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JAN - 8 2008

ORIGINAL
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

By DL
Deputy

Civil Action No. **308 CV 0.037-M**

SOUTHWEST AGRI-PLASTICS, INC.,
a Texas corporation,

Plaintiff,

v.

BIG DUTCHMAN PIG EQUIPMENT, GmbH,
BIG DUTCHMAN, INC.

Defendants.

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff, SOUTHWEST AGRI-PLASTICS, INC. ("Southwest"), complains of Defendant, BIG DUTCHMAN PIG EQUIPMENT, GmbH ("Big Dutchman") and BIG DUTCHMAN, INC. ("Big Dutchman USA"), as follows:

1. Southwest is a corporation incorporated under the laws of the State of Texas, with its principal place of business in Dallas County, Texas.
2. Upon information and belief, Big Dutchman is a German corporation with its principal place of business in Vechta Germany.
3. Upon information and belief, Big Dutchman USA is a Michigan corporation with its principal place of business in Holland, Michigan, and is a wholly owned subsidiary of Big Dutchman.
4. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. §§ 271 *et seq.* The Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. The Court has personal jurisdiction over Big Dutchman and Big Dutchman USA, in that both defendants are conducting continuous and systematic business, and carrying out the acts of infringement complained of herein, in Texas and within this judicial district. Venue is proper in this judicial district over both defendants under 28 U.S.C. §§ 1391(c) and 1400(b), and furthermore, as to Big Dutchman, under 1391(d).

COUNT I

INFRINGEMENT OF PATENT NO. 6,889,631

6. On May 10, 2005, U.S. Patent 6,889,631 ("the '631 patent") entitled "*Animal Pen Flooring System*" was duly and legally issued to Southwest on an application filed by Michael A. McGregor. A copy of the '631 patent is attached hereto as Exhibit A.

7. Southwest has at all times been the owner of all right, title and interest in the '631 patent.

8. Southwest has produced and sold flooring systems covered by the '631 patent, and at all times material hereto, has affixed the statutory patent notice to such flooring systems .

9. Big Dutchman and Big Dutchman USA have been and are willfully infringing the '631 patent by offering to sell, selling, and/or importing within and into the United States, and inducing others to offer for sale and sell within the United States, flooring systems which infringe the '631 patent. An illustration of an example of such flooring system is attached hereto as Exhibit C. Unless enjoined by the Court, defendants will continue to infringe and induce infringement of the '631 patent.

COUNT II

INFRINGEMENT OF PATENT NO. 7,066,111

10. On June 27, 2006, U.S. Patent 7,066,111 ("the '111 patent") entitled "*Animal Pen*

Flooring System” was duly and legally issued to Southwest, on an application filed by Michael A. McGregor. A copy of the ‘111 patent is attached hereto as Exhibit B.

11. Southwest has at all times been the owner of all right, title and interest in the ‘111 patent.

12. Southwest has produced and sold flooring systems covered by the ‘111 patent, and at all times material hereto, has affixed the statutory patent notice to such flooring systems .

13. Big Dutchman and Big Dutchman USA have been and are willfully infringing the ‘111 patent by offering to sell, selling, and/or importing, within and into the United States, and inducing others to sell and offer for sale, within the United States, flooring systems and flooring panels which infringe the ‘111 patent. An illustration of a sample of such flooring is attached hereto as Exhibit C. Unless enjoined by the Court, Big Dutchman and Big Dutchman USA will continue to infringe and induce the infringement of the ‘111 patent.

PRAYER FOR RELIEF

WHEREFORE, Southwest prays for:

1. Judgment that the ‘631 and ‘111 patents are each valid, enforceable and have been willfully infringed by defendants;

2. A preliminary and permanent injunction enjoining defendants, their officers, agents, servants, employees, and those affiliates, distributors and persons acting in active concert or participation with defendants, from infringing, inducing infringement of, or contributorily infringing, the ‘631 and ‘111 patents;

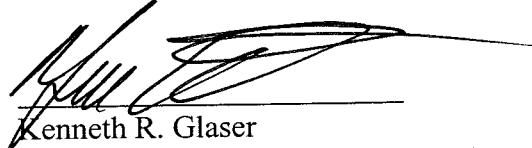
3. An award of damages, including Southwest’s lost profits, and no less than a reasonable royalty, due to defendants’ infringement and inducement of infringement, of each of the ‘631 and ‘111 patents, together with prejudgment and post-judgment interest;

4. The damages so awarded to be trebled in accordance with 35 U.S.C. § 284;
5. Judgment that Southwest be awarded its attorney's fees, costs and expenses incurred in this action in accordance with 35 U.S.C. § 285; and
6. Such other and further relief as the Court may deem just and proper.

JURY DEMAND

Southwest demands trial by jury of all issues triable of right by a jury.

Respectfully submitted,



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**ATTORNEYS FOR PLAINTIFF
SOUTHWEST AGRI-PLASTICS, INC.**



EXHIBIT A



US006889631B2

(12) **United States Patent**
McGregor

(10) Patent No.: **US 6,889,631 B2**
(45) Date of Patent: **May 10, 2005**

(54) **ANIMAL PEN FLOORING SYSTEM**

(75) Inventor: **Michael A. McGregor, Carrollton, TX (US)**

(73) Assignee: **Southwest Agri-Plastics, Inc., Addison, TX (US)**

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

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Primary Examiner—Michael J. Carone

Assistant Examiner—Elizabeth Shaw

(74) Attorney, Agent, or Firm—Gardere Wynne Sewell LLP

(21) Appl. No.: **10/465,127**

(22) Filed: **Jun. 19, 2003**

(65) **Prior Publication Data**

US 2004/0255870 A1 Dec. 23, 2004

(51) Int. Cl.⁷ **A01K 1/00; A01K 1/01**

(52) U.S. Cl. **119/528; 119/529**

(58) Field of Search **119/528, 529, 119/525, 527**

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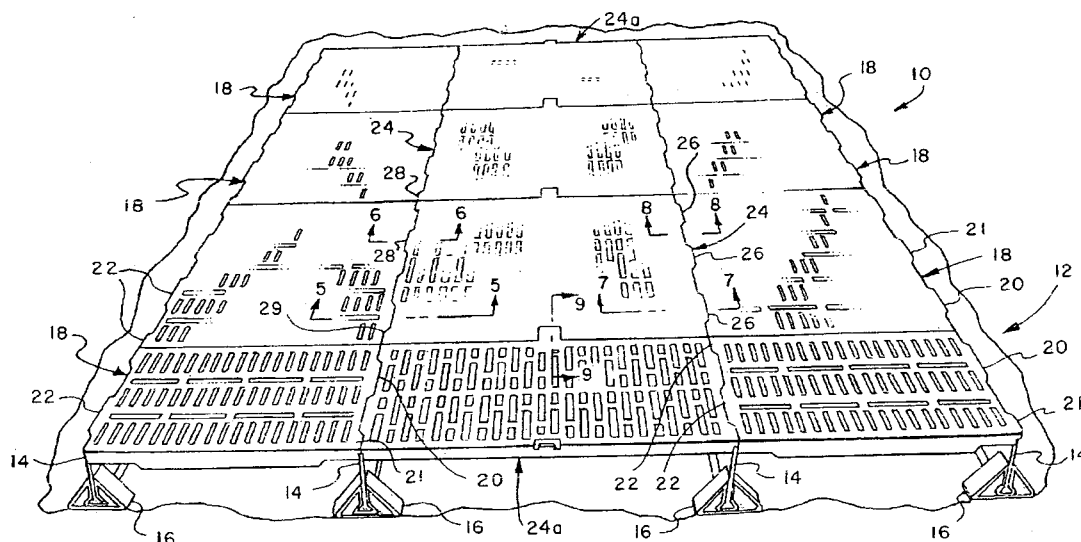
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(57) **ABSTRACT**

An animal confinement pen flooring system, particularly adapted for swine farrowing operations, includes at least first and third rows of spaced-apart molded plastic foraminous flooring panels and an intermediate row of cast iron foraminous flooring panels, all of the panels being supported on spaced-apart elongated support rails in a stand off position above a subfloor. The plastic and cast iron panels each include opposed sets of hooked-shaped flanges for engagement with support rails, respectively, for supporting the panels thereon. The cast iron panels each include a boss and an opposed recess disposed on opposite sides thereof for interconnecting adjacent panels by cooperating hook portions formed on the boss and in the recess of the adjacent panel, respectively. The combination of the cast iron and molded plastic flooring panels provides enhanced comfort for swine in farrowing operations.

8 Claims, 5 Drawing Sheets



PENGAD 800-631-6983

EXHIBIT

A

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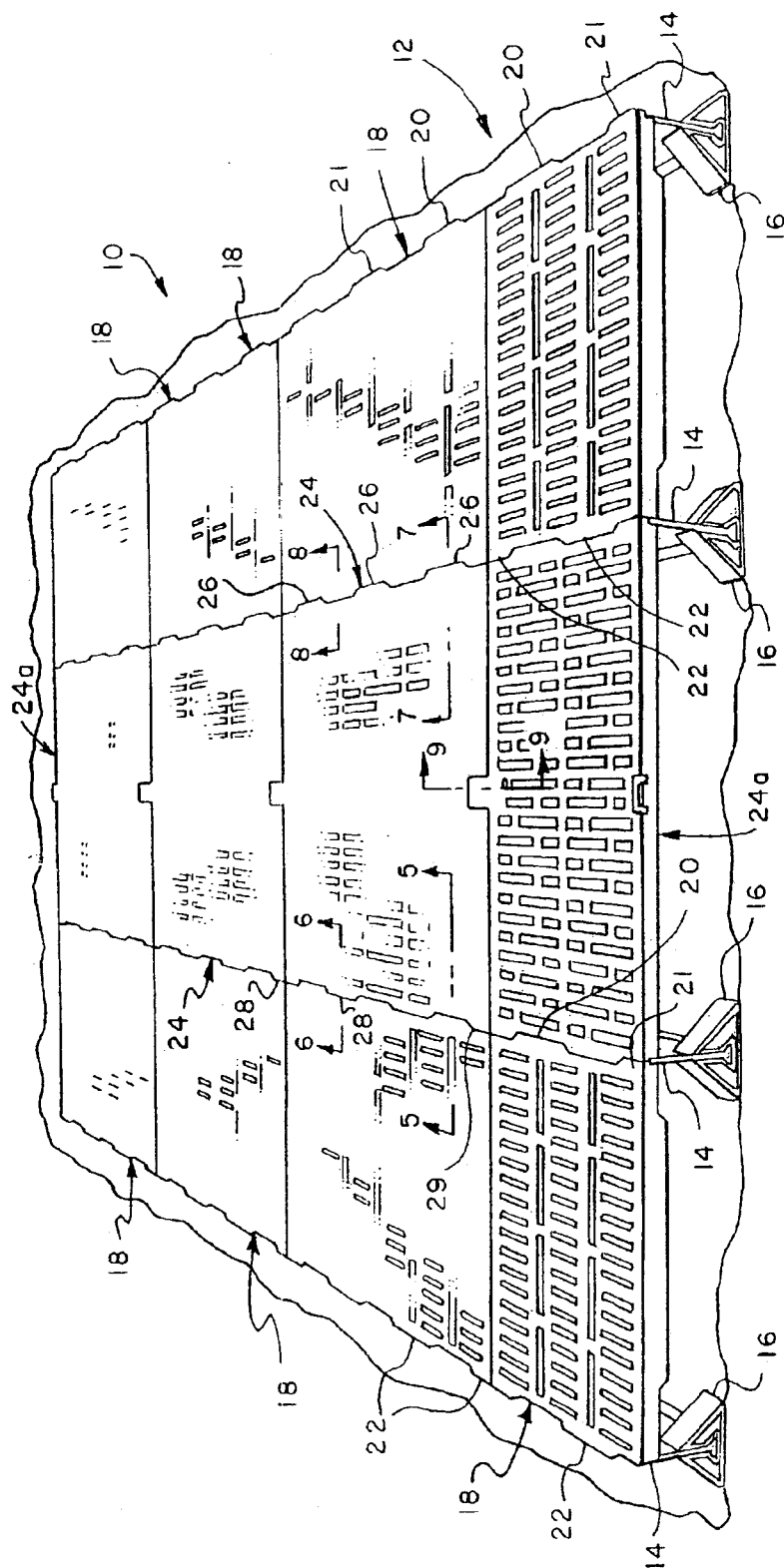


