

FILED

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

07/19/05 11:08:45
CLERK, U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO, FLORIDA

MCGILL TECHNOLOGY LIMITED,
a UK corporation,

Plaintiff,

Case No. **6:05-cv-1065-01-22JG**

v.

ARCHIBALD BROTHERS INTERNATIONAL, INC.
a Florida Corporation

Ernest I. Gifford (FL 0162787)
GIFFORD, KRASS, GROH, SPRINKLE,
ANDERSON & CITKOWSKI, P.C.
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Venice, Florida 34285
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941-484-5258 (Fax)

Attorneys for Plaintiff

COMPLAINT AND DEMAND FOR JURY TRIAL

Parties and Jurisdiction

1. Plaintiff, McGill Technology Limited, is a corporation organized under the laws of the United Kingdom, having a principal place of business at Endeavour Park, London Road, Addington, West Malling, Kent ME19 5TW, England.

2. On information and belief, Defendant Archibald Brothers International, Inc., is a corporation organized under the laws of the State of Florida, having a principal place of business at 126 N. Woodland Blvd., Suite B, Deland, Florida 32720, also on

information and belief, does business within the State of Florida and within this judicial district.

3. This action arises under the patent laws of the United States. This Court has jurisdiction under 35 U.S.C. §281 and 28 U.S.C. §1338. Venue is proper under 28 U.S.C. §1400(b) and 28 U.S.C. §1391(c).

Count I – Patent Infringement

4. Plaintiff realleges Paragraphs 1-3 as if fully set forth herein.

5. Plaintiff is the owner of United States Patent Nos. 5,620,115; 6,105,820 and 6,182,862, all for a frozen confection dispensing apparatus (Exhibit A).

6. Upon information and belief, Defendants have infringed at least claim 1 of U.S. Patent No. 5,620,115, at least claims 1, 2 and 21 of U.S. Patent No. 6,105,820 and at least claims 1, 5-8 and 10-11 of U.S. Patent No. 6,182,862 by making, using, selling and offering to sell its EROS® (**Extruded Refrigerated Operating System**) ice cream dispensing system and will continue to do so in this judicial district and elsewhere throughout the United States to the irreparable damage of Plaintiff unless enjoined by this Court; 35 U.S.C. §271(a)-(c).

7. The aforementioned actions by Defendants have occurred with full knowledge of Plaintiff's patent rights.

8. The aforementioned actions by Defendants constitute willful infringement of said Letters Patent Nos. 5,620,115; 6,105,820 and 6,182,862.

WHEREFORE, Plaintiff prays that:

1. The Defendant, its officers, agents, employees, successors and assigns and all those acting for, by or through it or in its behalf, be preliminarily enjoined during

the pendency of this action and thereafter permanently enjoined from further infringement of Plaintiff's Letters Patent Nos. 5,620,115; 6,105,820 and 6,182,862.

2. The Defendants account for and pay to Plaintiff all damages sustained by Plaintiff as determined by the jury by reason of Defendants' infringement of said Letters Patent.

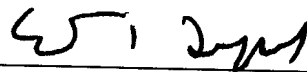
3. This Court declare this case to be exceptional pursuant to 35 U.S.C. §285 and award Plaintiff triple damages as determined by the jury with Plaintiff's attorney fees and costs associated with this action.

4. The Plaintiff be granted such other and further relief as this Court deems just and equitable.

REQUEST FOR JURY TRIAL

Plaintiff requests a jury trial on all issues triable by a jury.

Respectfully submitted,



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Date: 7/13/05

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