

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

_____)	
SIMPLICITY MANUFACTURING, INC.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. _____
)	Jury Trial Demanded
WRIGHT MANUFACTURING, INC.)	
)	
)	
Defendant.)	
_____)	

COMPLAINT

INTRODUCTION

1. This is an action for a declaratory judgment of invalidity and no infringement by Plaintiff, Simplicity Manufacturing, Inc. ("Simplicity"), of several United States Patents owned by Defendant, Wright Manufacturing, Inc. ("Wright").

THE PARTIES

2. Simplicity is a corporation organized and existing under the laws of the State of Delaware and having its principal place of business at 500 N. Spring Street, Port Washington, Wisconsin 53074.

3. On information and belief, Wright is a corporation organized and existing under the laws of the State of Maryland and having its principal place of business at 4600X Wedgewood Blvd., Frederick, Maryland, 21703.

JURISDICTION AND VENUE

4. This action arises under the laws of the United States, specifically Title 35 of the United States Code. This Court, therefore, has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a). Further, because this action presents an actual controversy with respect to the validity and infringement of the patents-in-suit, the Court may grant the declaratory relief sought pursuant to 28 U.S.C. §§ 2201 and 2202.

5. On information and belief, Wright has been, and is doing business in the State of Wisconsin and is subject to the jurisdiction of this judicial district (e.g., Wright advertises having dealers located in Menomonee Falls, WI; Franksville, WI; and West Bend, WI).

6. Venue properly lies in this district pursuant to 28 U.S.C. §§ 1391(b) and 1391(c). The Defendant is subject to personal jurisdiction in this judicial district. Defendant has systematic and not isolated activities in this judicial district. The Defendant sells and offers for sale products in this judicial district.

7. Wright filed an action against Simplicity on December 8, 2006, alleging infringement of United States Patent No. 6,912,831 ("831 patent"), United States Patent No. 6,550,563 ("563 patent"), and United States Patent No. 5,984,031 ("031 patent"), in the United States District Court for the District of Maryland, Civil Action No. 1:06-cv-02770-WMN.

8. Simplicity was improperly joined as a party in the action pending in the United States District Court for the District of Maryland, Civil Action No. 1:06-cv-02770-WMN.

9. In light of Wright's baseless allegations that Simplicity has infringed and will infringe, either directly or indirectly, the '831, '563 and '031 patents, there is a real and immediate controversy between the parties concerning these three patents.

COUNT I

DECLARATORY JUDGMENT OF INVALIDITY OF U.S. PATENT NOS. 6,912,831; 6,550,563; AND 5,984,031

10. Simplicity realleges and incorporates by reference, as if fully set forth herein, all of the allegations contained in paragraphs 1 through 9 of this complaint.

11. The '831 patent entitled "Power Mower With Pump Lock-Out System," was filed on November 17, 2003 and issued on July 5, 2005, a copy of which is attached as Exhibit A.

12. The '563 patent entitled "Power Mower With Riding Platform For Supporting Standing Operator During Operation," was filed March 22, 2002 and issued on April 22, 2003, a copy of which is attached as Exhibit B.

13. The '031 patent entitled "Power Mower With Riding Platform For Supporting Standing Operator During Operation," was filed November 18, 1997 and issued November 16, 1999, a copy of which is attached as Exhibit C.

14. James D. Velke and William R. Wright are both the named inventors on the '831 patent, the '563 patent, and the '031 patent.

15. Upon information and belief, the '831 patent, the '563 patent, and the '031 patent are each assigned to Wright.

16. One or more claims of the '831 patent are invalid for failure to meet one or more of the requirements of Title 35 of the United States Code.

17. One or more claims of the '563 patent are invalid for failure to meet one or more of the requirements of Title 35 of the United States Code.

18. One or more claims of the '031 patent are invalid for failure to meet one or more of the requirements of Title 35 of the United States Code.

COUNT II

DECLARATORY JUDGMENT OF NO INFRINGEMENT OF U.S. PATENT NOS. 6,912,831; 6,550,563; AND 5,984,031

19. Simplicity realleges and incorporates by reference, as if fully set forth herein, all of the allegations contained in paragraphs 1 through 18 of this complaint.

20. Simplicity has not infringed, either directly or indirectly, any claim of the '831 patent, as alleged by Defendant.

21. Simplicity has not infringed, either directly or indirectly, any claim of the '563 patent, as alleged by Defendant.

22. Simplicity has not infringed, either directly or indirectly, any claim of the '031 patent, as alleged by Defendant.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, Simplicity, requests that judgment be entered against Defendant as follows:

A. Declaring that United States Patent No. 6,912,831, and each of the claims therein, is invalid;

B. Declaring that United States Patent No. 6,550,563, and each of the claims therein, is invalid;

C. Declaring that United States Patent No. 5,984,031, and each of the claims therein, is invalid;

D. Declaring that Simplicity has not infringed, directly or indirectly, any claim of United States Patent No. 6,912,831, as alleged by Defendant;

E. Declaring that Simplicity has not infringed, directly or indirectly, any claim of United States Patent No. 6,550,563, as alleged by Defendant;

F. Declaring that Simplicity has not infringed, directly or indirectly, any claim of United States Patent No. 5,984,031, as alleged by Defendant;

G. Declaring this case is exceptional pursuant to 35 U.S.C. §285;

H. Awarding costs and reasonable attorneys fees; and,

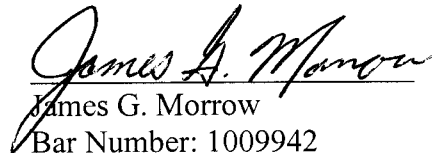
I. Providing such other and further relief as this Court deems just and proper.

JURY DEMAND

Plaintiff requests a trial by jury on all issues triable by a jury.

Dated this 5th day of February, 2007

BY:


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