FIG. 1

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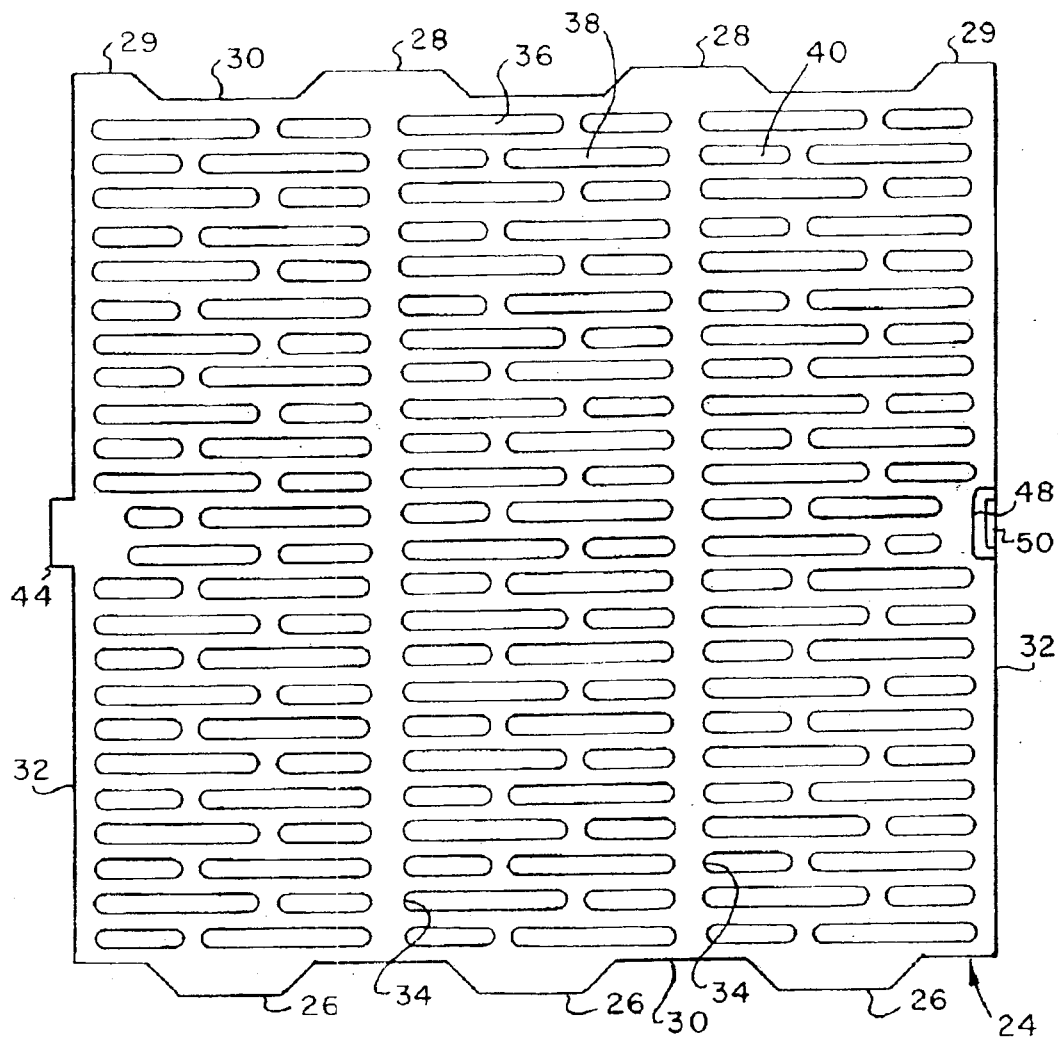


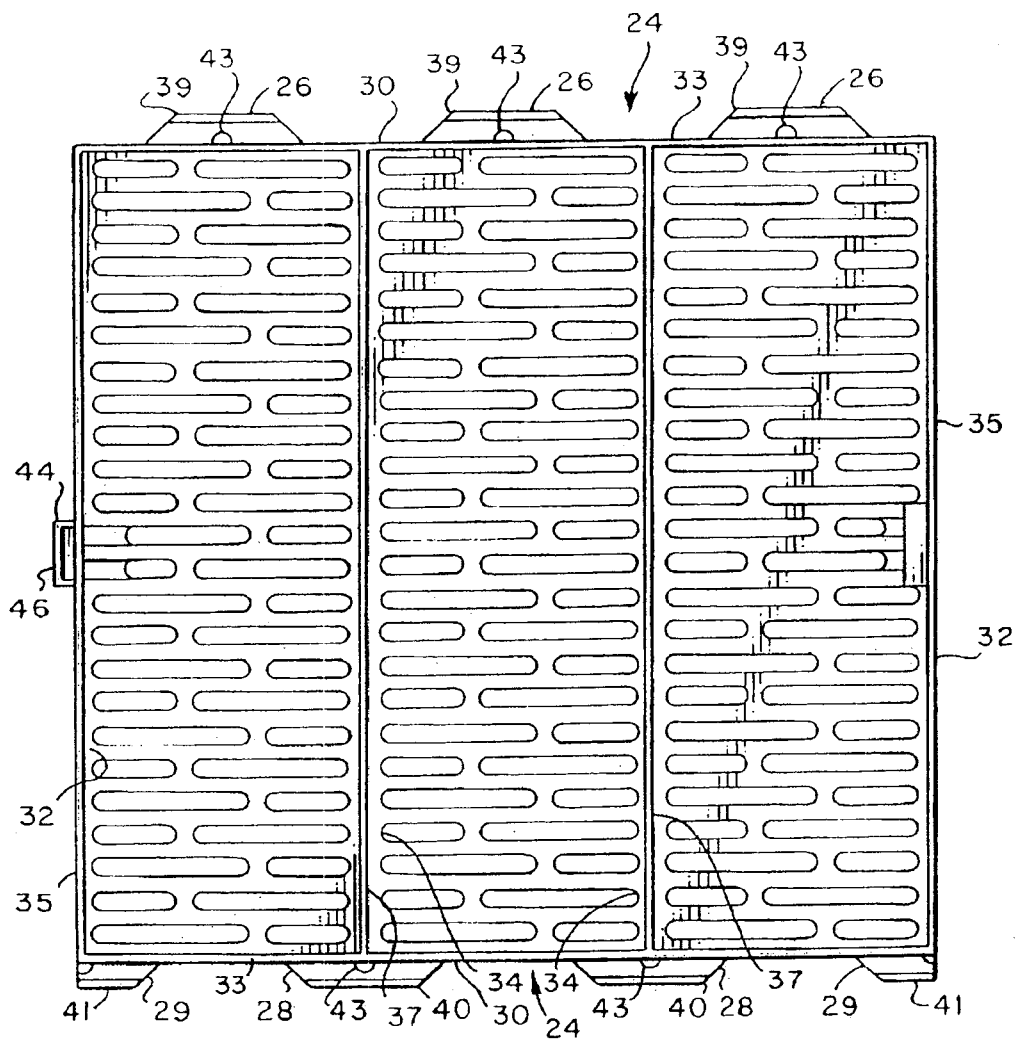
FIG. 2

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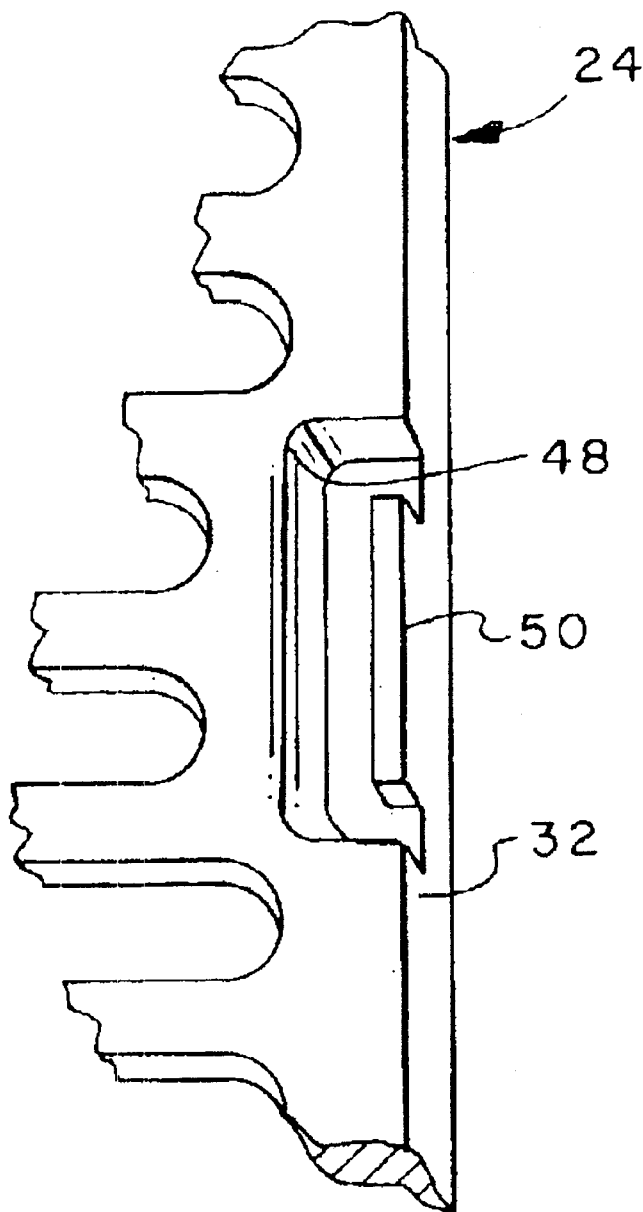


FIG. 4

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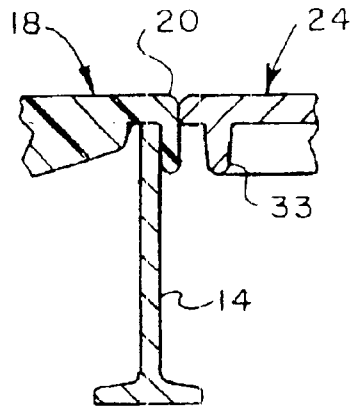


FIG. 5

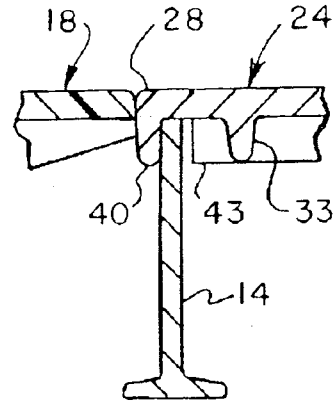


FIG. 6

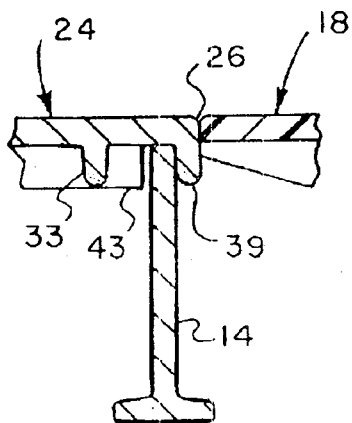


FIG. 7

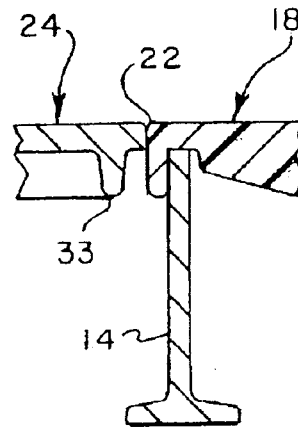


FIG. 8

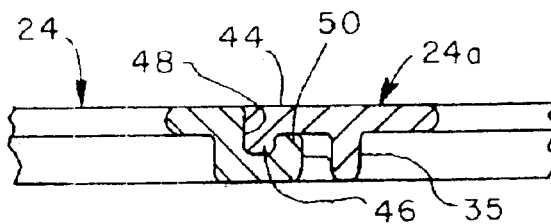


FIG. 9

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ANIMAL PEN FLOORING SYSTEM

BACKGROUND OF THE INVENTION

Animal confinement pens, particularly pens for confining sows and piglets in swine farrowing houses present certain problems with respect to the flooring systems for use in such pens. For example, the flooring systems are preferably supported in a standoff position with respect to a subfloor so that animal wastes may be removed from the confinement pens by way of the space between the raised flooring and subflooring therebelow. Raised flooring systems may be characterized by elongated spaced-apart support rails and removable foraminous flooring panels supported thereby. The construction of farrowing pen flooring panels is preferably of thermoplastic covering at least a portion of the confinement pen. However, the weight of the sow is such that conventional plastic flooring panels do not provide adequate support. Moreover, it has been determined that the sow prefers to reside on a cast iron or similar metallic panel which is of adequate strength but which also provides for a heating and cooling effect preferred by the sow. On the other hand the infant pigs prefer the more constant temperature and smoothness of molded plastic flooring and do not require the extra strength provided by cast iron, steel or other suitable metals which may be used for flooring panels.

