

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS

**FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT ARKANSAS

MAY 26 2006


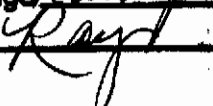
JAMES W. McCORMACK, CLERK  
By:  DEP. CLERK

ALAN R. GIBBS, An Individual, and d/b/a  
GIBBS ARCHERY GEAR

**4 - 06 - CV - 0000614 JMM** PLAINTIFFS

v.

ARCHER'S ADVANTAGE, INC., an Arkansas  
Corporation, JERRELL DODSON, PENELOPE  
DODSON, both Individuals, and PRIMOS,  
INC., a Mississippi Corporation,

This case assigned to District Judge   
and to Magistrate Judge 

DEFENDANTS

**COMPLAINT FOR PATENT INFRINGEMENT AND  
UNFAIR COMPETITION  
JURY TRIAL DEMANDED**

COME NOW Plaintiffs, Alan R. Gibbs and Gibbs Archery Gear, and for  
their Complaint allege the following:

**PARTIES**

1. Plaintiff Alan R. Gibbs, is an individual and the sole proprietor of  
Gibbs Archery Gear, having a principal place of business in Sheridan, Arkansas, and  
is the owner of all right, title and interest in and to design patent number D425,959  
for an Archery Bow Cover.

2. Defendant, Archer's Advantage, Inc., is an Arkansas corporation,  
established on June 21, 1991, and whose charter was revoked on December 31,

2003, as evidenced by a printout from the Arkansas Secretary of State's website and attached hereto as Exhibit A and made a part hereof. Further, Defendant, Archer's Advantage, is a retail establishment selling, and offering for sale, equipment for bow hunters, and sells, and offers for sale, a bow sling manufactured and sold by Primos, Inc., and having a principal place of business in Little Rock, County of Pulaski, Arkansas.

3. Defendants, Jerrell Dodson and Penelope Dodson, are individuals residing in Little Rock, Arkansas, and are the owners and operators of Defendant Archer's Advantage.

4. Primos, Inc., is a Mississippi corporation, having a principal place of business in Flora, Mississippi, which manufactures, or has manufactured for it, a bow sling, referred to as Model No 65610, which it offers for sale, and sells to, inter alia, retail establishments, including Defendant Archer's Advantage. The Primos bow sling is a substantial copy of the aesthetic features of the Gibbs product. Defendant Primos has superior economic strength and is able to sustain a sales effort much greater than that of Gibbs, by offering a line of products in addition to the offending bow sling, making it easier for a retailer to buy the line including the bow sling.

### **JURISDICTION/VENUE**

5. This Court has jurisdiction over this action by virtue of 28 U.S.C. 1338(a) and (b) (patent infringement) and 28 U.S.C. 1332 (diversity).

6. Venue is appropriate in this jurisdiction by virtue of 28 U.S.C. 1400. Acts of infringement, including, but not limited to, sales, and offer of sales, of an infringing product, occurred within the jurisdiction. The amount in controversy in this matter exceeds \$75,000.00 and, further, entitles Plaintiffs to injunctive relief.

### **SALIENT FACTS COMMON TO ALL COUNTS**

7. Plaintiff is the manufacturer and seller of a patented bow sling which is the invention of Alan R. Gibbs. Mr. Gibbs is the proprietor of Gibb's Archery Gear. Gibbs filed an application for, and received, a patent for his Archery Bow Cover, design patent number D425,959. A true copy of that patent is appended hereto as Exhibit B and made a part hereof.

8. Primos, Inc. was a customer of Gibbs Archery Gear and purchased from Gibbs Archery Gear patented Archery Bow Covers for a considerable period of time, during which Primos became thoroughly familiar with the product and the details of its design.

9. Plaintiff is informed and believes, and on that basis alleges, that while Primos was buying the patented Archery Bow Cover from Gibbs, it was preparing to manufacture its own bow sling, which was, and is, substantially identical to the Gibbs patented Archery Bow Cover.

**COUNT 1: PATENT INFRINGEMENT  
AND INDUCEMENT TO INFRINGE**

10. Primos eventually ceased purchase of the patented Archery Bow Cover from Gibbs and offered for sale, and sold, a bow sling which was, and is, substantially identical to the aesthetic features of the Gibbs' patented product. The offer for sale, and sale, of the Primos bow sling constitutes an infringement of Gibbs' design patent pursuant 35 U.S.C. 271(a), and the solicitation of sales is active inducement to infringe pursuant 35 U.S.C. 271(b). Plaintiff Gibbs is entitled to injunctive relief restraining Primos from the offer for sale, and selling, its infringing bow sling and for damages according to proof, but in no event less than \$75,000.00.

