

SWEET CORN PRODUCTS, LLC,)	
a Nebraska Limited Liability Company,)	Civil Action No. _____
)	
Plaintiff,)	
)	
vs.)	COMPLAINT
)	
EVERGREEN ENTERPRISES, INC.,)	
a Virginia Corporation,)	
)	
Defendant.)	

For its Complaint, Plaintiff, Sweet Corn Products, LLC, hereby alleges:

THE PARTIES

1. Plaintiff, Sweet Corn Products, LLC, is a limited liability company organized and existing under the laws of the state of Nebraska, with its principal place of business located at 124 North Broadway, Bloomfield, Nebraska 68718.
2. Upon information and belief, Defendant, Evergreen Enterprises, Inc., is a corporation existing under the laws of the state of Virginia, having a principal place of business at 5915 Midlothian Turnpike, Richmond, Virginia 23225.

JURISDICTION AND VENUE

3. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 1, *et seq.*
4. This Court has jurisdiction under 28 U.S.C. §1338(a)
5. Venue is proper in this District under the provisions of 28 U.S.C. §§ 1391(c) and 1400.

COUNT I
(Patent Infringement)

6. Plaintiff is the owner of United States Patent No. 6,047,661 (hereinafter the "661 Patent") issued April 11, 2000, entitled "COLLAPSIBLE WILD GAME FEEDER APPARATUS." A copy of the '661 Patent is attached hereto as Exhibit A.

7. Defendant is making, using, selling and offering for sale collapsible feeders covered by the '661 Patent in the State of Nebraska within this Judicial District, and throughout the United States, and by so doing is infringing one or more claims of the '661 Patent.

8. Defendant's activities with respect to the infringement of the '661 Patent have been without the express or implied license of the Plaintiff.

9. Defendant has willfully infringed the '661 Patent within the United States by making, using, selling and offering for sale collapsible feeders within the State of Nebraska and within this judicial district.

10. Plaintiff has been and will be damaged by the foregoing infringing activities of Defendant in an amount which cannot be accurately determined at this time.

COUNT II
(Patent Infringement)

11. Plaintiff is the owner of United States Patent No. 6,073,582 (hereinafter the "582 Patent") issued June 13, 2000 entitled "COLLAPSIBLE FEEDER." A copy of the '582 Patent is attached hereto as Exhibit B.

12. Defendant is making, using, selling and offering for sale collapsible feeders covered by the '582 Patent in the State of Nebraska within this Judicial District, and throughout the United States, and by so doing is infringing one or more claims of the '582 Patent.

13. Defendant's activities with respect to the infringement of the '582 Patent have been without the express or implied license of the Plaintiff.

14. Defendant has willfully infringed the '582 Patent within the United States by making, using, selling and offering for sale collapsible feeders within the State of Nebraska and within this judicial district.

15. Plaintiff has been and will be damaged by the foregoing infringing activities of Defendant in an amount which cannot be accurately determined at this time.

COUNT III
(Patent Infringement)

16. Plaintiff is the owner of United States Patent No. 7,185,605 (hereinafter the "'605 Patent") issued March 6, 2007 entitled "MULTI-TIER COLLAPSIBLE FEEDER." A copy of the '605 Patent is attached hereto as Exhibit C.

17. Defendant is making, using, selling and offering for sale collapsible feeders covered by the '605 Patent in the State of Nebraska within this Judicial District, and throughout the United States, and by so doing is infringing one or more claims of the '605 Patent.

18. Defendant's activities with respect to the infringement of the '605 Patent have been without the express or implied license of the Plaintiff.

19. Defendant has willfully infringed the '605 Patent within the United States by making, using, selling and offering for sale collapsible feeders within the State of Nebraska and within this judicial district.

20. Plaintiff has been and will be damaged by the foregoing infringing activities of Defendant in an amount which cannot be accurately determined at this time.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests the following relief:

- A. Judgment that Defendant has willfully infringed US Patent Nos. 6,047,661, 6,073,582 and 7,185,605 and that the patents are valid and enforceable at law.
- B. Judgment that Defendant is permanently enjoined from such patent infringement whether by direct or contributory infringement or by inducement to infringe.
- C. That judgment be entered awarding Plaintiff its damages adequate to compensate for Defendant's infringement, but in no less than a reasonable royalty for the use made of the inventions by Defendant, together with interest and costs as fixed by the Court, as provided in 35 U.S.C. § 284.
- D. That the damages be increased up to three times the amount found or assessed as provided in 35 U.S.C. § 284.
- E. That Defendant be ordered to pay Plaintiff the costs of this action and attorneys' fees as provided by 35 U.S.C. § 285.

F. Such other and further relief as this Court and/or jury may deem proper.

PLAINTIFF REQUESTS A TRIAL BY JURY IN OMAHA, NEBRASKA, ON ALL
ISSUES SO TRIABLE.

DATED this 16th day of July, 2010.

SWEET CORN PRODUCTS, LLC,
a Nebraska Limited Liability Company,
Plaintiff

BY: /s/ Dennis L. Thomte

Dennis L. Thomte, #14196

Attorney for Plaintiff

THOMTE PATENT LAW OFFICE, LLC

2120 South 72nd Street, Suite 1111

Omaha, Nebraska 68124

(402) 392-2280 Phone

(402) 392-0734 Fax

Thomte@thomtelaw.com