Continuing improvements have been desired in animal pen flooring systems of the general type described herein. The present invention overcomes certain disadvantages in prior art flooring systems and provides an improved flooring system which utilizes both molded plastic and cast iron or other metal panels which are secured to each other and to spaced apart support rails in an improved manner.

SUMMARY OF THE INVENTION

The present invention provides an improved flooring system, particularly useful for animal confinement pens and more particularly useful for confinement pens used in swine farrowing operations.

In accordance with one aspect of the present invention, a flooring system is provided wherein spaced-apart elongated support rails are adapted to support spaced-apart rows of molded plastic flooring panels between which is disposed a row of cast iron or similar metal flooring panels. Both types of flooring panels are provided with elongated hook-like support flanges which are interleaved with each other and which engage upstanding elongated support rails to support the flooring in a standoff position from a subfloor to facilitate animal waste disposal.

An improved arrangement in accordance with the present invention is one wherein an elongated set of cast iron or similar metal panels are interlocked with each other and supported by spaced-apart support rails. The metal panels are configured to be interleaved with opposed sets of molded plastic flooring panels which are also partially supported by the same pair of support rails which support the metal panels and are further supported by a second set of spaced apart elongated support rails disposed outboard of the first mentioned set of rails.

The present invention further provides an improved animal confinement pen flooring system wherein the center set of flooring panels is provided by separate panels which are supported on the aforementioned support rails but which are also interlocked with each other to form a more rigid flooring system. The center panels are each provided with an integrally formed laterally projecting tongue and hook part

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on one side of the panel and the adjacent panel is provided with a recess and cooperating hook part on an opposite side of the panel. Each center panel may be identical or one or more of the center panels may be of different widths to provide the required overall dimension of the confinement pen.

Those skilled in the art will further appreciate the above-mentioned advantages and superior features of the invention together with other important aspects thereof upon reading the detailed description which follows in conjunction with the drawings.

BRIEF DESCRIPTION OF THE DRAWINGS

FIG. 1 is a perspective view of an animal confinement pen flooring system in accordance with the present invention;

FIG. 2 is a top plan view of a cast iron or similar cast metal flooring panel in accordance with the present invention;

FIG. 3 is a bottom plan view of the flooring panel shown in FIG. 2;

FIG. 4 is a detail view showing a recess and hook part formed on one lateral side of the flooring panel shown in FIGS. 2 and 3;

FIG. 5 is a section view taken generally along the line 5—5 of FIG. 1;

FIG. 6 is a section view taken generally along the line 6—6 of FIG. 1;

FIG. 7 is a section view taken generally along the line 7—7 of FIG. 1;

FIG. 8 is a section view taken along the line 88 of FIG. 1; and

FIG. 9 is a section view taken generally along the line 9—9 of FIG. 1.

DETAILED DESCRIPTION OF A PREFERRED EMBODIMENT

In the description which follows, like parts are marked throughout the specification and drawing with the same reference numerals, respectively. The drawing figures are not necessarily to scale and certain features may be shown exaggerated in scale in the interest of clarity and conciseness.

Referring to FIG. 1, there is illustrated a flooring system in accordance with the present invention and generally designated by the numeral 10. The flooring system 10 is adapted to be supported in a standoff position from a subfloor 12 by plural, spaced-apart elongated somewhat inverted T-shaped rails 14, see FIGS. 5 and 6 also, for example.

The rails 14 are preferably supported by spaced-apart support blocks 16, as shown in FIG. 1, one shown for each of the four rails 14 illustrated in the drawing figure. Those skilled in the art will recognize that the support blocks 16 may be spaced apart along each rail 14, as required, to provide suitable support for each rail, respectively.

The flooring system 10 further includes plural spaced-apart rows of generally rectangular shape molded plastic flooring panels 18 which are foraminous to allow animal waste to drop therethrough onto the subfloor 12 to be suitably removed therefrom. Each of the panels 18 includes spaced apart laterally projecting hooked shaped flanges 20 and 22 which are disposed on opposite sides of the panels, as shown. The side of a panel 18 which includes the flanges 20 is also provided with half length flanges, each generally designated by the numeral 21.

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The opposed spaced-apart rows of panels 18 are separated by a row of cast metal flooring panels characterized by plural panels 24 supported side by side, and suitably interconnected, as will be explained in further detail herein. Panels 24 are preferably formed of cast iron, although other cast or forged metals may be used.

As shown in FIGS. 2 and 3, each of the panels 24 is characterized as a generally rectangular, preferably square, member having a set of laterally projecting spaced apart hook-shaped flanges 26 disposed along one side of a panel and an opposed set of hook shaped flanges 28 suitably spaced apart on the opposite side of the panel 24. Short or half length flanges 29 are spaced from the flanges 28 on the side of the panel 24 which includes the flanges 28. As shown in FIG. 1, the spacing of the flanges 26, 28 and 29 is such that these flanges fit in cooperating recesses formed between the flanges 22 and 20 of the respective panels 18, as illustrated. The center set of panels 24 may include one or more panels 24a, one shown in FIG. 1, and of half the width of the panels 24, but otherwise identical to the panels 24. Panels 24a provide for spacing the panels 24 with respect to the panels 18 such that they overlap to provide a more rigid flooring system.

Referring further to FIG. 2, the panels 24 include a substantially foraminous support surface defined by elongated perimeter webs 30 opposed to and parallel to each other. Transverse, parallel perimeter webs 32 extend normal to the webs 30. Intermediate webs 34 are equally spaced from the webs 32 and the remainder of the surface of the panel 24 is delimited by elongated slots 36, 38 and 40, for example, to form a substantially foraminous surface to allow animal wastes to fall therethrough and to form foothold surfaces to facilitate animals arising from resting positions.

Referring to FIG. 3, which is a bottom plan view of the panel 24, it should be noted that each of the webs 30 is reinforced by a depending flange 33 and each of the webs 32 and 34 is reinforced by a similar depending flange 35 and 37, respectively. Still further, the flanges 26 are each provided with a depending hook portion 39. The opposed flanges 28 and 29 are provided with similar depending hook portions 40 and 41, respectively.

Referring further to FIGS. 2, 3 and 4 the panels 24 are each provided with means for interconnecting adjacent panels to form a more rigid flooring system, including a boss 44 projecting from a web 32 approximately midway between the opposed webs 30. Boss 44 is provided with a depending hook part 46, FIGS. 3 and 9. The opposite side edge of each panel 24 is provided with a recess 48, see FIG. 4, formed in the web 32 of that side, for receiving a portion of the boss 44 of the adjacent panel. An upstanding hook part 50, FIGS. 2 and 4, delimits one side of the recess 48 and cooperates with a hook part 46 of an adjacent panel 24 or 24a to latch adjacent panels together, as shown in FIG. 9. In this way the panels 24 and 24a are suitably supported against movement in any direction since the panels are supported on the rails 14 and are also interconnected with each other. As shown in FIG. 3, spaced-apart bosses 43 project into grooves formed by the hook shaped flanges 26, 28 and 29 to assist in locating and minimizing shifting movements of the panels 24 when they are supported on the rails 14.

Referring briefly to FIGS. 5 and 6, these figures illustrate typical arrangements wherein the panels 18 and 24 are supported by the rails 14. As shown in FIG. 5, hook shaped flanges 20 engage a rail 14 and abut directly against a panel 24 at a recess formed by each panel 24 between its hook shaped flanges 28. In like manner, as shown in FIG. 6, each

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of the panels 24 is supported by a rail 14 by engagement with the rail by a hook shaped flange 28 and a cooperating boss 43. Flanges 28 project into cooperating recesses formed in panels 18 between flanges 20.

FIGS. 7 and 8 illustrate how the hook shaped flanges 26 and hook shaped flanges 22 engage respective rails 14 to support the panels 18 and 24 on the rails in the same manner as described above.

Accordingly, with the flooring system 10 arranged as illustrated and described, superior strength is provided by the interconnected and standoff supported panels 24 whereby, when the flooring system 10 is placed in a generally rectangular confinement pen, a sow will normally remain on the cast iron panels 24 due to the comfort provided to the sow thereby, while the offspring will normally remain on the molded plastic panels 18 due to the thermal conductivity characteristics of these panels and the somewhat softer or more comfortable feel that the panels present to swine offspring.

Those skilled in the art will appreciate that the flooring system 10 may be quickly and easily erected and disassembled, as needed. Thanks to the arrangement of two rows of plastic panels 18 cooperating with a center row of cast iron or similar cast metal panels 24 and 24a interposed the plastic panels and interlocked with each other as well as with the plastic panels, several advantages in the art of animal pen flooring systems are realized. The arrangement of adjacent rows of plastic and metal panels may be repeated indefinitely, although the arrangement of two rows of plastic panels and a center row of cast iron panels is preferred for each pen.

The panels 18 and 24 may be provided in various dimensions. Panels having outside dimensions of 24 inches by 24 inches are typical for use in swine farrowing houses. As mentioned above, the panels 24 above are preferably formed of cast iron and the panels 18 are preferably formed of molded plastic, such as polypropylene. The fabrication of the panels 18 and 24 may be carried out using conventional manufacturing processes for articles made of the preferred materials mentioned above. The foramina of all panels is preferably elongated slots.

Although a preferred embodiment of an animal confinement pen flooring system has been described herein in detail, those skilled in the art will recognize that various modifications and substitutions may be made to the flooring system of the present invention without departing from the scope and spirit of the appended claims.

