

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Fluidall, LLC,

Case Number: _____

Plaintiff,

v.

Custom Roto-Molding, Inc.,

Defendant.

COMPLAINT AND JURY DEMAND

Plaintiff Fluidall, LLC (“Fluidall”), for its Complaint against Defendant Custom Roto-Molding, Inc. (“Roto”), states and alleges as follows:

THE PARTIES

1. Fluidall is a Minnesota limited liability company with its principal place of business at 860 Johnson Drive, Delano, MN 55328-8612.

2. Upon information and belief, Roto is an Idaho corporation with its principal place of business at 307 Evans Street, Caldwell, ID 83605-3928.

JURISDICTION AND VENUE

3. This is an action for patent infringement arising under the patent laws of the United States, including 35 U.S.C. §§ 271 and 281-285.

4. This Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. This Court may exercise personal jurisdiction over Roto based upon Roto's contacts with this forum, including, at least, intentionally doing business here.

6. Venue is proper in this Court under 28 U.S.C. §§ 1391(b) and 1400(b) because Defendant is subject to personal jurisdiction in this judicial district and, on information and belief, has committed acts of infringement in this district.

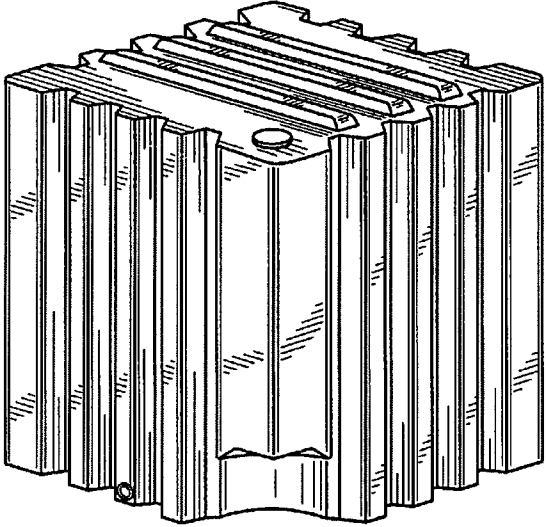
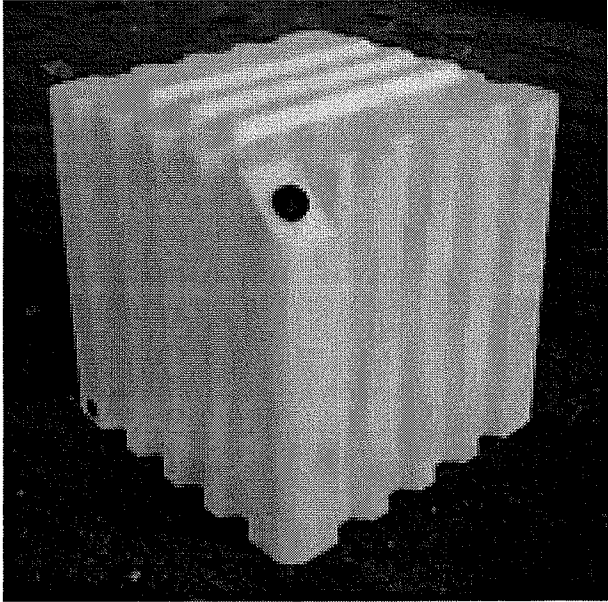
FACTS

7. Fluidall is an industry leader in liquid storage and handling solutions, and prides itself on integrity, honesty, and respect in dependably providing its customers with quality products. Among its many products, Fluidall manufactures and sells liquid storage containers.

8. Fluidall has taken steps to protect its unique designs for liquid storage and handling containers. Relevant to this dispute, Fluidall is the owner by assignment of all rights, title, and interest in and to United States Patent No. D422,771 ("Liquid Storage Container") ("the '771 patent"). A copy of the '771 patent is attached as Exhibit A.

9. On information and belief, Roto manufactures liquid storage containers and imports, sells, and/or offers to sell those products within the United States.

10. On information and belief, without Fluidall's authorization, Roto has offered for sale and sold in the United States liquid storage containers having designs that are covered by the '771 patent (the "Infringing Products"). The images below demonstrates the infringement by comparing figures from the '771 patent with images of Roto's Infringing Products.

Chart 1: Images Depicting Infringement of the '771 Patent by Custom Roto-Molding, Inc.	
U.S. Patent D422,771	Roto's Infringing Products
<p>FIG. 1</p> 	

11. On information and belief, Roto willfully, knowingly, and intentionally sold and continues to sell the Infringing Products as imitations of Fluidall's products, and does so without Fluidall's authorization or license.

COUNT I: INFRINGEMENT OF THE '771 PATENT

12. Fluidall re-alleges each and every allegation set forth in the preceding paragraphs and incorporates them by reference herein.

13. Roto has made, used, offered to sell, sold, and/or imported into the United States, and continues to make, use, offer to sell, sell, and/or import into the United States

liquid storage containers that infringe Fluidall's '771 design patent, without Fluidall's authorization.

14. Upon information and belief, Roto's infringement of the '771 patent has been willful, deliberate, and intentional.

15. Roto's infringement of the '771 patent has damaged Fluidall, and Fluidall will continue to be damages in the future and will suffer further irreparable injury, for which Fluidall has no adequate remedy at law, unless Roto is preliminarily and permanently enjoined from infringing the '771 patent.

JURY DEMAND

Fluidall respectfully requests a trial by jury of all issues so triable, pursuant to Rule 38(b) of the Federal Rules of Civil Procedure.

RELIEF SOUGHT

WHEREFORE, Fluidall respectfully prays for judgment that:

- A. The '771 patent is valid and infringed by Roto;
- B. Roto, its officers, agents, servants, directors, employees, affiliated entities, and those persons in active concert or participation with any of them be enjoined against further infringement of the '771 patent;
- C. Roto, its officers, agents, servants, directors, employees, affiliated entities, and those persons in active concert or participation with any of them be enjoined against continuing to import, manufacture, use, sell, or offer to sell the Infringing Products;
- D. An accounting be had for the profits and damages arising out of Roto's infringement of the '771 patent;

E. Judgment that Roto willfully infringed the '771 patent in violation of 35 U.S.C. § 271(a);

F. Fluidall be awarded compensatory and exemplary damages, including treble damages for willful infringement as provided by 35 U.S.C. § 284, with interest, but no less than a reasonable royalty;

G. Fluidall be awarded their attorneys' fees, costs, and expenses in this action pursuant to 35 U.S.C. § 285 and Fed. R. Civ. P. 54;

H. Fluidall be awarded pre-judgment and post-judgment interest on their damages, as allowed by law; and

H. Fluidall be awarded such other relief as this Court may deem just, equitable, and proper.

Dated: May 27, 2011

s/ Ted C. Koshiol

Lora M. Friedemann (#259615)

Ted C. Koshiol (#390542)

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