

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT**

<p>THULE, INC,</p> <p style="padding-left: 100px;">PLAINTIFF,</p> <p>V.</p> <p>NORTHWEST RIVER SUPPLIES, INC,</p> <p style="padding-left: 100px;">DEFENDANT.</p>	§ § § § § § § § § § § §	<p>CIVIL NO. _____</p> <p>COMPLAINT FOR PATENT INFRINGEMENT AND UNFAIR COMPETITION; INJUNCTIVE RELIEF SOUGHT; DEMAND FOR JURY TRIAL</p>
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Now Comes Plaintiff, Thule, Inc. (hereinafter referred to as “Thule” or “Plaintiff”), and for its Complaint against Defendant Northwest River Supplies, Inc. alleges as follows:

PARTIES

1. Plaintiff, Thule Inc. is a corporation organized and existing under the laws of the State of Connecticut with an address at 42 Silvermine Road, Seymour, Connecticut 06483.

2. On information and belief, Northwest River Supplies, Inc. (hereinafter "NRS" or “Defendant”), is a corporation organized and existing under the laws of the State of Idaho, and having an address at 2009 S. Main St., Moscow, Idaho 83843.

JURISDICTION AND VENUE

3. This Court has jurisdiction of Thule’s cause of action for patent infringement arising under the Patent Laws of the United States, particularly 35 U.S.C. § 271, §§ 281-287, and original jurisdiction of Thule’s cause of action for unfair competition under 28 U.S.C. §§ 1331, 1338(a) & (b).

4. This Court has personal jurisdiction over NRS because NRS is engaged in and solicits business in this District and in the State of Connecticut through an extensive dealer retail network, and NRS has committed acts of infringement in this District and in the State of Connecticut.

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

PATENT INFRINGEMENT AND UNFAIR COMPETITION

6. Industri AB Thule (Thule Sweden AB) is the owner by assignment of United States Letters Patent No. 6,023,821 (“the ‘821 patent”) entitled “Safety Device in a Clamping Strap with Clamp” which was duly and legally issued by the United States Patent and Trademark Office on February 15, 2000. A copy of that patent is attached hereto as Exhibit “A.” Thule, Inc. is a licensee of Industri AB Thule (Thule Sweden AB), with rights in the referenced patent in the United States, including the right to enforce against others.

7. Defendant has been and is currently willfully and wantonly infringing said ‘821 patent (Exhibit A) (hereinafter “patent-in-suit”) by making, having made, using, offering for sale, or selling protective clamp covers, and straps with protective clamp covers, often referred to by Defendant as "buckle bumper," that embody the patented invention, and Defendant will continue to do so unless enjoined by the Court.

8. Defendant has been made aware of the patent-in-suit in that Thule is a leader in the industry and marks relevant materials and products with appropriate patent numbers, including the patent-in-suit, placing both the consuming public and the industry on notice of Thule’s proprietary rights.

9. By reason of the infringement by Defendant, Thule has suffered damage and irreparable harm, and continues to suffer such damage and irreparable harm.

10. Defendant has competed unfairly with Thule by selling products including features identical to the patented apparatuses.

11. Thule's reputation as a leader in the manufacture of safety devices in clamping straps with clamps of the type covered by the '821 patent has been irreparably harmed by the manufacture, sale, offer for sale, and use of the infringing products of Defendant.

12. Thule will be unable to recoup its substantial investment in research and development of its patented safety devices in clamping straps with clamps unless Defendant's willful infringement is stopped immediately.

13. The continued manufacture, use, offer for sale, or sale by Defendant, its distributors or affiliates of the infringing safety devices in clamping straps with clamps will cause erosion of Thule's market share that cannot be recaptured due to market conditions and cannot be adequately compensated by money damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, Thule, Inc., prays for relief as follows:

1. Preliminary and permanent orders enjoining Defendant, NRS, its officers, agents, servants, subcontractors, suppliers, employees, distributors, dealers and all other persons acting in concert or participation with it or them or controlled by it or them from further acts of infringement, either directly, contributorily or by active inducement, and from further acts of unfair competition;

2. An award of damages, together with interest and costs, to compensate Plaintiff for the infringement by the Defendant, including Thule's lost profits, damage to reputation and the total profit obtained by Defendant as required under 35 U.S.C. § 284. Any monetary award to be increased three times the amount found or assessed in accordance with Title 35 of the United States Code;

3. An award of attorneys' fees in accordance with Section 285 of Title 35 of the United States Code; and

4. All other and further relief as justice requires.

Dated: March __, 2006

Respectfully submitted,

By: _____

Scott M. Harrington, Esq.

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Counsel for Plaintiff, Thule, Inc.

DEMAND FOR JURY TRIAL

The Plaintiff herein makes its demand for Trial by jury of all issues in this action pursuant to Rules 38 and 39 of the Federal Rules of Civil Procedure.

Dated: March __, 2006

Respectfully submitted,

By: _____
Scott M. Harrington, Esq.

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