What is claimed is:

1. A flooring system for an animal confinement pen comprising:

four, spaced apart, upstanding, elongated, parallel support rails for supporting said flooring system in a standoff position from a subfloor;

a first row of molded plastic foraminous flooring panels supported on spaced apart first and second ones of said support rails, said first row of panels including plural panels disposed side-by-side, each of said panels of said first row including on opposite sides thereof opposed sets of spaced apart hook-shaped flanges engaged with respective ones of said first and second support rails;

an intermediate row of cast metal foraminous flooring panels supported by said second one of said support rails and a third one of said support rails, said panels of said intermediate row being coplanar with said panels of said first row and said panels of said intermediate

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row including spaced apart hook-shaped flanges on opposite sides thereof, respectively, and engaged with said second and third support rails, respectively, said hook-shaped flanges on one side of said panels of said intermediate row being interfitted between cooperating ones of said hook-shaped flanges of said panels of said first row, respectively;

a third row of molded plastic foraminous flooring panels supported on said third one of said support rails and a fourth one of said support rails, said third row of panels including plural panels disposed side by side, each of said panels of said third row including on opposite sides thereof opposed sets of hook-shaped flanges engaged with said third and fourth support rails, respectively, one set of hook-shaped flanges of said panels of said third row being interfitted between one set of hook-shaped flanges on an opposite side of said panels of said intermediate row for interlocking said panels of said intermediate row with said panels of said third row, said panels of said third row being coplanar with said panels of said intermediate row; and

said panels of said intermediate row include perimeter and intermediate webs, and plural elongated slots formed in an animal support surface of said panels of said intermediate row, respectively, between respective ones of said webs.

2. The flooring system set forth in claim 1 wherein:

each of said panels of said intermediate row include depending flanges reinforcing said webs of said panels of said intermediate row, respectively.

3. The flooring system set forth in claim 2 wherein:

each of said panels of said intermediate row is provided with spaced apart bosses projecting from selected ones of said depending flanges and disposed adjacent respective ones of said hook-shaped flanges to assist in locating and minimizing shifting movement of said panels of said intermediate row with respect to said second and third support rails, respectively.

4. The flooring system set forth in claim 1 wherein:

said panels of said intermediate row each include on one side edge a boss projecting from a web between opposed sides of said panels of said intermediate row which include said hook-shaped flanges, respectively, and including a depending hook part for disposition in a recess formed on an opposite side of an adjacent panel of said intermediate row, and a cooperating upstanding hook part delimiting one side of said recess, said hook parts being cooperable to latch adjacent panels of said intermediate row together, respectively, to prevent separation of said panels forming said flooring system.

5. The flooring system set forth in claim 1 wherein:

said panels of said intermediate row are formed of cast iron, respectively.

6. A flooring system for an animal confinement pen comprising:

four, spaced apart, upstanding, elongated, parallel support rails for supporting said flooring system in a standoff position from a subfloor;

a first row of molded plastic foraminous flooring panels supported on spaced apart first and second ones of said support rails, said first row of panels including plural panels disposed side-by-side, each of said panels of said first row including on opposite sides thereof opposed sets of spaced apart hook-shaped flanges

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engaged with respective ones of said first and second support rails;

an intermediate row of metal flooring panels supported by said second one of said support rails and a third one of said support rails, said panels of said intermediate row including spaced apart hook-shaped flanges on opposite sides thereof, respectively, and engaged with said second and third support rails, respectively, said hook-shaped flanges on one side of said panels of said intermediate row being interfitted between cooperating ones of said hook-shaped flanges of said panels of said first row, respectively;

a third row of molded plastic foraminous flooring panels supported on said third one of said support rails and a fourth one of said support rails, said third row of panels including plural panels disposed side by side, each of said panels of said third row including on opposite sides thereof opposed sets of hook-shaped flanges engaged with said third and fourth support rails, respectively, one set of hook-shaped flanges of said panels of said third row being interfitted between one set of hook-shaped flanges of said panels of said intermediate row for interlocking said panels of said intermediate row with said panels of said third row;

said panels of said intermediate row each include perimeter and intermediate webs, and plural elongated slots formed in an animal support surface of said panels of said intermediate row, respectively, between respective ones of said webs;

each of said panels of said intermediate row include depending flanges reinforcing said webs of said panels of said intermediate row, respectively; and

each of said panels of said intermediate row is provided with spaced apart bosses projecting from selected ones of said depending flanges and disposed adjacent respective ones of said hook-shaped flanges for locating and minimizing shifting movement of said panels of said intermediate row with respect to said second and third support rails, respectively.

7. A flooring system for an animal confinement pen comprising:

four, spaced apart, upstanding, elongated, parallel support rails for supporting said flooring system in a standoff position from a subfloor;

a first row of molded plastic foraminous flooring panels supported on spaced apart first and second ones of said support rails, said first row of panels including plural panels disposed side-by-side, each of said panels of said first row including on opposite sides thereof opposed sets of spaced apart hook-shaped flanges engaged with respective ones of said first and second support rails;

an intermediate row of foraminous cast iron flooring panels supported by said second one of said support rails and a third one of said support rails, said panels of said intermediate row including spaced apart hook-shaped flanges on opposite sides thereof, respectively, and engaged with said second and third support rails, respectively, said hook-shaped flanges on one side of said panels of said intermediate row being interfitted between cooperating ones of said hook-shaped flanges of said panels of said first row, respectively; and

a third row of molded plastic foraminous flooring panels supported on said third one of said support rails and a

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fourth one of said support rails, said third row of panels including plural panels disposed side by side, each of said panels of said third row including on opposite sides thereof opposed sets of hook-shaped flanges engaged with said third and fourth support rails, 5 respectively, one set of hook-shaped flanges of said panels of said third row being interfitted between one set of hook-shaped flanges of said panels of said intermediate row for interlocking said panels of said intermediate row with said panels of said third row.

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8. The flooring system set forth in claim 7 wherein: each of said panels of said intermediate row is provided with spaced apart bosses projecting from respective depending flanges and disposed adjacent respective ones of said hook-shaped flanges to assist in locating and minimizing shifting movement of said panels of said intermediate row with respect to said second and third support rails, respectively.

* * * * *



EXHIBIT B



US007066111B2

(12) **United States Patent**
McGregor

(10) **Patent No.:** **US 7,066,111 B2**
(45) **Date of Patent:** ***Jun. 27, 2006**

(54) **ANIMAL PEN FLOORING SYSTEM**

(75) Inventor: **Michael A. McGregor**, Carrolton, TX (US)

(73) Assignee: **Southwest Agri-Plastics, Inc.**, Addison, TX (US)

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

This patent is subject to a terminal disclaimer.

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(21) Appl. No.: **10/941,684**

(22) Filed: **Sep. 15, 2004**

(65) **Prior Publication Data**

US 2005/0081796 A1 Apr. 21, 2005

Related U.S. Application Data

(63) Continuation of application No. 10/465,127, filed on Jun. 19, 2003, now Pat. No. 6,889,631.

(51) **Int. Cl.**
A01K 1/02 (2006.01)
A01K 1/01 (2006.01)

(52) **U.S. Cl.** **119/509; 119/528; 119/529**

(58) **Field of Classification Search** **119/528, 119/529, 525, 527, 509**

See application file for complete search history.

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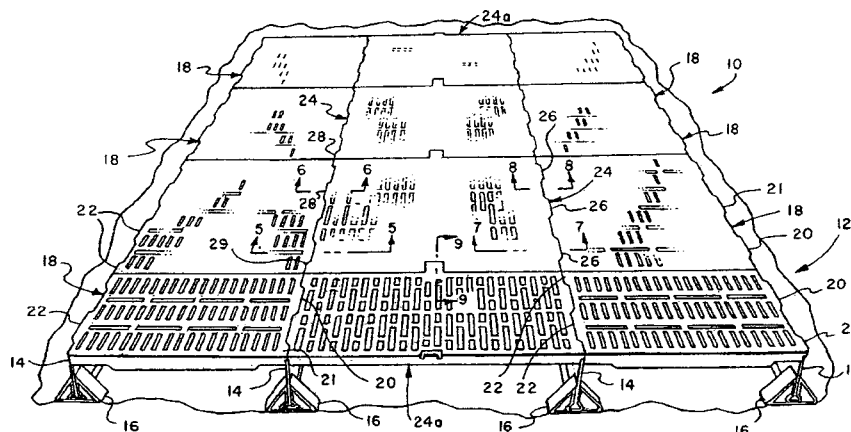
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Primary Examiner—Teri Pham Luu
Assistant Examiner—Elizabeth Shaw
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(57) **ABSTRACT**

An animal confinement pen flooring system, particularly adapted for swine farrowing operations, includes at least first and third rows of spaced-apart molded plastic foraminous flooring panels and an intermediate row of cast iron foraminous flooring panels, all of the panels being supported on spaced-apart elongated support rails in a stand off position above a subfloor. The plastic and cast iron panels each include opposed sets of hooked-shaped flanges for engagement with support rails, respectively, for supporting the panels thereon. The cast iron panels each include a boss and an opposed recess disposed on opposite sides thereof for interconnecting adjacent panels by cooperating hook portions formed on the boss and in the recess of the adjacent panel, respectively. The combination of the cast iron and molded plastic flooring panels provides enhanced comfort for swine in farrowing operations.

12 Claims, 5 Drawing Sheets



PENGAD 800-831-6989

EXHIBIT

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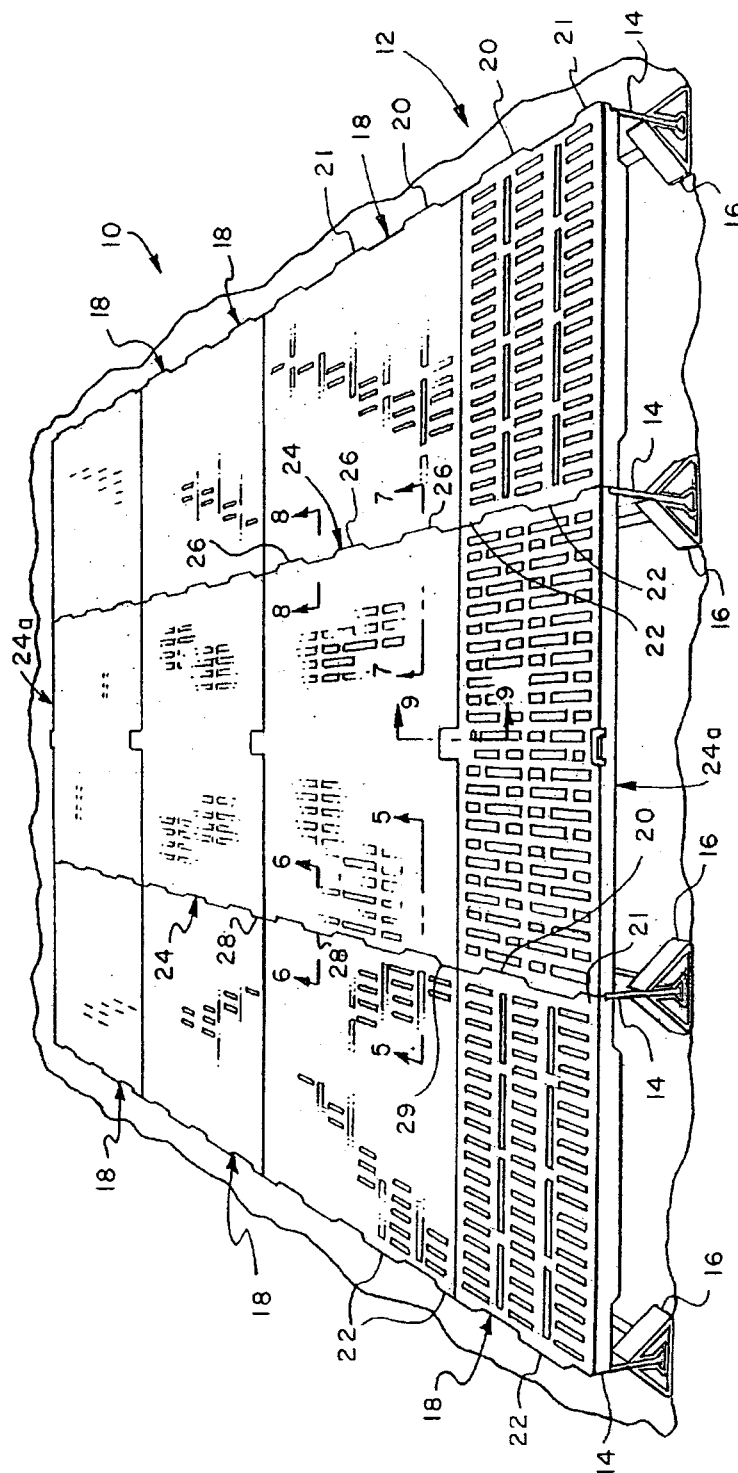


