

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN

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SCHREIBER FOODS, INC.,

Plaintiff,

Civil Action No. \_\_\_\_\_

v.

Judge: William Griesbach

WHITEHALL SPECIALTIES, INC.

JURY TRIAL DEMANDED

Defendant.

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**COMPLAINT**

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Plaintiff, Schreiber Foods, Inc. ("Schreiber") complains of Whitehall Specialties, Inc. ("Whitehall") as follows:

1. Schreiber is a Wisconsin corporation having a place of business at 425 Pine Street, P.O. Box 19010, Green Bay, Wisconsin 54307-9010.
2. Whitehall is a Wisconsin corporation having a principal place of business at 36120 Owen Street, Whitehall, Wisconsin.
3. This is a claim for patent infringement and arises under the patent laws of the United States, Title 35 of the United States Code. This Court has original jurisdiction over the subject matter of this claim under 28 U.S.C. §1338(a). Whitehall is subject to jurisdiction in this Court through its systematic and continuous contacts with this District and, upon information and belief, the sale in this District of products made by infringement of Schreiber's patents, as described below.
4. Venue in this district is proper under 28 U.S.C. §§1400(b) and 1391(c).
5. Schreiber owns and has standing to sue for infringement of United States Letters Patent Nos. 5,440,860 ("the '860 patent"); 5,701,724 ("the '724 patent"); and 6,085,680 ("the

'680 patent"). These patents are collectively referred to as "the Schreiber Patents", Exhibits A-C, respectively, and were duly and legally issued by the United States Patent and Trademark Office on the dates indicated on the cover page of each patent.

6. Whitehall has committed direct acts of infringement of Schreiber Patents by using machines manufactured by Hart Design & Manufacturing, Inc. which infringe the Schreiber Patents.

7. Whitehall was aware of the Schreiber Patents and had notice of its infringement through use of the Hart machines, yet Whitehall has used and, upon information and belief, continues to use the infringing Hart machines.

8. Whitehall's infringement is, therefore, willful, intentional and deliberate.

9. Schreiber has been economically damaged by Whitehall's infringing acts.

10. Whitehall's infringement will continue to injure Schreiber until this Court enters an injunction prohibiting further infringement and specifically enjoining further manufacture, use and sale of the infringing Hart machines.

WHEREFORE, Schreiber demands judgment against Whitehall, its affiliates, officers, agents, servants, employees, and all persons in active concert or participation with them, as follows:

A. A preliminary and a permanent injunction prohibiting Whitehall from further acts of infringement of the Schreiber Patents;

B. An award to Schreiber of such damages as it shall prove at trial against Whitehall, after a full accounting for all damages caused by Whitehall's unlawful conduct, said damages to include lost profits but in no event less than a reasonable royalty;

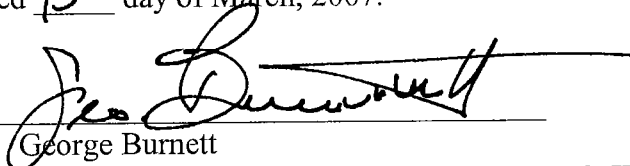
- C. An award to Schreiber for all damages so determined for willful infringement, pursuant to 35 USC §284, together with prejudgment interest;
- D. An award to Schreiber of the cost of this action and its reasonable attorneys' fees;
- and
- E. Such other relief as this Court or a jury may determine to be proper and just.

**Jury Demand**

A trial by jury is hereby demanded on all issues triable to a jury in this case.

Respectfully submitted 15 day of March, 2007.

By: \_\_\_\_\_



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