

FILED
DISTRICT COURT
DISTRICT OF MARYLAND

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

A 3

2XJ ENTERPRISES, INC.
233 Springfield Drive
North East, Maryland 21901

*

Plaintiff

*

v.

MUZZY PRODUCT CORPORATION
110 Beasley Road
Cartersville, Georgia 30120

*

Case No.

CCB 04 CV 130

Defendant.

Serve On:

R. Mansell McCord, Jr.
50 Hurt Plaza, Suite 900
Atlanta, Georgia 30303

*

*

COMPLAINT

2XJ Enterprises, Inc., by its undersigned counsel, alleges as follows:

Statement of Jurisdiction and Venue

1 This is an action seeking redress for patent infringement under the United States Patent Laws, 35 U.S.C. § 271, *et seq.*, for infringement of United States Letters

Patent No. 6,663,518. Exclusive jurisdiction is conferred upon this Court pursuant to 28 U.S.C. § 1338(a).

2. Venue is proper in the District of Maryland pursuant to 28 U.S.C. §§ 1391(c) and 1400(b).

Parties

3. Plaintiff, 2XJ Enterprises, Inc. is a corporation organized and existing under the laws of the State of Delaware, having its principal place of business at 233 Springfield Drive, North East, Maryland (hereinafter "2XJ Enterprises").

4. Upon information and belief, Defendant Muzzy Product Corporation, is a corporation organized and existing under the laws of the State of Georgia, having a principal place of business at 110 Beasley Road, Cartersville, Georgia (hereinafter "Muzzy").

Count One - Patent Infringement of U.S. Patent No. 6,663,518

5. 2XJ Enterprises is the owner by assignment of United States Letters Patent No. 6,663,518 Broadhead Arrowhead patent (hereinafter "the Patent"), issued by the United States Patent and Trademark Office on December 16, 2003. A copy of the '518 Patent is attached hereto as Exhibit A.

6. Upon information and belief, Muzzy has made, used, sold and/or offered for sale and continues to make, use, sell and/or offer to sell certain broadhead arrowhead products that infringe upon the '518 Patent.

7. The manufacture, use and/or sale of these products constitutes infringement of the '518 Patent.

8. Muzzy, by making, using, selling and/or offering for sale the products, has infringed the '518 Patent and has induced others to infringe the '518 Patent.

9. Muzzy's infringement of the '518 Patent is willful.

10. Muzzy's infringement of the '518 Patent has caused and will cause 2XJ Enterprises irreparable harm for which there is no adequate remedy at law.

Prayer for Relief

WHEREFORE, 2XJ Enterprises requests that this Court:

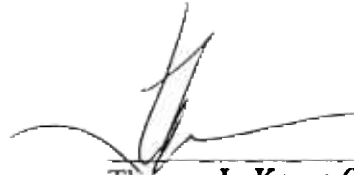
- a. Enter judgment declaring that Muzzy has infringed the '518 Patent.
- b. Enter judgment declaring that Muzzy has willfully infringed the '518 Patent.
- c. Enter a permanent injunction enjoining Muzzy and its affiliates, subsidiaries, officers, agents, employees, representatives, privies, successors, assigns and all those acting for it or on its behalf, or acting in concert with it directly or indirectly, from making, using, selling or offering for sale any goods, including the which infringe the '518 Patent.
- d. Award damages requiring Muzzy to account for and pay to 2XJ Enterprises all damages caused by reason of Muzzy's infringement of the '518 Patent pursuant to 35 U.S.C. § 284.

e. Award treble damages to 2XJ Enterprises due to Muzzy's willful infringement of the '518 Patent pursuant to 35 U.S.C. § 284.

f. Enter judgment requiring Muzzy to file with the Court and serve upon 2XJ Enterprises' counsel within 30 days after entry of judgment in this matter a report in writing, under oath, setting forth in detail the manner and form in which Muzzy has complied with said judgment, and the manner and form Muzzy will employ in the future to ensure that products made, used, sold or offered for sale by Muzzy will not infringe the '518 Patent.

g. Enter judgment pursuant to 35 U.S.C. § 285 making this case exceptional and awarding 2XJ Enterprises its attorneys' fees, costs and expenses.

h. Award such other and further relief as may be just and proper under the circumstances.



Thomas L. Kemp (Federal Bar No. 01807)
Kemp & Kemp, PA
141 East Main Street
Elkton, Maryland 21921
(410) 398-0910

Attorneys for Plaintiff
2XJ Enterprises, Inc.