FIG. 1

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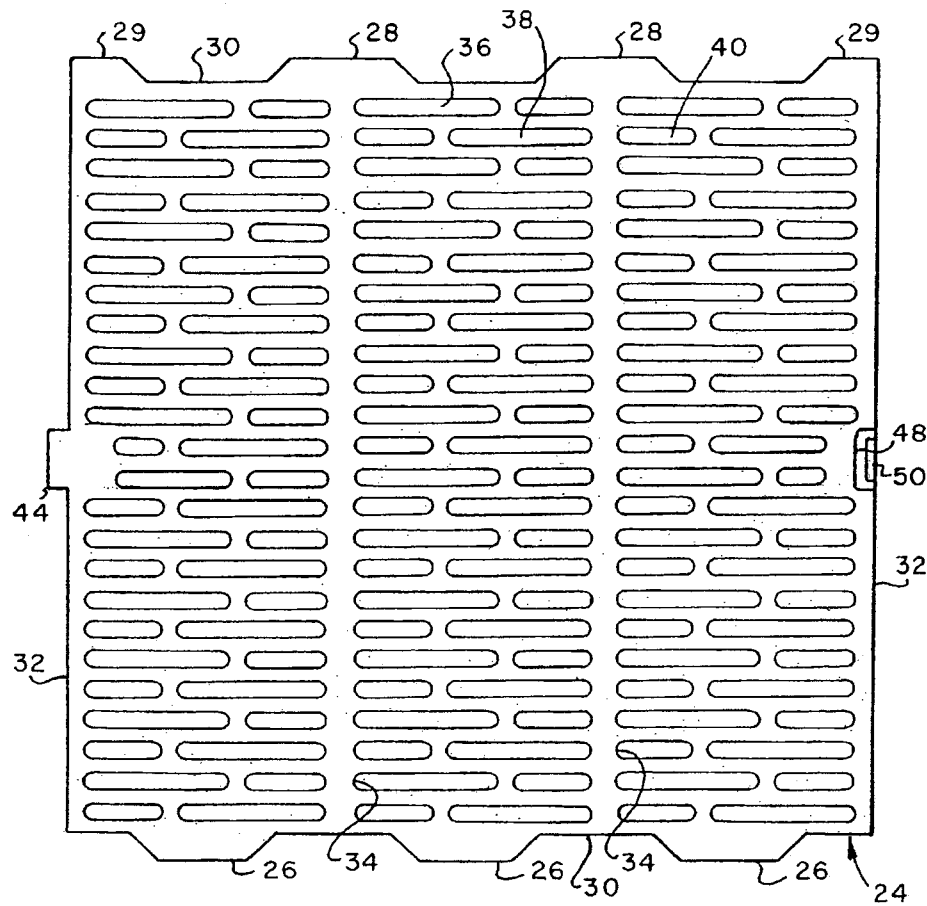


FIG. 2

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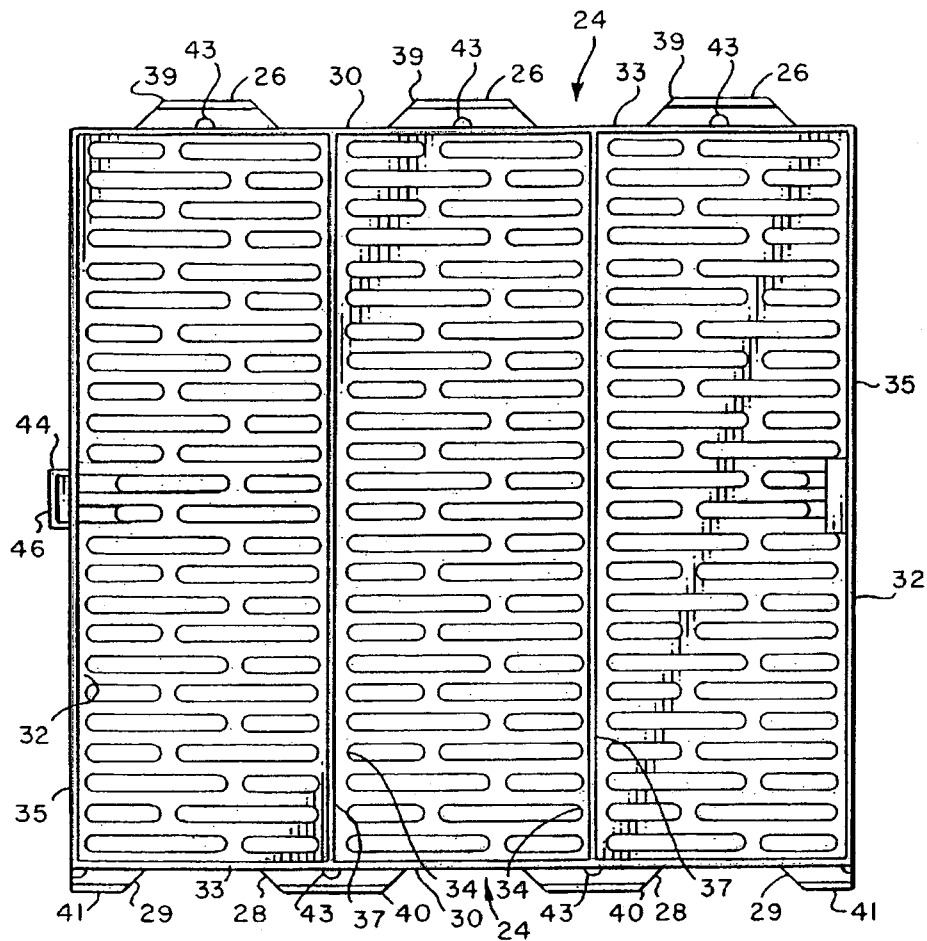


FIG. 3

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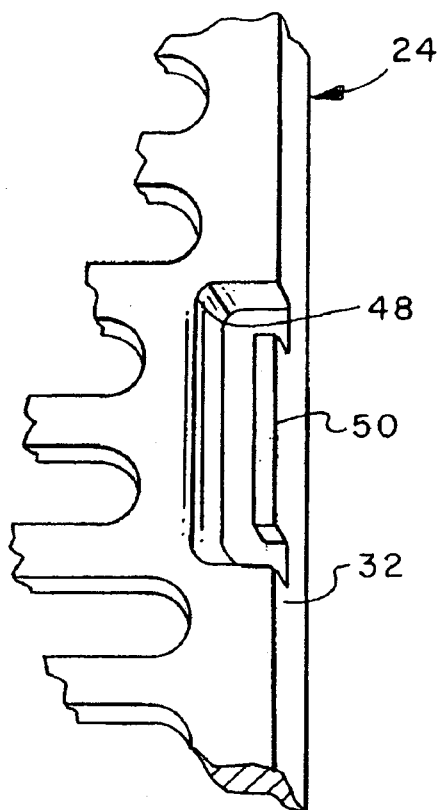


FIG. 4

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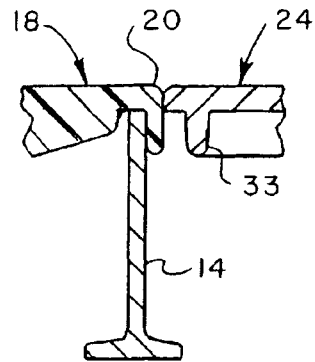


FIG. 5

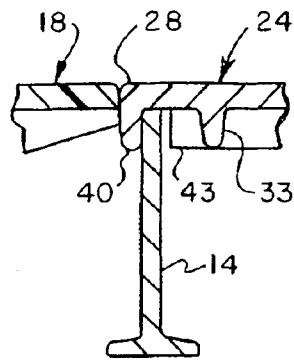


FIG. 6

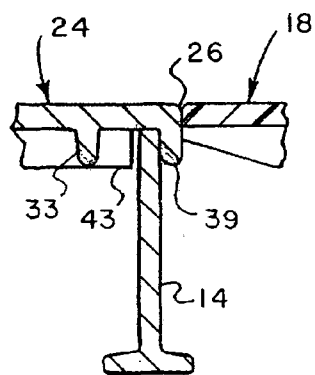


FIG. 7

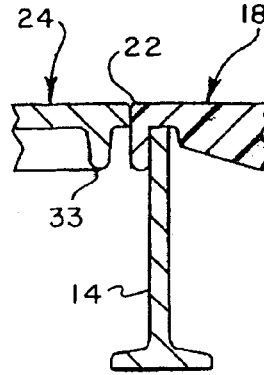


FIG. 8

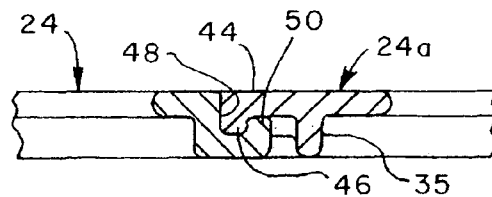


FIG. 9

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ANIMAL PEN FLOORING SYSTEM

CROSS REFERENCE TO RELATED APPLICATION

This application is a continuation of U.S. patent application Ser. No. 10/465,127, filed Jun. 19, 2003 now U.S. Pat. No. 6,889,631.

BACKGROUND OF THE INVENTION

Animal confinement pens, particularly pens for confining sows and piglets in swine farrowing houses present certain problems with respect to the flooring systems for use in such pens. For example, the flooring systems are preferably supported in a standoff position with respect to a subfloor so that animal wastes may be removed from the confinement pens by way of the space between the raised flooring and subflooring therebelow. Raised flooring systems may be characterized by elongated spaced-apart support rails and removable foraminous flooring panels supported thereby. The construction of farrowing pen flooring panels is preferably of thermoplastic covering at least a portion of the confinement pen. However, the weight of the sow is such that conventional plastic flooring panels do not provide adequate support. Moreover, it has been determined that the sow prefers to reside on a cast iron or similar metallic panel which is of adequate strength but which also provides for a heating and cooling effect preferred by the sow. On the other hand the infant pigs prefer the more constant temperature and smoothness of molded plastic flooring and do not require the extra strength provided by cast iron, steel or other suitable metals which may be used for flooring panels.

Continuing improvements have been desired in animal pen flooring systems of the general type described herein. The present invention overcomes certain disadvantages in prior art flooring systems and provides an improved flooring system which utilizes both molded plastic and cast iron or other metal panels which are secured to each other and to spaced apart support rails in an improved manner.

SUMMARY OF THE INVENTION

The present invention provides an improved flooring system, particularly useful for animal confinement pens and more particularly useful for confinement pens used in swine farrowing operations.

In accordance with one aspect of the present invention, a flooring system is provided wherein spaced-apart elongated support rails are adapted to support spaced-apart rows of molded plastic flooring panels between which is disposed a row of cast iron or similar metal flooring panels. Both types of flooring panels are provided with elongated hook-like support flanges which are interleaved with each other and which engage upstanding elongated support rails to support the flooring in a standoff position from a subfloor to facilitate animal waste disposal.

An improved arrangement in accordance with the present invention is one wherein an elongated set of cast iron or similar metal panels are interlocked with each other and supported by spaced-apart support rails. The metal panels are configured to be interleaved with opposed sets of molded plastic flooring panels which are also partially supported by the same pair of support rails which support the metal panels and are further supported by a second set of spaced apart elongated support rails disposed outboard of the first mentioned set of rails.

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The present invention further provides an improved animal confinement pen flooring system wherein the center set of flooring panels is provided by separate panels which are supported on the aforementioned support rails but which are also interlocked with each other to form a more rigid flooring system. The center panels are each provided with an integrally formed laterally projecting tongue and hook part on one side of the panel and the adjacent panel is provided with a recess and cooperating hook part on an opposite side of the panel. Each center panel may be of different widths to provide the required overall dimension of the confinement pen.

