

2 COPIES OF COMPLAINT WITH ORIGINAL AND 2 COPIES OF SUMMONS AND MAGISTRATE CONSENT FORM ISSUED TO COUNSEL FOR PLAINTIFF ON 11/22/05/11/20

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

FRED L. BORDEN
580 East Cuyahoga Falls Avenue
Akron, Ohio 44310

JAMES F. MANSFIELD
580 East Cuyahoga Falls Avenue
Akron, Ohio 44310

JERRYLIN EDWARDS
580 East Cuyahoga Falls Avenue
Akron, Ohio 44310

Plaintiffs

-v-

BRUNSWICK BOWLING & BILLIARDS
CORP.
c/o Statutory Agent CT Corporation System
1300 Ninth Street
Cleveland, Ohio 44114

And

NORTH LANES, INC.
4190 State Road
Cuyahoga Falls, Ohio 44223

CASE NO.

5:05 CV 2735

JUDGE

COMPLAINT JUDGE GWIN

Type: Patent Infringement

JURY DEMAND ENDORSED
HEREON

MAG. JUDGE LIMBERT

For their Complaint, the Plaintiffs, Fred L. Borden, James F. Mansfield and Jerrylin

Edwards, state the following:

PARTIES

1. Plaintiffs Fred L. Borden, James F. Mansfield, and Jerrylin Edwards (hereinafter collectively referred to as "Plaintiffs"), are individuals currently residing in Summit County, Ohio.

2. Defendant Brunswick Bowling & Billiards Corp. (hereinafter referred to as "Brunswick") is, upon information and belief, a corporation organized and existing under the laws of the State of Delaware having its principal place of business in Michigan.

3. Defendant North Lanes, Inc. (hereinafter referred to as "North Lanes") is, upon information and belief, a business existing under the laws of the State of Ohio, having its principal place of business in Cuyahoga Falls, Ohio.

4. Upon information and belief, Defendant Brunswick transacts or has transacted business in Akron, Ohio and other communities in Northern Ohio for its individual gain and benefit, and is subject to the jurisdiction of this Court.

5. Upon information and belief, Defendant North Lanes operates a business in Cuyahoga Falls, Ohio and profits from the sale of bowling-related merchandise and services.

6. Defendants Brunswick and North Lanes have sold, used or engaged in the use of apparatus and/or methods for glow in the dark bowling with glow in the dark bowling shoes and other clothing in this district, all to their advantage and profit.

JURISDICTION AND VENUE

7. This is a Complaint for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

8. This Court has jurisdiction over the claims asserted by Plaintiffs herein under

28 U.S.C. §1338 and venue is proper under 28 U.S.C. §1391(b).

FACTUAL BACKGROUND

9. On December 8, 1998, Plaintiffs were granted United States Letter Patent No. 5,846,138 for their method and apparatus for glow in the dark bowling and other bowling related activities more fully described therein. A true and accurate copy of this patent attached hereto as Exhibit A (hereinafter "Patent").

10. Defendant Brunswick has infringed the Patent by making, fabricating, using and/or selling bowling methods and apparatus covered by the claims of the Patent in the United States, as well as in this district. Brunswick sold such apparatus and methodology to North Lanes in Cuyahoga Falls, Summit County, Ohio.

11. Defendant North has infringed the Patent since it was issued by using and/or selling bowling methods and apparatus covered by the claims of the Patent in Cuyahoga Falls, Summit County, Ohio.

COUNT I

PATENT INFRINGEMENT AS TO DEFENDANTS BRUNSWICK AND NORTH LANES

12. Plaintiffs restate their allegations set forth in paragraphs 1 through 11 of this Complaint as if fully rewritten herein.

13. Defendants currently and for a long time past have infringed the Patent by making, fabricating, using, selling or otherwise profiting from the methods and apparatus covered by the Patent without authority of Plaintiffs. Defendants will continue to do so and will cause irreparable harm to Plaintiffs unless enjoined by this Court.

14. Defendants' actions constitute infringement of the Patent under 35 U.S.C. §271(a).

15. By reason of the forgoing, Plaintiffs have suffered injuries, losses and damages in an amount as yet unknown.

COUNT II

INDUCING PATENT INFRINGEMENT AS TO DEFENDANT BRUNSWICK

16. Plaintiffs restate their allegations set forth in paragraphs 1 through 15 of this Complaint as if fully rewritten herein.

17. Defendant Brunswick has, for a long time past, been actively inducing infringement of the Patent by selling infringing apparatus, training and encouraging others to use the methods and to practice the inventions covered by the Patent, without authority from Plaintiffs. Defendant Brunswick will continue to do so unless enjoined by this Court.

18. Defendant Brunswick was notified of the Patent and Plaintiffs' rights under the Patent. Notwithstanding this notice and knowledge, Defendant Brunswick willfully and wantonly proceeded actively to induce infringement of the Patent in disregard of Plaintiffs' rights thereunder.

19. Defendant Brunswick's actions constitute infringement of the Patent under 35 U.S.C. §271(b).

20. By reason of the foregoing, Plaintiffs have suffered injuries and losses, and damages in an amount as yet unknown.

COUNT III

CONTRIBUTORY INFRINGEMENT
AS TO DEFENDANT BRUNSWICK

21. Plaintiffs restate their allegations set forth in paragraphs 1 through 20 of this Complaint as if fully rewritten herein.

22. Defendant Brunswick has, for a long time past, sold within the United States, apparatus and components of products covered by the Patent, or for use in practicing the methods which constitute a material part of Plaintiffs' invention set forth in the Patent. Brunswick's actions have been without authority from Plaintiffs. Brunswick's actions will continue to do so unless enjoined by this Court.

23. Defendant Brunswick was notified in writing of the Patent and Plaintiffs' rights thereunder. Notwithstanding this notice and knowledge, Brunswick willfully and wantonly proceeded actively to engage in contributory infringement of the Patent in disregard of Plaintiffs' rights thereunder.

24. Defendant Brunswick's actions constitute contributory infringement of the Patent under 35 U.S.C. §271(c).

25. By reason of the foregoing, Plaintiffs have suffered injuries and losses, and damages in an amount as yet unknown.


WHEREFORE, the Plaintiffs, Fred L. Borden, James F. Mansfield and Jerry Lin Edwards, pray for the following:

1. An order enjoining Defendants from continued infringement of the Patent;
2. An award of compensatory damages against Defendants for injuries and losses sustained by Plaintiffs as a result of Defendants' infringement

of Patent No. 5,846138;

3. An accounting of damages resulting from Defendant Brunswick's infringement and the trebling of such damages because of the knowing, willful and wanton nature of Defendant Brunswick's conduct;
4. An award of reasonable attorneys fees and costs of this action;
5. Interest and other relief deemed fair and equitable by this Court.

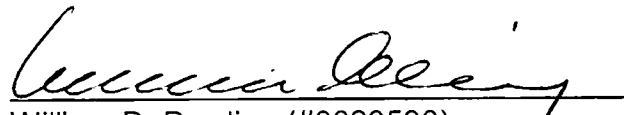
Respectfully submitted,



William D. Dowling (#0023530)
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JURY DEMAND

The Plaintiffs, Fred L. Borden, James F. Mansfield and Jerry Lin Edwards, hereby request a trial by jury on all issues so triable in this action.



William D. Dowling (#0023530)
Hamilton DeSaussure, Jr. (#0023516)