

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

OCEAN SPRAY CRANBERRIES, INC.,

Plaintiff,

v.

DECAS CRANBERRY PRODUCTS, INC.,

Defendant.

CIVIL ACTION NO.

For its Complaint, the plaintiff, Ocean Spray Cranberries, Inc. ("Ocean Spray"), alleges as follows:

THE PARTIES

1. The plaintiff, Ocean Spray, is a corporation organized and existing under the laws of the State of Delaware and having its principal place of business at One Ocean Spray Drive, Lakeville-Middleboro, MA 02349.

2. The defendant, Decas Cranberry Products, Inc. ("Decas"), is, upon information and belief, a corporation organized and existing under the laws of the Massachusetts and having its principal place of business at 4 Old Forge Drive, Carver, Massachusetts.

JURISDICTION AND VENUE

3. This is an action for patent infringement, arising under the patent laws of the United States, Title 35 of the United States Code.

4. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. Decas is subject to personal jurisdiction in this District pursuant to Mass. Gen. L. ch. 223A, §2.

6. Venue is proper in this Court under 28 U.S.C. §§ 1391 and 1400(b).

COUNT I – PATENT INFRINGEMENT

7. Ocean Spray is the owner by assignment of United States Patent No. 5,320,861, entitled, “Fruit Extraction and Infusion” (“the ‘861 patent”). The ‘861 patent was duly and legally issued by the United States Patent and Trademark Office on June 14, 1994. A copy of the ‘861 patent is attached to this Complaint as Exhibit A.

8. Upon information and belief,¹ Decas has infringed at least claim 29 of the ‘861 patent by making, using, offering to sell and/or selling products, including Decas Premium Sweetened Dried Cranberries, made by processes embodying the patented invention in the United States.

9. Upon information and belief, Decas’s infringement of the ‘861 patent has been and continues to be willful.

10. Ocean Spray has been damaged by Decas’s infringement of the ‘861 patent.

11. Decas’s infringement will continue unless enjoined by this Court.

PRAYER FOR RELIEF

WHEREFORE, Ocean Spray Cranberries, Inc. prays that this Court:

- A. Enter judgment that Decas has infringed the ‘861 patent;
- B. Enter an order enjoining Decas, its agents and employees, and any others acting in concert with it from infringing the ‘861 patent;
- C. Award Ocean Spray its damages resulting from Decas’s patent infringement pursuant to 35 U.S.C. §284;
- D. Find that Decas’s infringement has been willful and increase the damages awarded to Ocean Spray three times the amount assessed, pursuant to 35 U.S.C. §284;
- E. Find this to be an exceptional case and award Ocean Spray its attorneys’ fees, pursuant to 35 U.S.C. §285;

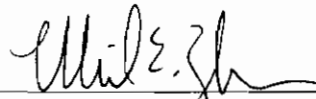
¹ Prior to bringing this suit, Ocean Spray repeatedly requested an opportunity to examine Decas’s manufacturing processes, to procure and test samples from various points in the processes, and to examine documents and other historical records concerning the processes. Decas denied Ocean Spray’s requests.

- F. Award Ocean Spray its prejudgment and post judgment interest on its damages;
- G. Award Ocean Spray its costs; and
- H. Award Ocean Spray such other and further relief as this Court deems just and appropriate.

JURY DEMAND

Plaintiff demands a trial by jury.

Respectfully submitted,



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Dated: October 14, 2008