UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

PRECISION PROPELLER, INC.,

Plaintiff,

vs.

TURNING POINT PROPELLERS, INC.,

Defendant.

Case No. 1:05-cv-1340-SEB-VSS

JURY TRIAL DEMANDED

COMPLAINT FOR A DECLARATORY JUDGMENT OF PATENT NONINFRINGEMENT AND INVALIDITY

Plaintiff, Precision Propeller, Inc. ("Precision"), by and through its attorneys, files this Complaint for a Declaratory Judgment of Patent Noninfringement and Invalidity ("Complaint") against Defendant, Turning Point Propellers, Inc. ("Turning Point"), and states as follows:

PARTIES

1. Precision is an Indiana corporation with its principal place of business at 2427 North Ritter Avenue, Indianapolis, Indiana, 46218. Precision makes marine propellers, among other things.

2. Precision is informed and believes that Turning Point is an Illinois corporation with its principal place of business at 896 Cambridge Drive, Elk Grove Village, IL, 60007.

3. Turning Point represents in its promotional and advertising materials that it does business in Indiana, including within this District. Precision is informed and believes that such representations is accurate.

JURISDICTION AND VENUE

4. This Complaint asserts claims under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*, that U.S. Patent Nos. 6,358,008 ("'008 Patent"), 6,471,481 ("'481 Patent"); and 6,685,432 ("'432 Patent") (collectively, the "Patents in Suit") are not infringed by Precision, are invalid, or both. Copies of the Patents in Suit are attached as Exhibits 1 through 3 to this Complaint: the '008 Patent is Exhibit 1; the '481 Patent is Exhibit 2; and the '432 Patent is Exhibit 3.

5. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1346, and 2201. Venue is proper pursuant to 28 U.S.C. § 1391.

COUNT I: PATENT NONINFRINGEMENT

6. Precision incorporates the allegations set forth in Paragraphs 1 through 5, above, as those fully set forth herein.

7. On information and belief, Turning Point owns all right, title, and interest in the Patents in Suit.

8. On or about August 4, 2005, Mr. Peter C. Stomma, Esq., of the law firm of Boyle Fredrickson Newholm Stein & Gratzto LC, wrote to Mr. James Booe, Precision's President, on behalf of Turning Point Propellers. A copy of Mr. Stomma's letter is attached as Exhibit 4. Mr. Stomma asserted that Precision's manufacture, offer for sale, and sale of certain of Precision's marine propellers infringe one or more claims of the Patents in Suit. Mr. Stomma demanded that Precision "immediately cease" the manufacture, offer for sale, or sale of the accused propellers.

9. Precision denies that any propeller manufactured, offered for sale, or sold by it infringes any valid claim of the Patents in Suit.

10. A justiciable controversy exists between Precision and Turning point regarding Precision's alleged infringement of the Patents in Suit.

11. Precision seeks a declaratory judgment that the accused propellers do not infringe, either directly or under the Doctrine of Equivalents, any valid claim of the Patents in Suit.

COUNT II: PATENT INVALIDITY

12. Precision incorporates the allegations set forth in Paragraphs 1 through 11, above, as those fully set forth herein.

13. A justicable controversy also exists between Precision and Turning point regarding the validity of the Patents in Suit.

14. Among other things, if any claim of the Patents in Suit is construed in a manner such that the accused propellers are found to be infringing, such claim or claims are invalid under the Patent Laws of the United States, including under 35 U.S.C. §§ 101, 102, 103, and/or 112.

PRAYER FOR RELIEF

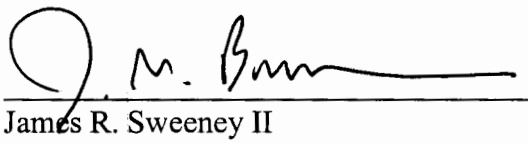
Plaintiff, Precision Propeller, Inc., respectfully requests that the Court grant it the following relief:

a. A declaratory judgment that Precision Propeller, Inc. has not infringed and does not infringe, either literally or under the doctrine of equivalents, by direct or contributory infringement, or by inducing the infringement of, any valid claim of the Patents in Suit.

b. A declaratory judgment that the claims of the Patent in Suit are invalid.

c. A judgment that this case is exceptional under 35 U.S.C. § 285, entitling Precision Propeller, Inc. to recover its costs, expenses and reasonable attorneys' fees; and,

d. All such other relief as the Court deems just and equitable.



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