

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

ANCHOR WALL SYSTEMS, INC.)	
a Minnesota corporation, and)	
)	
ANCHOR BLOCK COMPANY)	
A Minnesota corporation,)	
)	Civil Action No. 06-CV-3020 (DWF/SRN)
Plaintiffs,)	
)	
v.)	<u>FIRST AMENDED COMPLAINT</u>
)	
MENARD, INC.,)	
a Wisconsin corporation,)	(Jury Trial Demanded)
)	
Defendant.)	

Plaintiffs Anchor Wall Systems, Inc. and Anchor Block Company, for their First Amended Complaint, state and allege as follows:

THE PARTIES

1. Plaintiff, Anchor Wall Systems, Inc. (“Anchor Wall”), is a corporation organized and existing under the laws of Minnesota and having its principal place of business at 5959 Baker Road, Minnetonka, Minnesota 55345-5973.

2. Plaintiff, Anchor Block Company (“ABC”), is a corporation organized and existing under the laws of Minnesota and having a principal place of business at 5959 Baker Road, Minnetonka, Minnesota 55345-5793.

3. Defendant, Menard, Inc. (“Menard”), is a corporation organized under the laws of Wisconsin and having its principal place of business at 4777 Menard Dr., Eau Claire, Wisconsin 54703. Menard is a retail sales outlet that owns and operates retail stores, including retail stores in the state of Minnesota.

JURISDICTION

4. This is a case for patent infringement arising under the Acts of Congress relating to patents, 35 U.S.C. §§ 271, 283-285. This Court has jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

COUNT I

INFRINGEMENT OF U.S. PATENT NO. 5,827,015

5. On October 27, 1998, United States Patent No. 5,827,015 (“the ‘015 patent”), entitled “Composite Masonry Block” was duly and legally issued to Anchor Wall as assignee of the inventors, Michael E. Woolford and Dick J. Sievert. Anchor Wall is the owner of the entire right, title, and interest in and to the ‘015 patent, and has been and still is the owner thereof. ABC is a licensee under the ‘015 patent with the right to recover damages in this case. A copy of the ‘015 patent is attached hereto as Exhibit A.

6. Defendant has manufactured, used, offered to sell, and/or sold in the United States one or more composite masonry blocks that are covered by one or more claims of the ‘015 patent, including without limitation blocks sold under the names “Mansfield” and “Crestone,” and Defendant continues to manufacture, use, offer to sell and/or sell such blocks.

7. Defendant’s aforesaid activities have been without authority and/or license from Anchor Wall and ABC, and, therefore, constitute infringement of the ‘015 patent.

8. Anchor Wall and ABC have been damaged by Defendant’s infringement of the ‘015 patent and will continue to be damaged in the future unless Defendant is enjoined from infringing the ‘015 patent.

COUNT II

INFRINGEMENT OF U.S. PATENT NO. 6,142,713

9. On November 7, 2000, United States Patent No. 6,142,713 (“the ‘713 patent”), entitled “Composite Masonry Block” was duly and legally issued to Anchor Wall as assignee of the inventors, Michael E. Woolford and Dick J. Sievert. Anchor Wall is the owner of the entire right, title, and interest in and to the ‘713 patent, and has been and still is the owner thereof. ABC is a licensee under the ‘713 patent with the right to recover damages in this case. A copy of the ‘713 patent is attached hereto as Exhibit B.

10. Defendant has manufactured, used, offered to sell, and/or sold in the United States one or more composite masonry blocks that are covered by one or more claims of the ‘713 patent, including without limitation blocks sold under the names “Mansfield” and “Crestone,” and Defendant continues to manufacture, use, offer to sell and/or sell such blocks.

11. Defendant’s aforesaid activities have been without authority and/or license from Anchor Wall and ABC, and, therefore, constitute infringement of the ‘713 patent.

12. Anchor Wall and ABC have been damaged by Defendant’s infringement of the ‘713 patent and will continue to be damaged in the future unless Defendant is enjoined from infringing the ‘713 patent.

COUNT III

INFRINGEMENT OF U.S. PATENT NO. 6,312,197

13. On November 6, 2001, United States Patent No. 6,312,197 (“the ‘197 patent”), entitled “Composite Masonry Block” was duly and legally issued to Anchor Wall as assignee of the inventors, Michael E. Woolford and Dick J. Sievert. Anchor Wall is the owner of the entire right, title, and interest in and to the ‘197 patent, and has been and still is the owner thereof.

ABC is a licensee under the '197 patent with the right to recover damages in this case. A copy of the '197 patent is attached hereto as Exhibit C.

14. Defendant has manufactured, used, offered to sell, and/or sold in the United States one or more composite masonry blocks that are covered by one or more claims of the '197 patent, including without limitation blocks sold under the names "Mansfield" and "Crestone," and Defendant continues to manufacture, use, offer to sell and/or sell such blocks.

15. Defendant's aforesaid activities have been without authority and/or license from Anchor Wall and ABC, and, therefore, constitute infringement of the '197 patent.

16. Anchor Wall and ABC have been damaged by Defendant's infringement of the '197 patent and will continue to be damaged in the future unless Defendant is enjoined from infringing the '197 patent.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs Anchor Wall and ABC pray for the following relief:

A. A judgment that Defendant has infringed United States Patent No. 5,827,015, United States Patent No. 6,142,713, and United States Patent No. 6,312,197;

B. Preliminary and permanent injunctions enjoining and restraining Defendant, its officers, directors, agents, servants, employees, attorneys and all others acting under or through them from directly infringing or inducing or contributing infringement, including indemnifying or defending other infringements of United States Patent No. 5,827,015, United States Patent No. 6,142,713, and United States Patent No. 6,312,197;

C. A judgment and order requiring Defendant to pay damages under 35 U.S.C. § 284, with interest and costs, including any appropriate enhanced damages;

D. An award of the costs and legal fees associated with this action, as permitted in exceptional cases by 35 U.S.C. § 285; and

E. Such other and further relief as this Court may deem just and equitable.

Respectfully submitted,

Dated: August 18, 2006

**ANCHOR WALL SYSTEMS, INC. and
ANCHOR BLOCK COMPANY**

By their attorneys,

s/ Dennis C. Bremer

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