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HCB
ROBERT H. SHERWELL, CLERK
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION

BARNETT OUTDOORS, LLC,

Plaintiff,

VERSUS

PARKER COMPOUND BOWS, INC.,

Defendant.

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JURY TRIAL DEMANDED

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**COMPLAINT FOR
INJUNCTIVE RELIEF, DAMAGES AND PENALTIES**

NOW INTO COURT, through undersigned counsel, comes, plaintiff, Barnett Outdoors, LLC, and for its Complaint against defendant, Parker Compound Bows, Inc., respectfully represents as follows:

NATURE OF THE CASE

1.

Plaintiff seeks injunctive relief, damages including the trebling thereof, and recovery of costs arising from defendant's acts of willful infringement of plaintiff's patent rights under the laws of the United States, including 35 U.S.C. §§ 271, 283, 284, and 285.

THE PARTIES

2.

Plaintiff, Barnett Outdoors, LLC ("Barnett"), is a limited liability company organized and existing under the laws of the State of Florida with a principal place of business in Odessa, Florida and with a business office located in Broussard, Louisiana.

3.

On information and belief, defendant, Parker Compound Bows, Inc. ("Parker"), is a corporation organized and existing under the laws of the Commonwealth of Virginia with a principal place of business located in Staunton, Virginia. On information and belief, Parker has been and is presently transacting and doing business in this judicial district. Parker may be served under the Louisiana Long-Arm Statute through its registered agent for service of process, Robert O. Errett, Rte. 11 South, P.O. Box 105, Mint Spring, Virginia 24463.

JURISDICTION AND VENUE

4.

This Court has exclusive subject matter jurisdiction over this matter upon the following grounds:

- (a) 28 U.S.C. § 1331, as this action arises under the Constitution of the United States, specifically Article I, Section 8 relating to patents;
- (b) 28 U.S.C. § 1338(a), as this action arises under Acts of Congress relating to patents, specifically 35 U.S.C. § 271 that deals with patent infringement; and
- (c) 28 U.S.C. § 1332, as this is an action between citizens of different states and the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs.

5.

Venue in this judicial district is proper pursuant to:

- (a) 28 U.S.C. § 1391(b)-(c); and
- (b) 28 U.S.C. § 1400(b).

GENERAL ALLEGATIONS

6.

Barnett is engaged in the business of designing, developing, manufacturing, and selling crossbows.

7.

Barnett is the owner by assignment of United States Letters Patent No. 6,901,921, issued June 7, 2005, and titled "Crossbow With Inset Foot Claw" (the "Barnett Patent"), together with all rights to recover for all infringements thereof, including past infringements. A true and correct copy of the Barnett Patent is attached hereto as Exhibit "A."

8.

On information and belief, Parker has been and is continuing to infringe one or more claims of the Barnett Patent by manufacturing, using, offering to sell, selling and/or importing crossbows embodying the patented invention in this judicial district and/or otherwise within the United States, its territories, and possessions, and/or by inducing others to do the same.

9.

Parker's acts of infringement have been without Barnett's permission or license.

10.

On information and belief, Parker has committed its acts of infringement with full knowledge of the existence of the Barnett Patent and the rights of Barnett with respect thereto, and such acts of infringement have been willful and deliberate thereby rendering this case exceptional within the meaning of the United States Patent laws.

11.

By reason of Parker's acts of infringement, Barnett has suffered and will continue to suffer damages in amounts yet to be determined.

12.

Parker's acts of infringement have caused and will continue to cause irreparable harm to Barnett unless enjoined by this Court.

COUNT I

INJUNCTIVE RELIEF

13.

Barnett adopts, re-alleges, and incorporates by reference herein all of the allegations contained in the preceding paragraphs of this Complaint.

14.

Pursuant to 35 U.S.C. § 283, Barnett is entitled to injunctive relief as set forth below in the Prayer for Relief.

COUNT II

MONETARY RELIEF

15.

Barnett adopts, re-alleges, and incorporates by reference herein all of the allegations contained in the preceding paragraphs of this Complaint.

16.

Pursuant to 35 U.S.C. § 284, Barnett is entitled to recover damages from Parker adequate to compensate Barnett for Parker's infringement, but in no event less than a reasonable royalty for the manufacture, use, offer to sell, sale and/or importation of the patented invention by

Parker, together with interest and costs as fixed by the Court, as set forth below in the Prayer for Relief.

17.

Pursuant to 35 U.S.C. § 284, Barnett is entitled to recover treble damages because Parker's infringing acts are willful as set forth below in the Prayer for Relief.

18.

Pursuant to 35 U.S.C. § 285, Barnett is entitled to recover its attorney's fees because this case is exceptional as set forth below in the Prayer of Relief.

JURY DEMAND

19.

Barnett requests a trial by jury of all issues so triable herein.

PRAYER FOR RELIEF

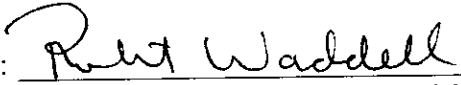
WHEREFORE, plaintiff, Barnett Outdoors, LLC, prays for judgment in its favor and against defendant, Parker Compound Bows, Inc., granting the following relief:

1. Preliminarily and permanently enjoining Parker and its owners, shareholders, directors, officers, agents, servants, employees, legal representatives, affiliates, successors and assigns and all those acting on behalf of or in concert with any of them from engaging in acts of infringement of the Barnett Patent pursuant to 35 U.S.C. § 283;
2. Awarding Barnett damages adequate to compensate for Parker's infringement of the Barnett Patent, together with interest and costs pursuant to 35 U.S.C. § 284, and that such award be trebled pursuant to 35 U.S.C. § 284;
3. Entering an order declaring this an exceptional case pursuant to 35 U.S.C. § 285 and awarding Barnett its attorney's fees, costs, and expenses; and

4. Granting to Barnett such other and further relief as may be just and appropriate.

Respectfully submitted,

LONGMAN RUSSO
(A Professional Law Corporation)

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OUR FILE NUMBER:

3799.02

January 23, 2008

VIA HAND DELIVERY

The Honorable Robert H. Shemwell
Clerk of Court
United States District Court
Western District of Louisiana
800 Lafayette Street, Suite 2100
Lafayette, LA 70501

Re: Barnett Outdoors, LLC v. Parker Compound Bows, Inc.

Dear Mr. Shemwell:

Enclosed please find an original and two (2) copies of the following in the above matter:

1. Complaint;
2. Corporate Disclosure Statement Pursuant to Fed.R.Civ.P. 7.1;
4. Civil Cover Sheet; and
5. Summons Via Long-Arm Statute to Parker Compound Bows, Inc..

Please file the originals. Please issue the summons and return same to our courier with a certified copy of the Complaint. Our firm check in the amount of \$350.00 is also enclosed herein, which covers filing fees.

Thank you for your kind assistance.

Sincerely,



ROBERT L. WADDELL

RLW/adt
Enclosures
cc/enc.: Barnett Outdoors, LLC