

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Pellegrene, Ferrell & Associates, Inc., d/b/a
PFA Brands, a Minnesota Corporation,

Civil File No. _____

Plaintiff,

v.

James Lewandowski

Defendant.

**COMPLAINT
(JURY TRIAL DEMANDED)**

For its Complaint, Plaintiff Pellegrene, Ferrell & Associates, Inc. d/b/a PFA Brands (“PFA”) states and alleges as follows:

THE PARTIES

1. PFA is a Minnesota corporation with its principal place of business at 630 Shawnee Woods Road, Medina, Minnesota 55430.
2. On information and belief, Defendant James Lewandowski (“Lewandowski”) is an individual residing at 310 N. Washington St. B5, Groton, South Dakota 57445.

JURISDICTION AND VENUE

3. This is an action for declaratory judgment of patent non-infringement.

4. This Court has subject matter jurisdiction under the Declaratory Judgment Act, 28 U.S.C. §§ 2201 et seq. and the laws of the United States concerning actions relating to patents, 35 U.S.C. §§ 101 et seq., and 28 U.S.C. §§ 1331 and 1338(a).

5. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b) and (c) and 28 U.S.C. § 1400(b).

BACKGROUND INFORMATION

6. On June 30, 1998, U.S. Patent No. 5,771,925 entitled “Soap Dispenser and Wash Signal Device” (the “‘925 patent”) was issued to Lewandowski. A true and correct copy of the ‘925 patent is attached hereto as Exhibit A.

7. On information and belief, Lewandowski claims to be the owner of all right and interest in the ‘925 patent.

8. On or about April 21, 2008, Lewandowski sent a letter to PFA in Medina, Minnesota alleging that PFA is infringing the ‘925 patent. Lewandowski threatened to sue PFA for patent infringement if PFA did not immediately cease and desist from manufacturing and selling its Soap Tunes product. A true and correct copy of Lewandowski’s April 21, 2008 letter is attached hereto as Exhibit B.

9. PFA has taken concrete steps to begin manufacturing and selling Soap Tunes, the allegedly infringing product.

COUNT I: DECLARATORY JUDGMENT OF NON-INFRINGEMENT

10. PFA realleges each and every allegation set forth in the preceding paragraphs as if the same were fully set forth herein.

11. Lewandowski's assertion that the '925 patent is infringed by PFA creates an actual controversy within the meaning of 28 U.S.C. § 2201 between Lewandowski and PFA over the alleged infringement of the '925 patent.

12. None of PFA's products, including, but not limited to Soap Tunes, infringe any valid and enforceable claim of the '925 patent.

WHEREFORE, PFA demands a jury trial and prays that the Court enter judgment against Lewandowski as follows:

1. Declaring that no PFA products infringe any valid and enforceable claim of the '925 patent;
2. Awarding PFA its costs and disbursements in this matter; and
3. Award such other relief as this Court may deem necessary and proper.

Dated: May 30, 2008

s/James R. Mayer
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