

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DANIELS MANUFACTURING COMPANY,)
a Nebraska corporation,)
)
Plaintiff,)

CIVIL ACTION NO. _____

vs.)

COMPLAINT

FOR-MOST, INC., an Iowa Corporation; and)
RURAL MANUFACTURING COMPANY,)
INCORPORATED., a South Dakota)
Corporation,)
)
Defendants.)

For its Complaint, Plaintiff, Daniels Manufacturing Company, hereby alleges:

THE PARTIES

1. Plaintiff, Daniels Manufacturing Company, is a corporation organized and existing under the laws of the State of Nebraska, with its principal place of business located at S. Highway 7, Ainsworth, Nebraska 69210.

2. Upon information and belief, Defendant, For-Most, Inc., is an Iowa corporation having a principal place of business at 127 Tenth Street, Hawarden, Iowa 51023.

3. Upon information and belief, Defendant Rural Manufacturing Company, Incorporated is a South Dakota corporation having a principal place of business in Freeman, South Dakota.

JURISDICTION AND VENUE

4. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 1, *et seq.*

5. This Court has jurisdiction under 28 U.S.C. § 1338(a).

6. Venue is proper in this District under the provisions of 28 U.S.C. §§ 1391(c).

COUNT 1
(Patent Infringement)

7. Plaintiff is the owner of United States Patent No. 7,677,205 (hereinafter the “’205” patent”) issued March 16, 2010, entitled “PORTABLE OR STATIONARY ANIMAL ALLEY.” A copy of the ’205 Patent is attached hereto as Exhibit A.

8. Defendants are making, using, selling and offering for sale alleys covered by said ’205 Patent in the State of Nebraska within this Judicial District, and throughout the United States, and by so doing is infringing one or more claims of the ’205 Patent.

9. Defendants’ activities with respect to the infringement of the ’205 Patent have been without the express or implied license of the Plaintiff.

10. Defendants have willfully infringed the ’205 Patent within the United States by making, using, selling and offering for sale alleys within the State of Nebraska and within this judicial district.

11. Plaintiff has been and will be damaged by the foregoing infringing activities of Defendants in an amount which cannot be accurately determined at this time.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests the following relief:

A. Judgment that Defendants have willfully infringed U.S. Patent No. 7,677,205 and that the ’205 Patent is valid and enforceable at law.

B. Judgment that Defendants, their agents, owners and officers are permanently enjoined from such patent infringement whether by direct or contributory infringement or by inducement to infringe.

C. That judgment be entered awarding Plaintiff its damages adequate to compensate for Defendants' infringement, but in no less than a reasonable royalty for the use made of the inventions by Defendant, together with interest and costs as fixed by the Court, as provided in 35 U.S.C. § 284.

D. That the damages be increased up to three times the amount found or assessed as provided in 35 U.S.C. § 284.

E. That Defendants be ordered to pay Plaintiff the costs of this action and attorneys' fees as provided by 35 U.S.C. § 285.

F. Such other and further relief as this Court and/or jury may deem proper.

JURY DEMAND

PLAINTIFF REQUESTS A TRIAL BY JURY IN OMAHA, NEBRASKA, ON ALL ISSUES SO TRIABLE.

DATED this 18th day of February, 2011.

DANIELS MANUFACTURING COMPANY, a
Nebraska Corporation, Plaintiff,

BY: /s/ Dennis L. Thomte

Dennis L. Thomte, #14196

Attorney for Plaintiff

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EXHIBIT A

PATENT NO. 7,677,205