

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION

CYCLE COUNTRY ACCESSORIES CORPORATION,
an Iowa Corporation,

Plaintiff,

vs.

DANBOM INDUSTRIES LLC, d/b/a
AMERICAN MUSCLE WORKS,
an Iowa LLC

and

JEFFREY D. DANBOM,
an individual

Defendant.

CIVIL ACTION NO. C08-4038 MWB

COMPLAINT

For its Complaint, Plaintiff, Cycle Country Accessories Corporation (hereinafter "Cycle Country"), hereby alleges:

THE PARTIES

1. Plaintiff, Cycle Country Accessories Corporation, is a corporation organized and existing under the laws of the state of Iowa, with its principal place of business located in Spencer, Iowa.
2. Defendant, Danbom Industries LLC, d/b/a American Muscle Works is a limited liability company organized and existing under the laws of the state of Iowa, with its principal place of business located at 920 Emerald Pines Drive, Arnolds Park, Iowa 51331.

3. Defendant, Jeffrey D. Danbom, is an individual who resides at 920 Emerald Pines Drive, Arnolds Park, Iowa 51331.

JURISDICTION AND VENUE

4. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §1, *et seq.*

5. This Court has jurisdiction under 28 U.S.C. §1338(a).

6. Venue is proper in this District under the provisions of 28 U.S.C. §§ 1391(c) and 1400.

COUNT I
(Patent Infringement)

7. Plaintiff is the owner of United States Design Patent No. D539,203 S (hereinafter the "'203 patent") issued March 27, 2007, entitled "GOLF CART WHEEL COVER". A copy of the '203 patent is attached hereto as Exhibit A.

8. Defendants are making, using, selling and offering for sale golf cart wheel covers covered by said '203 patent in the state of Iowa within this Judicial District, and throughout the United States, and by doing so are infringing the '203 patent.

9. Defendants' activities with respect to the infringement of the '203 patent have been without the express or implied license of the Plaintiff.

10. Defendants have willfully infringed the '203 patent within the United States by making, using, selling and offering for sale golf cart wheel covers within the state of Iowa and within this judicial district.

11. Plaintiff has been and will be damaged by the foregoing infringing activities of Defendants in an amount which cannot be accurately determined at this time.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests the following relief:

- A. Judgment that Defendants have willfully infringed U.S. Design Patent No. D539,203 S and that the '203 patent is valid and enforceable at law.
- B. Judgment that Defendants are permanently enjoined from such patent infringement.
- C. That judgment be entered awarding Plaintiff its damages adequate to compensate for Defendants' infringement, together with interest and costs as fixed by the Court as provided in 35 U.S.C. §284.
- D. That the damages be tripled pursuant to 35 U.S.C. §284.
- E. That Defendants be ordered to pay Plaintiff its attorneys' fees as provided by 35 U.S.C. §285.
- F. In the alternative, that Plaintiff be awarded Defendants' profits.
- G. Such other and further relief as this Court and/or jury may deem proper.

PLAINTIFF REQUESTS A TRIAL BY JURY IN SIOUX CITY, IOWA, ON ALL ISSUES SO TRIABLE.

DATED this 13th day of May, 2008.

CYCLE COUNTRY ACCESSORIES
CORPORATION, Plaintiff

By /s/ Dennis L. Thomte

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