

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GIFFORD, KRASS, GROH, SPRINKLE, ANDERSON & CITKOWSKI, P.C. 280 N. OLD WOODWARD AVENUE, STE. 400, BIRMINGHAM, MICHIGAN 48009-5394 (248) 647-6000

STEPHEN B. HOY, D.V.M.,
an individual,

Plaintiff,

v.

ROBERT A. DITCHIK, an individual,
d/b/a PET GREETINGS,

Defendant.

Case No. 00-72308

Hon. Arthur J. Tarnow

FILED
OCT 10 2000
EASTERN DISTRICT OF MICHIGAN

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PLAINTIFF'S FIRST AMENDED COMPLAINT

PLAINTIFF, Stephen B. Hoy, as against Defendant Robert A. Ditchik, d/b/a Pet Greetings,

hereby alleges as follows:

I. **THE PARTIES**

1. Plaintiff, Stephen B. Hoy, is a Doctor of Veterinary Medicine residing in Roseville, Michigan.
2. Upon information and belief, Defendant Robert A. Ditchik is an individual doing business as Pet Greetings, having its principal place of business in Westlake Village, California.

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II. JURISDICTION

3. Jurisdiction is conferred on this Court by virtue of 28 U.S.C. 1338(a), as Plaintiff's claim is patent-related. Venue is proper under 28 U.S.C. 1400 (b), in that Defendants are committing acts of patent infringement within this District.

COUNT I – PATENT INFRINGEMENT

4. On May 16, 2000, U.S. Patent No. 6,063,412 ("the '412 patent") was duly and lawfully issued to Plaintiff for an Edible Animal Greeting Card.

5. Since its date of issuance, the '412 patent remains in full force and effect, and Plaintiff has been, and still is, the sole inventor and owner of all right and title therein.

6. Defendant Robert A. Ditchik, d/b/a Pet Greetings, is making and selling a product called PET GREETINGS 100% EDIBLE GREETING CARDS FOR PETS.

7. Robert A. Ditchik, d/b/a Pet Greetings' EDIBLE GREETING CARDS product infringes Plaintiff's '412 patent.

8. Defendant Robert A. Ditchik, d/b/a Pet Greetings, continues to manufacture and sell the EDIBLE GREETING CARDS product.

9. Defendant Robert A. Ditchik, d/b/a Pet Greetings' infringement of the '412 patent is causing damage to Plaintiff.

10. Defendant Robert A. Ditchik, d/b/a Pet Greetings' infringement of the '412 patent is causing damage to Plaintiff for which Plaintiff is without an adequate remedy at law.

11. Defendant Robert A. Ditchik, d/b/a Pet Greetings' infringement is willful.

WHEREFORE, Plaintiff prays this Court find:

- (a) Plaintiff's '412 patent is valid and enforceable as against Defendant;
- (b) that Defendant has infringed Plaintiff's '412 patent;

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(c) that Defendant's infringement of Plaintiff's '412 patent will continue without the intervention of this Court;

(d) that Defendant be preliminarily and finally enjoined from further infringement of Plaintiff's '412 patent;

(e) that Plaintiff is entitled to damages caused by Defendant's infringement of the '412 patent;

(f) that Plaintiff be granted its costs, attorney's fees and increased damages as provided by law, and such other and further relief as this Court deems proper and just.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury in the above cause of action.

Respectfully submitted,



By: _____

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

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