

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

ANAGRAM INTERNATIONAL, INC.,

Plaintiff,

vs.

PIONEER BALLOON COMPANY and
HALLMARK CARDS, INC.,

Defendants.

CIVIL NO.:

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Anagram International, Inc. (“Anagram”) or (“Plaintiff”), as and for its Complaint against Defendants Pioneer Balloon Company and Hallmark Cards, Inc. (collectively “Defendants”) states and alleges as follows:

JURISDICTION AND VENUE

1. This is an action for patent infringement under the patent laws of the United States, 35 U.S.C. § 271 et seq.
2. This Court has jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).
3. Venue is proper before this Court pursuant to 28 U.S.C. § 1391(b), (c) and §1400(b).

PARTIES

4. Plaintiff Anagram International, Inc. is a Minnesota corporation having a principal place of business at 7700 Anagram Drive, Eden Prairie, Minnesota 55344. Anagram is engaged in manufacturing and distribution of gift and party products, including balloons.

5. Defendant Pioneer Balloon Company (“Pioneer”) is a Delaware corporation having a principal place of business at 5000 E. 29th Street, North Wichita, Kansas 67220. Pioneer sells gift and party products, including balloons. Upon information and belief, Pioneer is doing business in this judicial district and is committing acts of patent infringement in this judicial district and elsewhere in the United States.

6. Defendant Hallmark Cards, Inc. (“Hallmark”) is a Missouri corporation with its principal place of business at 2501 McGee St., Kansas City, Missouri 64108. Hallmark sells, among other things, gift and party products, including balloons. Upon information and belief, Hallmark is doing business in this judicial district and is committing acts of patent infringement in this judicial district and elsewhere in the United States.

COUNT I

(Infringement of U.S. Patent No. 5,108,339)

7. The allegations of paragraphs 1–7 above are incorporated by reference as if fully set forth herein.

8. This claim is made under the provisions of the patent laws of the United States, 35 U.S.C. § 271 et seq.

9. Anagram owns U.S. Patent No. 5,108,339 (“the ‘339 Patent”), which was duly and legally issued on April 28, 1992 and is entitled “Non-Latex Inflatable Toy.” A copy of the ‘339 Patent is attached hereto as Exhibit A.

10. In violation of Plaintiff’s patent rights under the ‘339 Patent, Pioneer has been and is infringing one or more of the claims of the ‘339 Patent by making, using, selling and/or offering for sale Pioneer balloons, including without limitation, its “Qualatex®” brand “Bubble Balloons®” in this judicial district and elsewhere in the United States all without the authorization or consent of Plaintiff.

11. In violation of Plaintiff's patent rights under the '339 Patent, Hallmark has been and is infringing one or more of the claims of the '339 Patent by making, using, selling, and/or offering for sale Hallmark balloons, including without limitation licensed character balloons, in this judicial district and elsewhere in the United States all without the authorization or consent of Plaintiff's.

12. Defendants' acts of infringement are willful.

13. Defendants' acts of infringement have caused reparable and irreparable damage to Plaintiff and Plaintiff will continue to suffer damage unless Defendants are enjoined.

WHEREFORE, Anagram International, Inc. prays that the Court:

A. Enter judgment that Pioneer and Hallmark have infringed U.S. Patent No. 5,108,339;

B. Enter judgment that Pioneer and Hallmark's acts of patent infringement are willful;

C. Preliminarily and permanently enjoin Pioneer and Hallmark, their parents, subsidiaries, affiliates, divisions, officers, agents, servants, employees, directors, partners, representatives, all individuals and entities in active concert and/or participation with them, and all individuals and/or entities within their control from engaging in the aforesaid unlawful acts of infringement;

D. Order Pioneer and Hallmark to account for and pay to Plaintiff all damages caused to Plaintiff by Pioneer's and Hallmark's unlawful acts of patent infringement;

E. Award Plaintiff increased damages and attorney fees pursuant to 35 U.S.C. §§ 284 and 285;

- F. Award Plaintiff the interest and costs incurred in this action; and
- G. Grant Plaintiff such other and further relief as the Court may deem just and proper.

JURY DEMAND

Plaintiff Anagram International, Inc. hereby demands a trial by jury on all issues so triable with respect to the Complaint.

BRIGGS AND MORGAN

Dated: June 19, 2007

By: s/ W. Patrick Judge
Gerald E. Helget (#30948)
W. Patrick Judge (#202721)
Michael M. Lafeber (#242871)
2200 IDS Center
80 South 8th Street
Minneapolis, MN 55402
Tel.: (612) 977-8400
Fax: (612) 977-8650

Attorneys for Plaintiff Anagram
International, Inc.