

United States District Court

EASTERN DISTRICT OF WISCONSIN

Armament Systems & Procedures, Inc.

v.

SUMMONS IN A CIVIL CASE

Target Corporation

CASE NUMBER: 06-C-0830

TO: (Name and Address Defendant)

Target Corporation
1000 Nicollet Mall
Minneapolis, MN 55403

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (Name and Address)

Attorney Michael J. Hanrahan
Attorney Diane Slomowitz
Fox, O'Neill & Shannon, S.C.
622 North Water Street, Suite 500
Milwaukee, WI 53202

Attorney Richard S. Kuhlman
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an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must filed with the Clerk of this Court within a reasonable period of time after service.

SOFRON B. NEDILSKY

AUG - 3 2006

CLERK

DATE



(BY) DEPUTY CLERK

RETURN OF SERVICE

Service of the Summons and complaint was made by me ⁽¹⁾	DATE
NAME OF SERVER	TITLE

Check one box below to indicate appropriate method of service

Served personally upon the defendant. Place where served:

Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left:

Returned unexecuted:

Other (specify):

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL
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DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

Date

Signature of Server

Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

U.S. DISTRICT COURT
DISTRICT OF WISCONSIN
UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

ARMAMENT SYSTEMS AND
PROCEDURES, INC.,

Plaintiff,

v.

TARGET CORPORATION,

Defendant.

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50 FRON B. NEDILSKY
CLERK

06-C-0830

COMPLAINT

Plaintiff, ARMAMENT SYSTEMS AND PROCEDURES, INC. [hereinafter "ASP"], by its undersigned counsel, complains as follows against Defendant, TARGET CORPORATION [hereinafter "Target"]:

1. This is an action for patent infringement, arising under the patent laws of the United States, 35 U.S.C. §§1 et seq.
2. This Court has jurisdiction under 28 U.S.C. §§1331 and 1338.
3. ASP is a company organized and existing under the laws of Wisconsin, and maintains its principal place of business at 2511 East Capitol Drive, Appleton, Wisconsin 54911, in the Eastern District of Wisconsin.
4. Upon information and belief, Target is a company organized and existing under the laws of Minnesota, and maintains its principal place of business at 1000 Nicollet Mall, Minneapolis, MN 55403.

Count I

5. ASP is the lawful owner of the entire right, title, and interest in and to U.S. Patent No. 6,357,890, issued by the United States Patent Office on March 19, 2002. The Inventors of the '890 Patent are Kevin L. Parsons, Donald A. Keller and W. Clay Reeves [hereinafter "the '890 Patent"].

6. ASP has marked all flashlights manufactured and sold by ASP under the '890 Patent with notice in accordance with 35 U.S.C. §287(a).

7. Target has infringed and continues to infringe the '890 Patent directly, or indirectly by inducing infringement or contributorily infringing, in the Eastern District of Wisconsin and in other districts.

8. Upon information and belief, Target's acts of infringement of the '890 Patent have been willful.

9. Target has made unlawful gains and profits from its acts of infringement of the '890 Patent.

10. ASP has been and will continue to be seriously and irreparably injured by Target's acts of infringement of the '890 Patent, unless Target is enjoined by this Court.

11. As a result of Target's acts of infringement of the '890 Patent, ASP has been damaged in an amount not yet ascertained.

Count II

12. ASP is the lawful owner of the entire right, title, and interest in and to U.S. Patent No. 6,749,317 [hereinafter "the '317 Patent"] issued by the United States Patent Office on June 15, 2004. The Inventors of the '317 Patent are Kevin L. Parsons and W. Clay Reeves.

13. ASP has marked all flashlights manufactured and sold by ASP under the '317 Patent with notice in accordance with 35 U.S.C. §287(a).

14. Target has infringed and continues to infringe the '317 Patent directly, or indirectly by inducing infringement or contributorily infringing, in the Eastern District of Wisconsin and in other districts.

15. Upon information and belief, Target's acts of infringement of the '317 Patent have been willful.

16. Target has made unlawful gains and profits from its acts of infringement of the '317 Patent.

17. ASP has been and will continue to be seriously and irreparably injured by Target's acts of infringement of the '317 Patent, unless Target is enjoined by this Court.

18. As a result of Target's acts of infringement of the '317 Patent, ASP has been damaged in an amount not yet ascertained.

19. This is an exceptional case pursuant to 35 U.S.C. § 285.

PRAYER FOR RELIEF

WHEREFORE, ASP requests judgment in its favor as follows:

- A. that Target has willfully infringed U.S. Patent No. 6,357,890;
- B. that Target has willfully infringed U.S. Patent No. 6,749,317;
- C. that Target shall be permanently enjoined from infringing U.S. Patent No. 6,357,890 and U.S. Patent No. 6,749,317;
- D. that Target shall pay all damages suffered by ASP as a result of Target's acts of infringement of U.S. Patent Nos. 6,357,890 and 6,749,317, and that such damages shall be trebled;

E. that Target shall pay all prejudgment interest;

F. that Target shall pay ASP's costs, expenses, disbursements, and attorneys' fees; and

G. that this is an exceptional case and an award of reasonable attorneys' fees pursuant to 35. U.S.C. § 285.


H. that such other and further relief be granted as this Court may deem just and equitable.

Jury Demand

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, ASP demands a trial by jury on all issues triable by jury as of right in this civil action.

Respectfully submitted,

August 3, 2006


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