

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

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<p>NORMAN J. O'DONNELL, Plaintiff, vs. MASTERPET PET SUPPLY CO., Defendant.</p>	<p style="text-align: right;">DISTRICT OF SOUTH CAROLINA GREENVILLE, SC</p> <p>Case No. 6 : 0 5 - 0 3 8 2)</p> <p style="text-align: center;">COMPLAINT</p> <p style="text-align: center;">Jury Trial Requested</p>
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COMPLAINT

Parties

1. Plaintiff, Norman J. O'Donnell, is an individual and resident of South Carolina.
2. Upon information and belief, Defendant MasterPet Pet Supply Co. (hereinafter "MasterPet" or "Defendant") is a Corporation organized under the laws of the State of California, who owns and operates a business manufacturing and selling pet supplies.

Jurisdiction and Venue

3. This is an action for patent infringement of U.S. Patent No. 5,551,373 (the "373 patent"). Jurisdiction of this Court arises under the laws of the United States concerning actions related to patents, Title 28, United States Code, Sections 1331 and 1338(a). See Patent No. 5,551,373 attached hereto as Exhibit "A."
4. This court has personal jurisdiction over the Defendant under the provisions of South Carolina Code §§ 36-2-802, 36-2-803 and 36-2-805.

5. Venue lies in this Judicial District under Title 28, United States Code, Section 1391(b)-(c) on the grounds that a substantial part of the events or omissions giving rise to the claim occurred in this District.

COUNT ONE
(Patent Infringement - U.S. Patent No. 5,551,373)

6. Plaintiff incorporates by reference paragraphs 1-5 of this Complaint as if fully set forth herein.

7. On September 3, 1996, U.S. Patent No. 5,551,373, entitled "Portable Pet Booster Seat Apparatus" was duly and legally issued to the sole inventor, Norman J. O'Donnell.

8. At all times subsequent to September 3, 1996, Plaintiff O'Donnell has been, and is today, the owner of the entire right, title and interest to the '373 patent.

9. Upon information and belief, Defendant has infringed the claims of the '373 patent, and has actively induced infringement of the claims of the '373 patent, within this Judicial District and elsewhere, without authority or license from Plaintiff. Such infringement will continue unless enjoined by this Court.

10. Upon information and belief, Defendant's infringing activities have been, and are, willful and deliberate.

11. As a direct result of Defendant's infringing activities, Plaintiff has suffered damages in an amount to be determined at trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays:

A. For entry of judgment that the '373 patent is valid and enforceable.

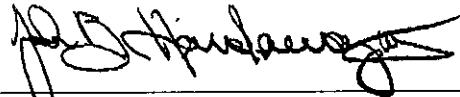
B. For entry of judgment that the '373 patent has been infringed by Defendant, and such infringement has been willful and deliberate.

C. For entry of judgment that the Plaintiff be awarded three times its damages, plus interest, for such infringement.

D. For entry of an injunction enjoining Defendant MasterPet, along with any business affiliated with Defendant, its agents, employees, assignees and attorneys, and those persons in active concert or participation with Defendant be preliminarily and permanently enjoined from further infringement of the '373 patent.

E. Entry of judgment for costs and reasonable attorneys' fees incurred by Plaintiff.

F. Grant Plaintiff such other and further relief as is just and proper.



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March 8, 2005
Greenville, South Carolina