12. The conduct as described herein was intentional and with malice aforethought, with clear intent to usurp the Gibbs' market.

**COUNT II FOR UNFAIR COMPETITION**

13. Plaintiff realleges Paragraphs 1 through 12 of this Complaint and incorporates the same herein as though fully set forth.

14. Plaintiff is informed and believes, and on that basis alleges, that Defendant Primos has been soliciting, and continues to solicit, customers of Plaintiff by offering for sale their infringing product in direct competition with Plaintiff, all to the detriment of Gibbs.

15. The actions of Primos, in offering and selling to customers an infringing product, deprives Plaintiff of the exclusivity to which his patented product is entitled and constitutes unfair competition.

WHEREFORE, prays for a judgement against the Defendants and each of them as follows:

1. For a temporary and permanent injunction against Primos and in favor of Gibbs, preventing the manufacture, sale, and offer for sale, of the Primos infringing bow sling;
2. For monetary damages according to proof, but in any event, no less than \$100,000;
3. For reasonable attorneys fees and costs; and
4. For such other and further relief as the Court may deem just and proper.

Plaintiff demands trial by jury.

LAW OFFICES OF DENNIS B. HAASE

By   
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Attorney for Plaintiffs



Arkansas SECRETARY OF STATE		Business/Commercial																												
<div>Home About the Office Elections Business / Commercial Services Capital Grounds News Educational Materials Tours</div> <div><p>State Capitol, Rm 256 Little Rock, AR 72201 501-682-1010 <a href="#">Email</a></p></div>		SEARCH																												
<div> <b>Search Incorporations, Cooperatives, Banks and Insurance Con</b></div> <table><tr><td>Corporation Name</td><td>ARCHER'S ADVANTAGE, INC.</td></tr><tr><td>Fictitious Names</td><td>N/A</td></tr><tr><td>Filing #</td><td>100090647</td></tr><tr><td>Filing Type</td><td>For Profit Corporation</td></tr><tr><td>Filed under Act</td><td>Dom Bus Corp; 958 of 1987</td></tr><tr><td>Status</td><td>Revoked 12/31/2003</td></tr><tr><td>Principal Address</td><td></td></tr><tr><td>Reg. Agent</td><td>JERRELL DODSON</td></tr><tr><td>Agent Address</td><td>6801 WEST 12TH LITTLE ROCK, AR 72204</td></tr><tr><td>Date Filed</td><td>06/21/1991</td></tr><tr><td>Officers</td><td>PENELOPE DODSON, Secretary JERRELL DODSON, Vice-President JERRELL DODSON, President PENELOPE DODSON, Treasurer</td></tr><tr><td>Foreign Name</td><td>N/A</td></tr><tr><td>Foreign Address</td><td></td></tr><tr><td>State of Origin</td><td>N/A</td></tr></table> <div>Use your browser's back button to return to the Search Results</div> <div><a href="#">Begin New Search</a></div>			Corporation Name	ARCHER'S ADVANTAGE, INC.	Fictitious Names	N/A	Filing #	100090647	Filing Type	For Profit Corporation	Filed under Act	Dom Bus Corp; 958 of 1987	Status	Revoked 12/31/2003	Principal Address		Reg. Agent	JERRELL DODSON	Agent Address	6801 WEST 12TH LITTLE ROCK, AR 72204	Date Filed	06/21/1991	Officers	PENELOPE DODSON, Secretary JERRELL DODSON, Vice-President JERRELL DODSON, President PENELOPE DODSON, Treasurer	Foreign Name	N/A	Foreign Address		State of Origin	N/A
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State of Origin	N/A																													
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EXHIBIT A



US00D425959S

# United States Patent [19] Gibbs

[11] Patent Number: Des. 425,959

[45] Date of Patent: \*\* May 30, 2000

## [54] ARCHERY BOW COVER

[75] Inventor: Alan R. Gibbs, 7781 Hwy. 167 South,  
Sheridan, Ark. 72150

[73] Assignee: Alan R. Gibbs, Sheridan, Ark.

