

Jurisdiction and Venue

4. This Court has personal jurisdiction over PNA because, upon information and belief, PNA regularly conducts business in the State of Missouri with customers located in the State of Missouri.

5. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338 as the claim involves questions of federal law under the Patent Laws of the United States and the Declaratory Judgment Act.

6. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400.

Count I - Declaratory Judgment of Non-Infringement

7. Greenstreak incorporates by reference paragraphs 1 through 6 into Count I as if fully set forth herein.

8. This claim seeks a declaratory judgment pursuant to 28 U.S.C. §§ 2201-02.

9. There is an actual and justiciable controversy between the parties with respect to Greenstreak's alleged infringement of United States Patent No. 6,354,760 ("the '760 Patent"). A true and accurate copy of the '760 patent is attached as Exhibit A.

10. On December 18, 2007, patent counsel for PNA sent a letter via facsimile to Greenstreak giving notice that Greenstreak "infringes [the '760 patent] by the manufacture, use, sale, and offer for sale of the Double Tapered Basket that Greenstreak has introduced." See Exhibit B, attached hereto. The letter states, "PNA demands that Greenstreak cease manufacture, use, sale and offer for sale of its Double Tapered Basket product." This demand puts Greenstreak in the position of either pursuing arguably illegal behavior or abandoning that which Greenstreak claims a right to do.

11. Greenstreak does not infringe any valid claim of the '760 Patent.

12. Greenstreak is entitled to a declaratory judgment that Greenstreak does not infringe any valid claim of the '760 Patent.

Count II - Declaratory Judgment of Invalidity/Unenforceability

13. Greenstreak incorporates by reference paragraphs 1 through 12 into Count II as if fully set forth herein.

14. One or more claims of the '760 Patent are invalid or unenforceable under 35 U.S.C. §§ 101, 102, 103, 112 and/or 132.

15. Greenstreak is entitled to a declaratory judgment that the '760 Patent is invalid or unenforceable.

Prayer for Relief

WHEREFORE, Greenstreak respectfully requests the following relief:

(A.) A declaratory judgment that Greenstreak does not infringe any valid claim of the '760 Patent;

(B.) A declaratory judgment that the '760 Patent is invalid and/or unenforceable;

(C.) A declaratory judgment that this is an exceptional case, and that Greenstreak is entitled to an award of attorney's fees pursuant to 35 U.S.C. § 285 and for costs;

(D.) Any and all such further relief as this Court may deem just, necessary or proper.

Respectfully submitted,

/s/ Nicholas B. Clifford, Jr. _____

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