

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Caddy Products, Inc.,

Court File No._ **05-301JRT/FLN**

Plaintiff,

COMPLAINT

vs.

(JURY TRIAL DEMANDED)

Greystone International, Inc.,

Defendant.

Plaintiff, for its complaint against Defendant, states:

PARTIES

1. Plaintiff Caddy Products, Inc. ("Caddy Products"), is a Minnesota corporation. Caddy Products is in the business of manufacturing and selling, among other things, seating and related products, including arm rests, cupholders and trays.

2. Upon information and belief, Defendant Greystone International, Inc., ("Greystone") is a Michigan corporation with its principal place of business located at 870 74th Street SW, Byron Center, MI 49315. Upon information and belief, Defendant is in the business of manufacturing and selling furniture including seating and related products, including arm rests, cupholders and trays.

JURISDICTION AND VENUE

3. This is an action for, among other things, patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

4. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331, 1332(a)(1) and 1338(a). The amount in controversy exceeds \$75,000, exclusive of interest, costs and disbursements.

5. This Court has personal jurisdiction over Defendant. Among other things, upon information and belief, Defendant has advertised, sold, offered to sell and/or distributed products, either directly or indirectly, to residents of the State of Minnesota, including without limitation products claimed to be covered by United States Patent Nos. 5,234,251 and/or 6,283,551.

6. Venue in this district is proper under 28 U.S.C. §§ 1391(b), 1391(c) and 1400(b).

**CLAIM FOR RELIEF
(Patent Infringement)**

7. Caddy Products incorporates by reference all preceding Paragraphs of the Complaint.

8. Caddy Products is the owner of certain proprietary technology for seating and related products. As part of that technology, Caddy Products owns, among other patents, a patent issued as United States Patent No. 5,234,251, related to upholstered armrests and United States Patent No. 6,283,551, related to pivoting arm rests (collectively the “Caddy Products Patents”).

9. On information and belief, Defendant has directly infringed, and induced others to infringe, the Caddy Products Patents in this district by making, using, offering for sale and/or selling seating products, including upholstered armrests and pivoting arm rests, that are covered by one or more claims of the Caddy Products Patents.

10. Upon information and belief, Defendant has directly infringed, and induced others to infringe, the Caddy Products Patents in other districts as well, the particulars of which are not fully known to Caddy Products.

11. Defendant’s infringement of the Caddy Products Patents was and is willful.

12. Defendant has derived, and unless enjoined by this Court will continue to derive, unjust profits as a result of its infringing activities. Caddy Products has been, and will continue

to be, irreparably harmed unless Defendant's infringement of the Caddy Products Patents is enjoined by this Court.

13. As a direct, proximate and intended result of Defendant's infringement of the Caddy Products Patents, Caddy Products has been damaged in an amount far in excess of \$75,000.00.

WHEREFORE, Caddy Products requests judgment against Defendant as follows:

1. An injunction permanently enjoining Defendant, and all persons acting on Defendant's behalf, from further infringing the Caddy Products Patents.

2. An award of Caddy Products' lost profits or an award of reasonable royalties under the patent laws.

3. An award of treble damages under the patent laws for Defendant's willful patent infringement.

4. An award of the penalty specified in 35 U.S.C. § 292.

5. An award of prejudgment interest, costs, disbursements and reasonable attorneys' fees.

6. An award of any other relief that the Court deems equitable.

PLAINTIFF DEMANDS A JURY TRIAL.

Dated: February 8, 2005

FABYANSKE, WESTRA AND HART, P.A.

By: s/Dyanna L. Street

Richard G. Jensen (#18990X)

Dyanna L. Street (#250314)

800 LaSalle Avenue, Suite 1900

Minneapolis, MN 55402

(612) 338-0115

ATTORNEYS FOR PLAINTIFF