[\*\*] Term: 14 Years

[21] Appl. No.: 29/108,941

[22] Filed: Aug. 5, 1999

[51] LOC (7) Cl. .... 22-01

[52] U.S. Cl. .... D22/107; D22/107; D22/100;  
D22/199[58] Field of Search .... D22/100, 107,  
D22/199; 124/23.1, 86; 150/154

## [56] References Cited

## U.S. PATENT DOCUMENTS

2,968,300	1/1961	Allen	150/154
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5,513,621	5/1996	Vanskiver	124/86
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Primary Examiner—Louis S. Zarfes

Assistant Examiner—Monica A. Weingart

## [57] CLAIM

The ornamental design for a archery bow cover, as shown and described.

## DESCRIPTION

FIG. 1 is a front side elevation view of my new archery bow cover showing the new design;

FIG. 2 is a rear side elevation view thereof;

FIG. 3 is a side elevation view taken generally from the left side of FIG. 1 and looking towards the right;

FIG. 4 is a side elevation view taken generally from the right side of FIG. 1 and looking towards the left;

FIG. 5 is a end view of FIG. 1 taken generally from above the top of FIG. 1 and looking downwards towards the top end; and,

FIG. 6 is a end view of FIG. 1 taken generally from below the bottom of FIG. 1 and looking upwards toward the bottom end.

The broken phantom line showing of a side elevational view of a archery bow in FIG. 1, is for illustrative purposes only and forms no part of the claimed design.