Those skilled in the art will further appreciate the above-mentioned advantages and superior features of the invention together with other important aspects thereof upon reading the detailed description which follows in conjunction with the drawings.

BRIEF DESCRIPTION OF THE DRAWINGS

FIG. 1 is a perspective view of an animal confinement pen flooring system in accordance with the present invention;

FIG. 2 is a top plan view of a cast iron or similar cast metal flooring panel in accordance with the present invention;

FIG. 3 is a bottom plan view of the flooring panel shown in FIG. 2;

FIG. 4 is a detail view showing a recess and hook part formed on one lateral side of the flooring panel shown in FIGS. 2 and 3;

FIG. 5 is a section view taken generally along the line 5—5 of FIG. 1;

FIG. 6 is a section view taken generally along the line 6—6 of FIG. 1;

FIG. 7 is a section view taken generally along the line 7—7 of FIG. 1;

FIG. 8 is a section view taken along the line 8—8 of FIG. 1; and

FIG. 9 is a section view taken generally along the line 9—9 of FIG. 1.

DETAILED DESCRIPTION OF A PREFERRED EMBODIMENT

In the description which follows, like parts are marked throughout the specification and drawing with the same reference numerals, respectively. The drawing figures are not necessarily to scale and certain features may be shown exaggerated in scale in the interest of clarity and conciseness.

Referring to FIG. 1, there is illustrated a flooring system in accordance with the present invention and generally designated by the numeral 10. The flooring system 10 is adapted to be supported in a standoff position from a subfloor 12 by plural, spaced-apart elongated somewhat inverted T-shaped rails 14, see FIGS. 5 and 6 also, for example.

The rails 14 are preferably supported by spaced-apart support blocks 16, as shown in FIG. 1, one shown for each of the four rails 14 illustrated in the drawing figure. Those skilled in the art will recognize that the support blocks 16 may be spaced apart along each rail 14, as required, to provide suitable support for each rail, respectively.

The flooring system 10 further includes plural spaced-apart rows of generally rectangular shape molded plastic flooring panels 18 which are foraminous to allow animal

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waste to drop therethrough onto the subfloor 12 to be suitably removed therefrom. Each of the panels 18 includes spaced apart laterally projecting hooked shaped flanges 20 and 22 which are disposed on opposite sides of the panels, as shown. The side of a panel 18 which includes the flanges 20 is also provided with half length flanges, each generally designated by the numeral 21.

The opposed spaced-apart rows of panels 18 are separated by a row of cast metal flooring panels characterized by plural panels 24 supported side by side, and suitably interconnected, as will be explained in further detail herein. Panels 24 are preferably formed of cast iron, although other cast or forged metals may be used.

As shown in FIGS. 2 and 3, each of the panels 24 is characterized as a generally rectangular, preferably square, member having a set of laterally projecting spaced apart hook-shaped flanges 26 disposed along one side of a panel and an opposed set of hook shaped flanges 28 suitably spaced apart on the opposite side of the panel 24. Short or half length flanges 29 are spaced from the flanges 28 on the side of the panel 24 which includes the flanges 28. As shown in FIG. 1, the spacing of the flanges 26, 28 and 29 is such that these flanges fit in cooperating recesses formed between the flanges 22 and 20 of the respective panels 18, as illustrated. The center set of panels 24 may include one or more panels 24a, one shown in FIG. 1, and of half the width of the panels 24, but otherwise identical to the panels 24. Panels 24a provide for spacing the panels 24 with respect to the panels 18 such that they overlap to provide a more rigid flooring system.

Referring further to FIG. 2, the panels 24 include a substantially foraminous support surface defined by elongated perimeter webs 30 opposed to and parallel to each other. Transverse, parallel perimeter webs 32 extend normal to the webs 30. Intermediate webs 34 are equally spaced from the webs 32 and the remainder of the surface of the panel 24 is delimited by elongated slots 36, 38 and 40, for example, to form a substantially foraminous surface to allow animal wastes to fall therethrough and to form foothold surfaces to facilitate animals arising from resting positions.

Referring to FIG. 3, which is a bottom plan view of the panel 24, it should be noted that each of the webs 30 is reinforced by a depending flange 33 and each of the webs 32 and 34 is reinforced by a similar depending flange 35 and 37, respectively. Still further, the flanges 26 are each provided with a depending hook portion 39. The opposed flanges 28 and 29 are provided with similar depending hook portions 40 and 41, respectively.

Referring further to FIGS. 2, 3 and 4 the panels 24 are each provided with means for interconnecting adjacent panels to form a more rigid flooring system, including a boss 44 projecting from a web 32 approximately midway between the opposed webs 30. Boss 44 is provided with a depending hook part 46, FIGS. 3 and 9. The opposite side edge of each panel 24 is provided with a recess 48, see FIG. 4, formed in the web 32 of that side, for receiving a portion of the boss 44 of the adjacent panel. An upstanding hook part 50, FIGS. 2 and 4, delimits one side of the recess 48 and cooperates with a hook part 46 of an adjacent panel 24 or 24a to latch adjacent panels together, as shown in FIG. 9. In this way the panels 24 and 24a are suitably supported against movement in any direction since the panels are supported on the rails 14 and are also interconnected with each other. As shown in FIG. 3, spaced-apart bosses 43 project into grooves formed by the hook shaped flanges 26, 28 and 29 to assist in locating and minimizing shifting movements of the panels 24 when they are supported on the rails 14.

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Referring briefly to FIGS. 5 and 6, these figures illustrate typical arrangements wherein the panels 18 and 24 are supported by the rails 14. As shown in FIG. 5, hook shaped flanges 20 engage a rail 14 and abut directly against a panel 24 at a recess formed by each panel 24 between its hook shaped flanges 28. In like manner, as shown in FIG. 6, each of the panels 24 is supported by a rail 14 by engagement with the rail by a hook shaped flange 28 and a cooperating boss 43. Flanges 28 project into cooperating recesses formed in panels 18 between flanges 20.

FIGS. 7 and 8 illustrate how the hook shaped flanges 26 and hook shaped flanges 22 engage respective rails 14 to support the panels 18 and 24 on the rails in the same manner as described above.

Accordingly, with the flooring system 10 arranged as illustrated and described, superior strength is provided by the interconnected and standoff supported panels 24 whereby, when the flooring system 10 is placed in a generally rectangular confinement pen, a sow will normally remain on the cast iron panels 24 due to the comfort provided to the sow thereby, while the offspring will normally remain on the molded plastic panels 18 due to the thermal conductivity characteristics of these panels and the somewhat softer or more comfortable feel that the panels present to swine offspring.

Those skilled in the art will appreciate that the flooring system 10 may be quickly and easily erected and disassembled, as needed. Thanks to the arrangement of two rows of plastic panels 18 cooperating with a center row of cast iron or similar cast metal panels 24 and 24a interposed the plastic panels and interlocked with each other as well as with the plastic panels, several advantages in the art of animal pen flooring systems are realized. The arrangement of adjacent rows of plastic and metal panels may be repeated indefinitely, although the arrangement of two rows of plastic panels and a center row of cast iron panels is preferred for each pen.

The panels 18 and 24 may be provided in various dimensions. Panels having outside dimensions of 24 inches by 24 inches are typical for use in swine farrowing houses. As mentioned above, the panels 24 above are preferably formed of cast iron and the panels 18 are preferably formed of molded plastic, such as polypropylene. The fabrication of the panels 18 and 24 may be carried out using conventional manufacturing processes for articles made of the preferred materials mentioned above. The foramina of all panels is preferably elongated slots.

Although a preferred embodiment of an animal confinement pen flooring system has been described herein in detail, those skilled in the art will recognize that various modifications and substitutions may be made to the flooring system of the present invention without departing from the scope and spirit of the appended claims.

What is claimed is:

1. A flooring system for an animal confinement pen comprising:

plural, spaced apart, upstanding, elongated, parallel support rails for supporting said flooring system in a standoff position from a subfloor;

a first row of plastic foraminous flooring panels supported on spaced apart first and second ones of said support rails, said first row of panels including plural panels disposed side-by-side, each of said panels of said first row including on opposite sides thereof opposed sets of spaced apart support flanges engaged with respective ones of said first and second support rails;

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a second row of metal foraminous flooring panels supported by said second one of said support rails and a third one of said support rails, said panels of said second row being coplanar with said panels of said first row and said panels of said second row including spaced apart support flanges on opposite sides thereof, respectively, and engaged with said second and third support rails, respectively, said support flanges on one side of said panels of said second row being interfitted between cooperating ones of said support flanges of said panels of said first row, respectively;

a third row of plastic foraminous flooring panels supported on said third one of said support rails and a fourth one of said support rails, said third row of panels including plural panels disposed side by side, each of said panels of said third row including on opposite sides thereof opposed sets of support flanges engaged with said third and fourth support rails, respectively, one set of support flanges of said panels of said third row being interfitted between one set of support flanges on an opposite side of said panels of said second row for interlocking said panels of said second row with said panels of said third row, said panels of said third row being coplanar with said panels of said second row; and

said panels of said second row include reinforcing webs, and plural elongated slots formed in an animal support surface of said panels of said second row, respectively, between said webs.

2. The flooring system set forth in claim 1 wherein:

said panels of said second row include depending reinforcing flanges reinforcing said webs of said panels of said second row, respectively.

3. The flooring system set forth in claim 2 wherein:

each of said panels of said second row is provided with spaced apart bosses projecting from selected ones of said reinforcing flanges and disposed adjacent respective ones of said support flanges to assist in locating and minimizing shifting movement of said panels of said second row with respect to said second and third support rails, respectively.

4. The flooring system set forth in claim 1 wherein:

said panels of said second row each include on one side edge a boss projecting from a web between opposed sides of said panels of said second row which include said support flanges, respectively, and including a depending hook part for disposition in a recess formed on an opposite side of an adjacent panel of said second row, and a cooperating upstanding hook part delimiting one side of said recess, said hook parts being cooperating to latch adjacent panels of said second row together, respectively, to prevent separation of said panels forming said flooring system.

5. The flooring system set forth in claim 1 wherein:

said panels of said second row are formed of cast iron, respectively.

6. A flooring system for an animal confinement pen comprising:

plural, spaced apart, upstanding, elongated, parallel support rails for supporting said flooring system in a standoff position from a subfloor;

a first row of molded plastic foraminous flooring panels supported on spaced apart first and second ones of said support rails, said first row of panels including plural panels disposed side-by-side, each of said panels of said first row including on opposite sides thereof opposed sets of spaced apart support flanges engaged with respective ones of said first and second support rails;

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a second row of metal flooring panels supported by said second one of said support rails and a third one of said support rails, said panels of said second row including spaced apart support flanges on opposite sides thereof, respectively, and engaged with said second and third support rails, respectively, said support flanges on one side of said panels of said second row being interfitted between cooperating ones of said support flanges of said panels of said first row, respectively;

a third row of molded plastic foraminous flooring panels supported on said third one of said support rails and a fourth one of said support rails, said third row of panels including plural panels disposed side by side, each of said panels of said third row including on opposite sides thereof opposed sets of support flanges engaged with said third and fourth support rails, respectively, one set of support flanges of said panels of said third row being interfitted between one set of support flanges of said panels of said second row for interlocking said panels of said second row with said panels of said third row;

said panels of said second row each include reinforcing webs, and plural elongated slots formed in an animal support surface of said panels of said intermediate row, respectively, between respective ones of said webs;

each of said panels of said second row include reinforcing flanges reinforcing said webs of said panels of said second row, respectively; and

each of said panels of said second row is provided with spaced apart bosses projecting from selected ones of said reinforcing flanges and disposed adjacent respective ones of said hook-shaped flanges for locating and minimizing shifting movement of said panels of said second row with respect to said second and third support rails, respectively.

