

4. On March 23, 2004, United States Patent No. 6,709,223 (hereinafter "the '223 patent") entitled TRACKED COMPACT UTILITY LOADER was duly and legally issued to Plaintiff as assignee; and since that date Plaintiff has been, and still is, owner of all right, title and interest in the '223 patent. A copy of the '223 patent is attached hereto as Exhibit A.

JURISDICTION AND VENUE

5. This is a claim of patent infringement arising under the Act of Congress relating to patents, 35 U.S.C. §1, *et seq.*

6. This Court has subject matter jurisdiction over Plaintiff's patent infringement lawsuit under 28 U.S.C. §§ 1331 and 1338(a).

7. This Court has personal jurisdiction over the Defendants by virtue of, *inter alia*, their continuous and systematic contacts with Minnesota.

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

COUNT I – INFRINGEMENT OF U.S. PAT. NO. 6,709,223

9. Plaintiff restates the allegations set forth in paragraphs 1-8 and incorporates them herein by reference.

10. By virtue of its ownership of the '223 patent, Plaintiff has acquired and continues to maintain the right to sue on and the right to recover for infringement of the '223 patent.

11. On information and belief, Defendant, Ingersoll-Rand Company Limited and Defendant Clark Equipment Company, (herein after jointly "Defendants") have directly infringed, contributed to the infringement of, and/or induced infringement of the '223 patent

through the manufacture, use, sale and offer for sale of its products, including its Bobcat MT52 and MT55 mini-track loaders.

12. Plaintiff has been damaged by the Defendants' infringement of the '223 patent and will continue to be damaged in the future unless the Defendants are permanently enjoined from infringing that patent, contributing to the infringement of that patent, and/or inducing the infringement of that patent by others.

13. Plaintiff has satisfied the marking requirements for the '223 patent pursuant to 35 U.S.C. § 287. Plaintiff has also provided Defendants' with actual notice of the '223 patent and that Defendants' use, manufacture, sale, and offer for sale of the above-identified products infringes the '223 patent, contributes to the infringement of that patent and induces the infringement of that patent by others.

14. Defendants' infringement of the '223 patent is now and has been willful and will continue unless enjoined by the Court.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment that:

A. United States Patent No. 6,709,223 was duly and legally issued, is valid and enforceable;

B. The Defendants have directly infringed, contributorily infringed, and/or induced infringement of one or more claims of United States Patent No. 6,709,223;

C. The Defendants' infringement of one or more claims of United States Patent No. 6,709,223 was willful;

D. The Defendants, their officers, agents, servants and employees, and those persons in active concert or participation with any of them be enjoined from further infringing, contributing to the infringement, or inducing the infringement of the United States Patent No. 6,709,223.

E. An accounting be had and that Plaintiff be awarded damages arising out of the Defendants' infringement of United States Patent No. 6,709,223, including treble damages for willful infringement as provided by 35 U.S.C. § 284, with interest;

F. The Defendants be preliminarily and permanently enjoined from continued use, importation, offer for sale, or sale of the Defendants' products used to infringe the patent-in-suit;

G. That Defendants be ordered to deliver up to the Court all infringing products in their possession, custody or control for destruction and be enjoined from continuing to maintain, or service such products;

H. This case be adjudged and decreed exceptional pursuant to 35 U.S.C. § 285 and the Plaintiff be awarded in costs and attorney's fees in pursuing this action; and

I. Plaintiff be awarded such other and further relief as this Court may deem necessary and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury of all issues so triable.

Dated: July 20, 2006

By: *Patrick S. Williams*

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U.S. DISTRICT COURT
MINNEAPOLIS, MN

July 20, 2006

VIA MESSENGER

Clerk of US District Court
United States District Court
Suite 202
300 South Fourth Street
Minneapolis, MN 55415

Re: New Case Filing
Toro v. Ingersoll (Patent Litigation Fee Regarding Infringement Action
Concerning Toro U.S. Patent No. 6,709,223)

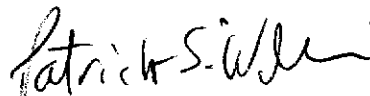
Dear Clerk of Court:

Enclosed is plaintiffs' filing fee in the amount of \$350.00. The following pleadings have been filed by electronic mail to the new cases email address today:

1. Summons;
2. Complaint; and
3. Civil Cover Sheet.

Please return the sealed Summons to our office via the waiting messenger.

Very truly yours,



Patrick S. Williams

PSW/jmk
Enclosures