1 Claim, 4 Drawing Sheets

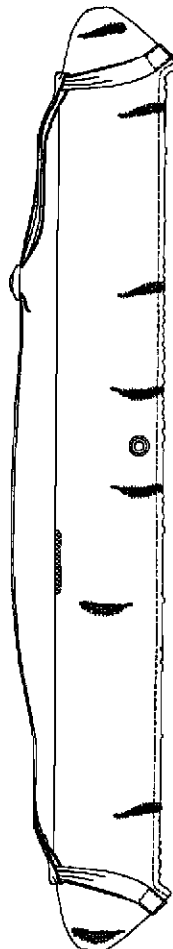


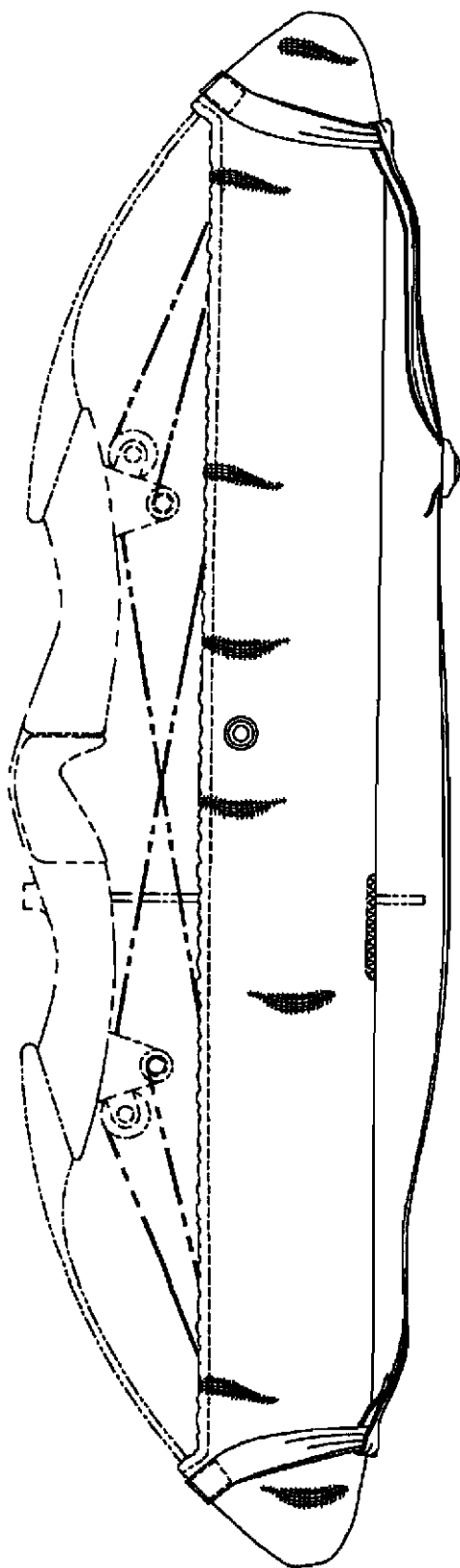
EXHIBIT B

**U.S. Patent**

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**Des. 425,959**



**Fig. 1**

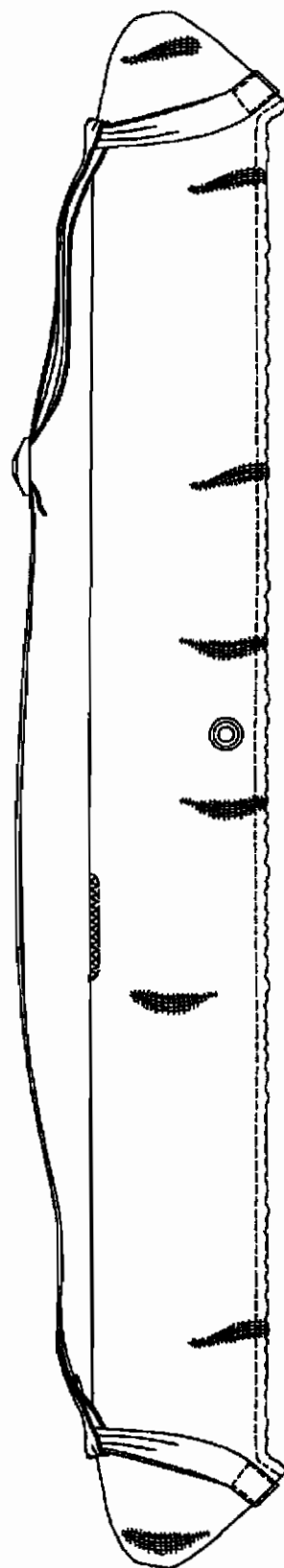


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**Des. 425,959**



**Fig. 2**

**U.S. Patent**

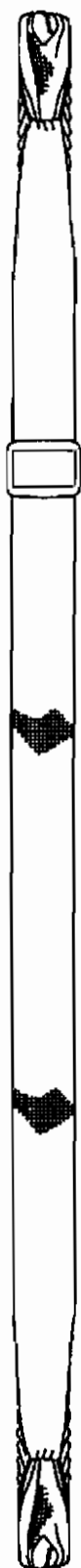
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**Des. 425,959**



**Fig. 3**



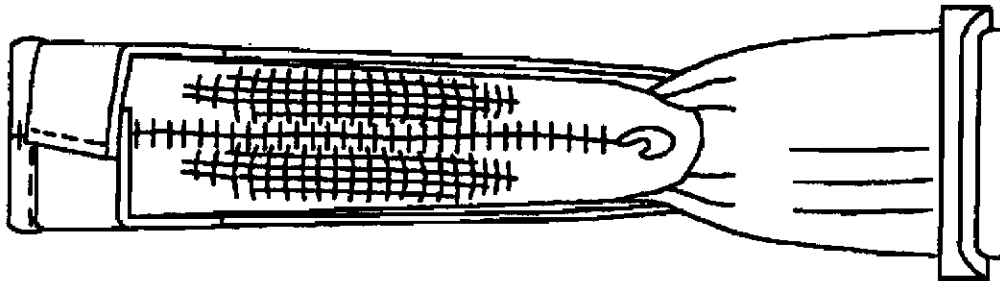
**Fig. 4**

**U.S. Patent**

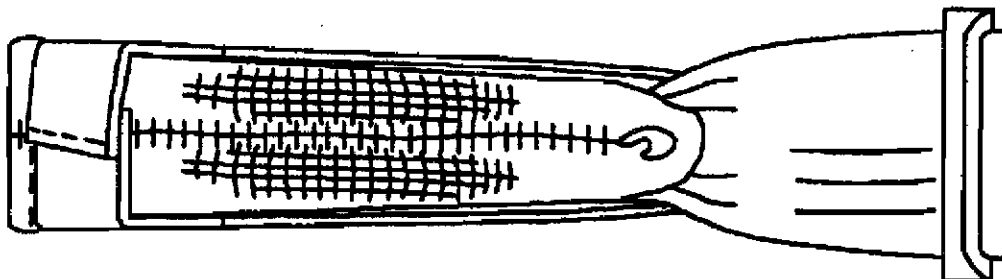
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**Des. 425,959**



**Fig. 5**



**Fig. 6**