7. A flooring system for an animal confinement pen comprising:

plural, spaced apart, upstanding, elongated, parallel support rails for supporting said flooring system in a standoff position from a subfloor;

a first row of molded plastic foraminous flooring panels supported on spaced apart first and second ones of said support rails, said first row of panels including plural panels disposed side-by-side, each of said panels of said first row including on opposite sides thereof opposed sets of spaced apart support flanges engaged with respective ones of said first and second support rails;

a second row of foraminous cast iron flooring panels supported by said second one of said support rails and a third one of said support rails, said panels of said second row including spaced apart support flanges on opposite sides thereof, respectively, and engaged with said second and third support rails, respectively, said support flanges on one side of said panels of said second row being interfitted between cooperating ones of said support flanges of said panels of said first row, respectively; and

a third row of molded plastic foraminous flooring panels supported on said third one of said support rails and a fourth one of said support rails, said third row of panels including plural panels disposed side by side, each of said panels of said third row including on opposite sides thereof opposed sets of support flanges engaged with said third and fourth support rails, respectively, one set of support flanges of said panels of said third row being interfitted between one set of support flanges of said panels of said second row for interlocking said panels of said second row with said panels of said third row.

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8. The flooring system set forth in claim 7 wherein:
each of said panels of said second row is provided with
spaced apart bosses projecting from respective depend-
ing flanges and disposed adjacent respective ones of
said support flanges to assist in locating and minimiz-
ing shifting movement of said panels of said second
row with respect to said second and third support rails,
respectively.

9. A set of plastic and metal flooring panels for providing
a flooring system for an animal confinement pen for swine
farrowing operations, the flooring panels adapted to be
interconnected with one another, said set comprising:

- (a) at least one plastic foraminous panel of generally
rectangular shape, said plastic foraminous panel having
spaced apart support flanges on opposite sides of said
plastic panel, and
- (b) at least one cast metal foraminous panel of generally
rectangular shape, said cast metal foraminous panel
having spaced apart support flanges on opposite sides
of said metal panel,

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(c) the support flanges on a plastic panel and the support
flanges on a metal panel of each set having dimensions
and shapes enabling the interfit and interlock between
said plastic panel and said metal panel.

10. The set of panels as defined by claim 9 in which the
plastic and metal panels of said set are of identical dimen-
sions, both the plastic and metal panels include half length
flanges, and the support flanges on the at least one plastic
panel define recesses in which the support flanges of the
metal panel are adapted to fit.

11. The set of panels as defined by claim 9 in which the
at least one metal foraminous panel is of cast iron and the
plastic and cast iron panels have elongated slots to enable
animal waste to drop therethrough.

12. The set of panels as defined by claim 9 in which each
of the plastic panels of a set are adapted to interlock with one
another and each of the metal panels of a set are adapted to
interlock with one another.

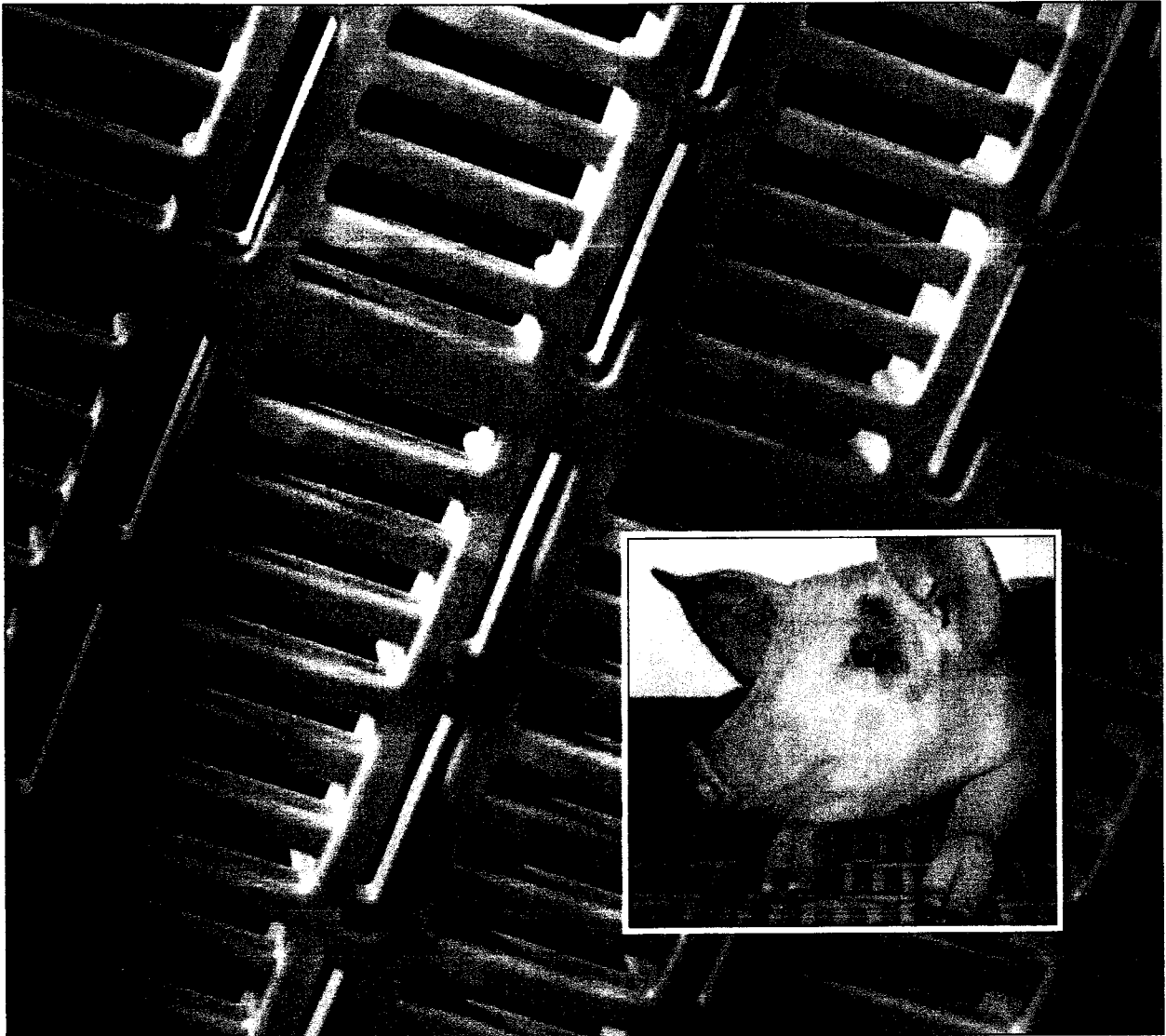
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EXHIBIT C

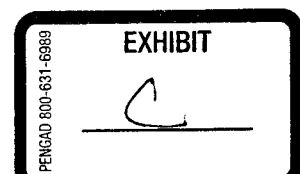


Big Dutchman®

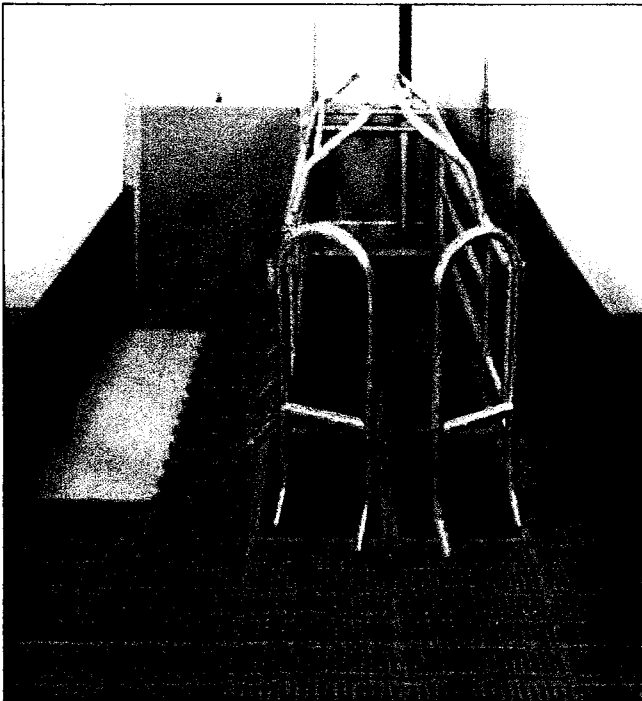


Floor systems

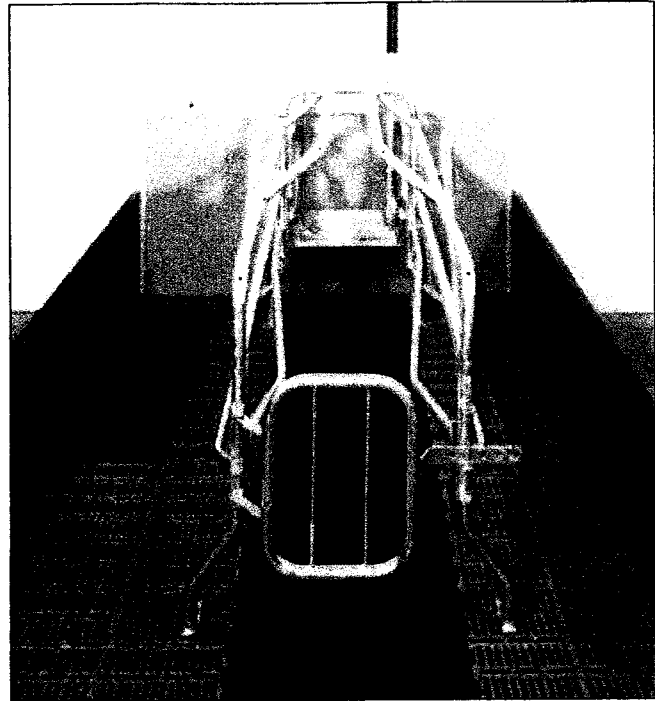
for energetic sows and healthy piglets



Placement examples for farrowing pens with straight arrangement

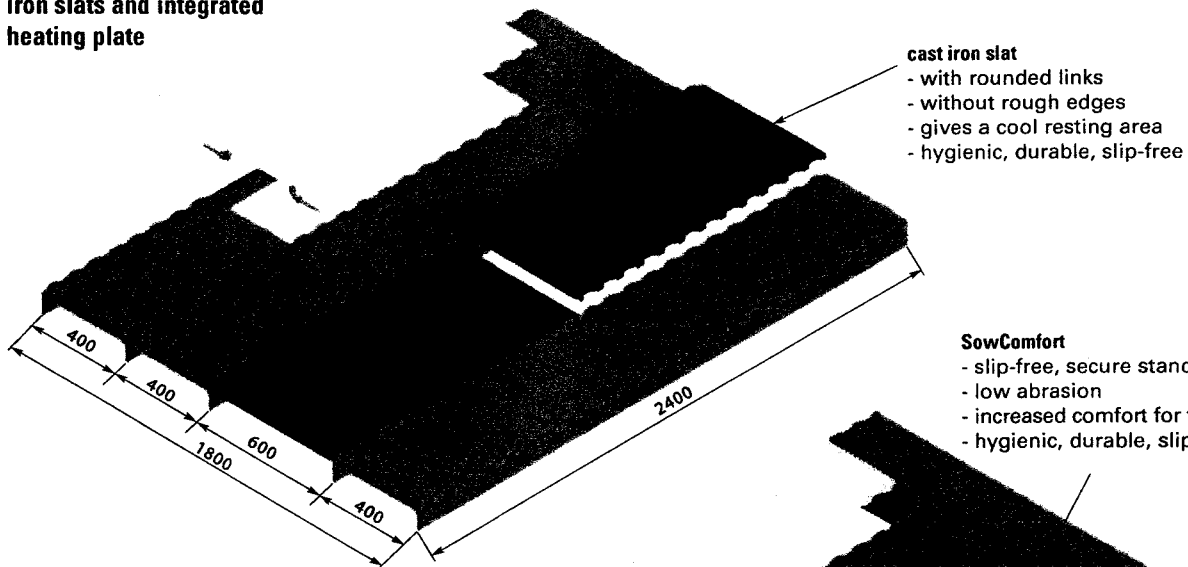


Farrowing pen with SowComfort in the sow area and integrated concrete polymer heating plate

