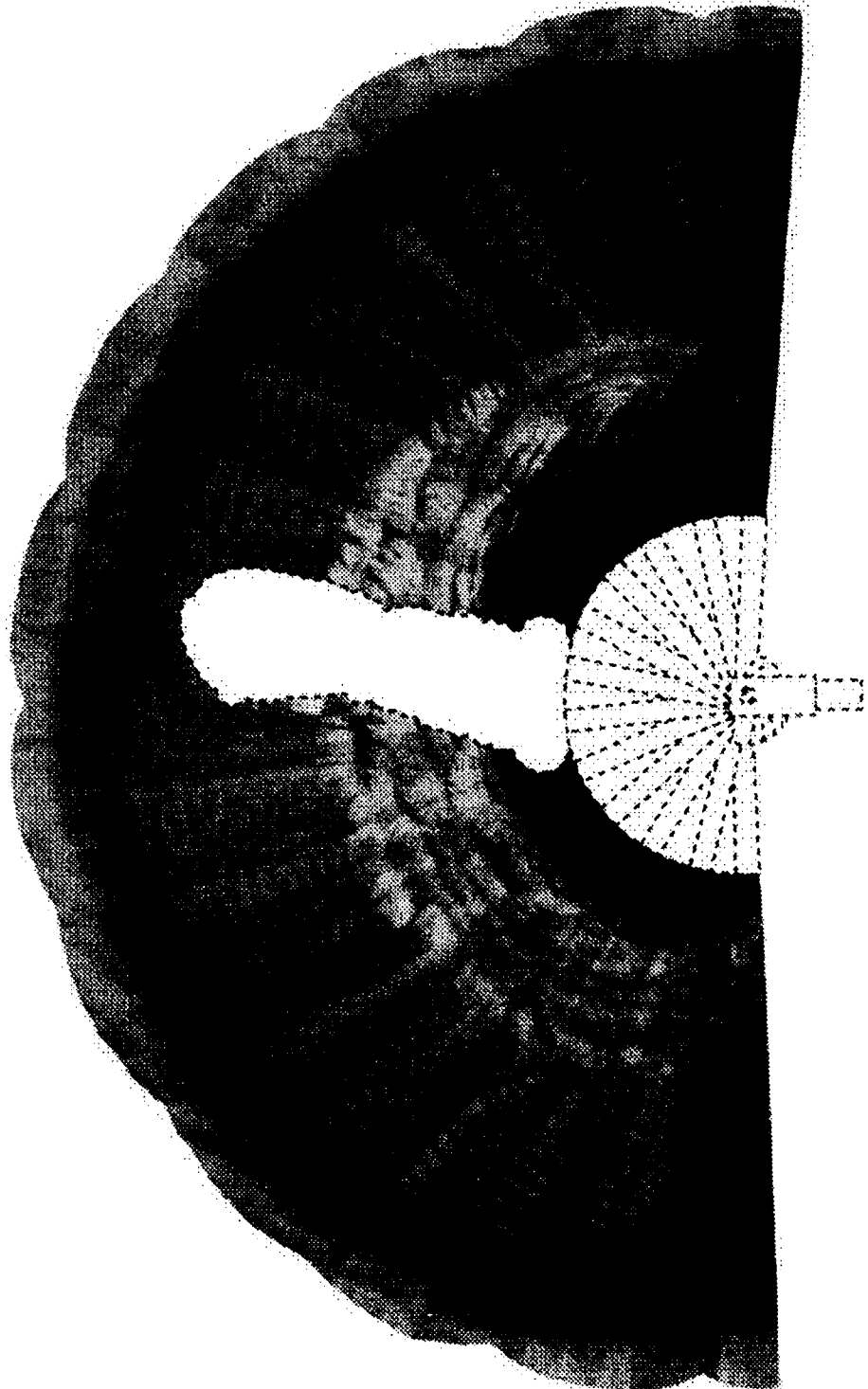


Fig. 3