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 U.S. DISTRICT COURT
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UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

F&T SPAGNOLO PTY LTD

Plaintiff,

v.

THE WINE GROUP, INC.

Defendant.

Case No. **07-01149 SI**

) COMPLAINT

) DEMAND FOR JURY TRIAL

COMPLAINT FOR PATENT INFRINGEMENT (Jury Trial Demand)

Plaintiff F&T Spagnolo Pty Ltd ("Spagnolo") alleges as follows:

Complaint

THE PARTIES

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2 1. Spagnolo is a company organized under the laws of Australia, with a place of
3 business at 133 Lime Avenue, Mildura, Victoria 3500, Australia.

4 2. On information and belief, The Wine Group, Inc. ("TWG") is a corporation
5 organized under the laws California, with a place of business at 240 Stockton Street #800, San
6 Francisco, California, 94108-5325.

JURISDICTION AND VENUE

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8 3. This action arises under the patent laws of the United States, Title 35, United
9 States Code. Jurisdiction is conferred on this Court pursuant to 28 U.S.C. §§ 1331 and 1338(a).

10 4. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b) & (c) &
11 1400(b).

INTRADISTRICT ASSIGNMENT

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13 5. Intradistrict assignment under Civil L.R. 3-2(c) is not applicable as this
14 matter is an intellectual property action.

CAUSE OF ACTION

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16 6. Spagnolo is the sole owner of U.S. Patent 6,523,337 (the "337 Patent") which
17 issued on February 25, 2003.

18 7. The 337 Patent is directed to a pruning machine for pruning vegetation.

19 8. On information and belief, TWG has infringed and is continuing to infringe the
20 337 Patent by making, using, offering to sell, selling and/or importing into the United States
21 pruning machines that are encompassed by claims of the 337 Patent. On information and
22 belief, TWG will continue to infringe the 337 Patent unless enjoined by this Court.

23 9. TWG had knowledge of the 337 Patent, and has therefore infringed the 337
24

1 Patent willfully and deliberately, thereby rendering this case exceptional under the United
2 States patent laws.

3 WHEREFORE, Spagnolo prays that this Court:

4 A. Adjudge and decree that TWG has directly or indirectly infringed one or more
5 claims of the 337 Patent;

6 B. Preliminarily and permanently enjoin TWG, its officers, agents, servants,
7 employees, attorneys, and those persons in active concert or participation with them who
8 receive actual notice of the order by personal service or otherwise, from continuing to infringe
9 the 337 Patent;

10 C. Order TWG to pay damages sustained by Spagnolo by reason of TWG's
11 infringement of the 337 Patent, together with interest and costs;

12 D. Adjudge and decree that TWG's infringement of the 337 Patent has been and is
13 willful and deliberate, and award Spagnolo increased damages pursuant to 35 U.S.C. § 284;

14 E. Award Spagnolo attorneys' fees pursuant to 35 U.S.C. § 285 and/or any other
15 appropriate provision of law; and

16 F. Award Spagnolo such further relief as this Court deems just and proper.
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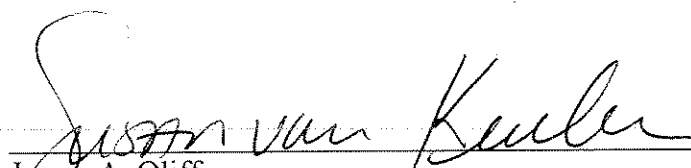
JURY DEMAND

Spagnolo hereby demands, pursuant to Fed. R. Civ. P. 38, a trial by jury of all issues so triable.

DATED this 26th day of February 2007.

Respectfully submitted,

F&T SPAGNOLO PTY LTD



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