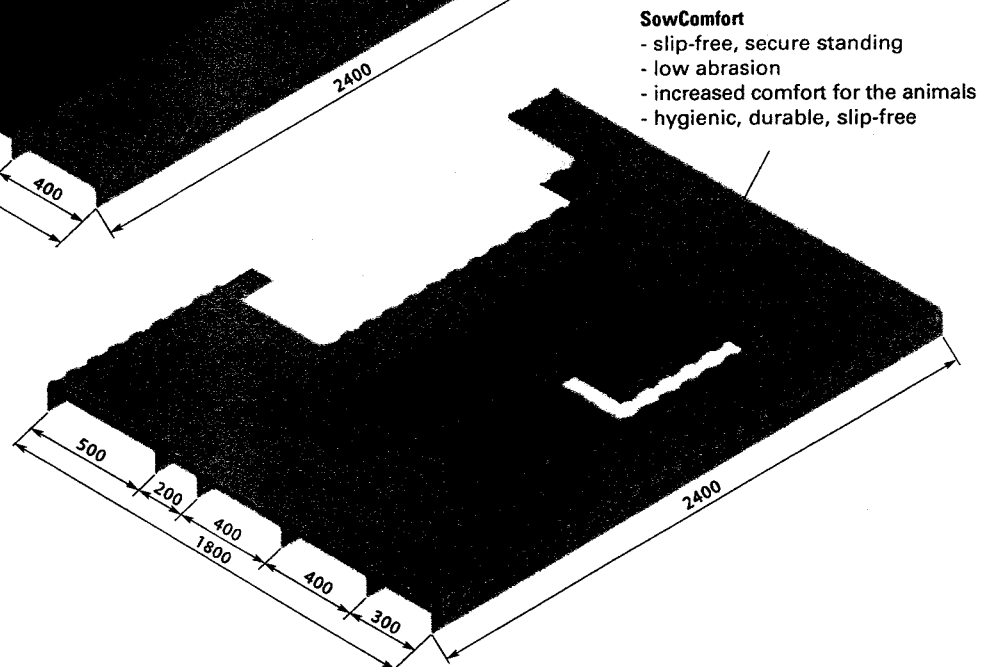


Farrowing pen with cast iron flooring in the sow's resting area and integrated plastic heating plate

Farrowing pen with cast iron slats and integrated heating plate



Farrowing pen with SowComfort and integrated heating plate



Technical data for plastic and cast iron slats

Type	Code No.	Dimensions (l x w, mm)	Aperture width (mm)	Link width (mm)	Pieces per m
plastic slat for					
- piglets	65-00-4010	1000 x 500	9	10	2.00
- piglets with 10 % apertures	65-00-4011	1000 x 500	-	-	2.00
- piglets	65-00-4013	1200 x 400	9	10	2.08
- sows	65-00-4014	800 x 500	9	10	2.50
- sows	65-00-4015	800 x 400	9	10	2.50
- sows	65-00-4016	500 x 300	9	10	6.67
- sows	65-00-4017	500 x 200	9	10	10.00
- sows with rubber mat	65-00-4018	600 x 400	-	-	4.17
open cast iron slat (level)	83-00-0793	1200 x 600	11	15	1.39
cast iron slat (level) with solid surface (400 x 600)	83-00-0794	1200 x 600	11	15	1.39
cast iron slat (level) with solid surface (600 x 600)	83-00-0795	1200 x 600	11	15	1.39
open cast iron slat with profile (step)	65-00-3912	1200 x 600	11	15	1.39
open cast iron slat with profile (step)	65-00-3911	1000 x 600	11	15	1.67
open cast iron slat with profile (step)	65-00-3910	600 x 600	11	15	0.36
cast iron slat with profile (step), 10 % apertures	65-00-3913	600 x 600	-	-	0.36
open cast iron slat (level)	65-00-3914	600 x 600	11	11	0.36

All of the listed piglet slats can temporarily carry a pressure-point-load of 250 kg, all slats for sows can carry a 500 kg load.
- additional cast iron slats upon request

Technical data for different heating plates

Type	Code No.	Dimensions (mm)	Type	Code No.	Dimensions (mm)
warm-water heating plates for farrowing pens			electric heating plates for farrowing pens		
- integrable, concrete polymer	83-00-0841	1200 x 400	- integrable	65-00-4100*	1200 x 400
	83-02-7169	1200 x 500	- integrable with temperature probe	65-00-4073	1200 x 400
- integrable, plastic	65-00-4160*	1200 x 400	- on-slat placement, right-hand connection	65-00-4075*	1200 x 450
	65-00-4170*	1200 x 500	- on-slat placement, left-hand connection	65-00-4076*	1200 x 450
- on-slat placement, plastic	65-00-4180*	1200 x 400	- on-slat placement	65-00-4030*	1200 x 450
	65-00-4190*	1200 x 500	electric heating plates for rearing pens		
warm-water heating plates for rearing pens			- integrable, concrete polymer	65-00-4090*	800 x 800
- integrable, concrete polymer	65-00-3977	1200 x 500		65-00-4092*	800 x 500
	65-00-3975	1200 x 600		65-00-4093*	800 x 400
	83-00-1639	1000 x 500		65-00-4080*	1200 x 800
	83-00-1641	1000 x 600		65-00-4082*	1200 x 500
	83-00-1646	1000 x 800		65-00-4083*	1200 x 400

* also available with insulation
Heating plates with other dimensions upon request

* without temperature probe
Heating plates with other dimensions upon request

Dimensions of the substructure

Bearing distance (cm)	Dimensions of flat steel (mm) for	
	farrowing pen	rearing pen
120	60 x 5	-
160	60 x 5	60 x 5
200	80 x 5	60 x 5
240	100 x 5	80 x 5
280	120 x 5	100 x 5
320	-	120 x 5

Please note:

The listed bearing distances are only approximate values and may vary depending on the assembly situation, maximum animal weights and other factors.



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ORIGINAL

CIVIL COVER SHEET 008 CV 0.0.37 - M

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Southwest Agri-Plastics, Inc.

DEFENDANTS

Big Dutchman Pig Equipment, GmbH
Big Dutchman, Inc.

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF

(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Thomas C. Wright, Gardere Wynne Sewell LLP, Suite 3000, 1601 Elm Street, Dallas, Texas 75201 (214) 999-3000

ATTORNEYS (IF KNOWN)

RECEIVED

JAN - 8 2008

II. BASIS OF JURISDICTION

(PLACE AN "X" IN ONE BOX ONLY)

☐ 1 U.S. Government Plaintiff☒ 3 Federal Question (U.S. Government Not a Party)☐ 2 U.S. Government Defendant☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

PARTIES, U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

(PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

Citizen of This State

PTF

DEF

☐ 1☐ 1

Incorporated or Principal Place of Business In This State

PTF

DEF

☐ 4☐ 4

Citizen of Another State

☐ 2☐ 2

Incorporated and Principal Place of Business In Another State

☐ 5☐ 5

Citizen or Subject of a Foreign Country

☐ 3☐ 3

Foreign Nation

☐ 6☐ 6

IV. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

☒ 1 Original Proceeding☐ 2 Removed from State Court☐ 3 Remanded from Appellate Court☐ 4 Reinstated or Reopened☐ 5 Transferred from another district (specify)☐ 6 Multidistrict Litigation☐ 7 Appeal to District Judge from Magistrate Judgment

V. NATURE OF SUIT

(PLACE AN "X" IN ONE BOX ONLY)

CONTRACT

- ☐ 110 Insurance
☐ 120 Marine
☐ 130 Miller act
☐ 140 Negotiable Instrument
☐ 150 Recovery of Overpayment & Enforcement of Judgment
☐ 151 Medicare Act
☐ 152 Recovery of Defaulted Student Loans (Excl. Veterans)
☐ 153 Recovery of Overpayment of Veteran's Benefits
☐ 160 Stockholder's Suits
☐ 190 Other Contract
☐ 195 Contract Product Liability

TORTS

PERSONAL INJURY

- ☐ 310 Airplane
☐ 315 Airplane Product Liability
☐ 320 Assault, Libel & Slander
☐ 330 Federal Employers' Liability
☐ 340 Marine
☐ 345 Marine Product Liability
☐ 350 Motor Vehicle
☐ 355 Motor Vehicle Product Liability
☐ 360 Other Personal Injury

PERSONAL INJURY

- ☐ 362 Personal Injury - Med. Malpractice
☐ 365 Personal Injury - Product Liability
☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY

- ☐ 370 Other Fraud
☐ 371 Truth in Lending
☐ 380 Other Personal Property Damage
☐ 385 Property Damage Product Liability

FORFEITURE/PENALTY

- ☐ 610 Agriculture
☐ 620 Other Food & Drug
☐ 625 Drug Related Seizure of Property 21 USC 881
☐ 630 Liquor Law
☐ 640 R.R. & Truck
☐ 650 Airline Regs.
☐ 660 Occupational Safety/Health
☐ 690 Other

LABOR

- ☐ 710 Fair Labor Standards Act
☐ 720 Labor/Mgmt. Relations
☐ 730 Labor/Mgmt. Reporting & Disclosure Act
☐ 740 Railway Labor Act
☐ 790 Other Labor Litigation
☐ 791 Empl. Ref. Inc. Security Act

BANKRUPTCY

- ☐ 422 Appeal 28 USC 158
☐ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS

- ☐ 820 Copyrights
☒ 830 Patents
☐ 840 Trademark

SOCIAL SECURITY

- ☐ 861 HIA (1395ff)
☐ 862 Black Lung (923)
☐ 863 DIWC/DIWW (405(g))
☐ 864 SSID Title XVI
☐ 865 RSI (405(g))

FEDERAL TAX SUITS

- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
☐ 871 RS - Third Party 26 USC 7609

OTHER STATUTES

- ☐ 400 State Reapportionment
☐ 410 Antitrust
☐ 430 Banks and Banking
☐ 450 Commerce/ICC Rates/etc.
☐ 460 Deportation
☐ 470 Racketeer Influenced and Corrupt Organizations
☐ 810 Selective Service
☐ 850 Securities/Commodities/Exchange
☐ 875 Customer Challenge 12 USC 3410
☐ 891 Agricultural Acts
☐ 892 Economic Stabilization Act
☐ 893 Environment Matters
☐ 894 Energy Allocation Act
☐ 895 Freedom of Information Act
☐ 900 Appeal of Fee Determination Under Equal Access to Justice
☐ 950 Constitutionality of State Statutes
☐ 890 Other Statutory Actions

REAL PROPERTY

- ☐ 210 Land Condemnation
☐ 220 Foreclosure
☐ 230 Rent Lease & Ejectment
☐ 240 Torts to Land
☐ 245 Tort Product Liability
☐ 290 All other Real Property

CIVIL RIGHTS

- ☐ 441 Voting
☐ 442 Employment
☐ 443 Housing/Accommodations
☐ 444 Welfare
☐ 440 Other Civil Rights

PRISONER PETITIONS

- ☐ 510 Motions to Vacate Sentence
☐ Habeas Corpus:
☐ 530 General
☐ 535 Death Penalty
☐ 540 Mandamus & Other
☐ 550 Civil Rights

VI. CAUSE OF ACTION

(CITE THE U.S. STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

Patent infringement under 35 USC §101 et seq.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint

JURY DEMAND:

☒ YES NO

VIII. RELATED CASE(S) IF ANY:

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

January 8, 2008

Thomas C. Wright

FOR OFFICE USE ONLY

RECEIPT# _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____