(a) PLAINTIFFS

*2XJ Enterprises Inc.
233 Springfield Dr.
North East, MD. 21901*

(b) County of Residence of First Listed Plaintiff CECIL
(EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS

*MUZZY PRODUCT CORPORATION
110 BENSLEY ROAD
CARTERSVILLE, GA 30120*

County of Residence of First Listed _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)

*THOMAS L. KEMP, Esquire
Kemp and Kemp PA
141 East Main St., Elkton, MD 21921*

Attorneys (If Known)

06B 04 CV 130

I. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|---------------------------------------|---------------------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input checked="" type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

NATURE OF SUIT

(Place an "X" in One Box Only)

- | | | |
|--|--|---|
| <input type="checkbox"/> 10 Insurance | <input type="checkbox"/> 310 Airplane | <input type="checkbox"/> 362 Personal Injury—Med. Malpractice |
| <input type="checkbox"/> 20 Marine | <input type="checkbox"/> 315 Airplane Product Liability | <input type="checkbox"/> 365 Personal Injury—Product Liability |
| <input type="checkbox"/> 30 Miller Act | <input type="checkbox"/> 320 Assault, Libel & Slander | <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability |
| <input type="checkbox"/> 40 Negotiable Instrument | <input type="checkbox"/> 330 Federal Employers' Liability | <input type="checkbox"/> 370 Other Fraud |
| <input type="checkbox"/> 50 Recovery of Overpayment & Enforcement of Judgment | <input type="checkbox"/> 340 Marine | <input type="checkbox"/> 371 Truth in Lending |
| <input type="checkbox"/> 51 Medicare Act | <input type="checkbox"/> 345 Marine Product Liability | <input type="checkbox"/> 380 Other Personal Property Damage Product Liability |
| <input type="checkbox"/> 52 Recovery of Defaulted Student Loans (Excl. Veterans) | <input type="checkbox"/> 350 Motor Vehicle | |
| <input type="checkbox"/> 53 Recovery of Overpayment of Veteran's Benefits | <input type="checkbox"/> 355 Motor Vehicle Product Liability | |
| <input type="checkbox"/> 60 Stockholders' Suits | <input type="checkbox"/> 360 Other Personal Injury | |
| <input type="checkbox"/> 90 Other Contract | | |
| <input type="checkbox"/> 95 Contract Product Liability | | |

FORFEITURE/PENALTY

- 610 Agriculture
- 620 Other Food & Drug
- 625 Drug Related Seizure of Property 21 USC
- 630 Liquor Laws
- 640 R.R. & Truck
- 650 Airline Regs.
- 660 Occupational Safety/Health
- 690 Other

BANKRUPTCY

- 422 Appeal 28 USC 158
 - 423 Withdrawals 28 USC 157
- PROPERTY RIGHTS**
- 820 Copyrights
 - 830 Patent
 - 840 Trademark

OTHER STATUTES

- 400 State Reapportionment
- 410 Antitrust
- 430 Banks and Banking
- 450 Commerce/ICC Rates
- 460 Deportation
- 470 Racketeer Influenced & Corrupt Organizations
- 810 Selective Service
- 850 Securities Commodity Exchange
- 875 Customer Challenge 12 USC 3410
- 891 Agricultural Act
- 892 Economic Stabilization
- 893 Environmental Mgmt.
- 894 Energy Allocation Act
- 895 Freedom of Information Act
- 900 Appeal of Fee Determination Order
- Equal Access to Health
- 950 Constitutional State Statutes
- 990 Other Statutes

LABOR

- Fair Labor Standards Act
- Labor Mgmt. Relations
- Labor Mgmt. Reporting & Disclosure Act
- Railway Labor Act

SOCIAL SECURITY

- 861 HIA (1395(f))
- 862 Black Lung (923)
- 863 DFWC/DPAW (405(g))
- 864 SSID Title XVI
- 865 RSI (405(g))

FEDERAL TAX SUITS

- | | | |
|--|---------------------------------------|---|
| <input type="checkbox"/> REAL PROPERTY | <input type="checkbox"/> CIVIL RIGHTS | <input type="checkbox"/> PRISONER PETITION |
| | | <input type="checkbox"/> 510 Motions to Vacate Sentence |
| | | <input type="checkbox"/> Habeas Corpus |
| | | <input type="checkbox"/> 530 General |
| | | <input type="checkbox"/> 535 Death Penalty |
| | | <input type="checkbox"/> 540 Mandamus & O.C. |
| | | <input type="checkbox"/> 550 Civil Rights |

ORIGIN PLA (IN ONE BOX ONLY)

- Origin Proc.
- Rem. State
- Id. Jur.
- Reinstated/Reopened

CAUSE OF ACTION Do not check more than one box unless diversity is jurisdictional statute unless diversity.)

COMPLAINT OF PATENT INFRINGEMENT

REQUESTED
COMPLAIN
DATED

X No

4/15/04

NON-ATTORNEY ATTORNEY OF RECORD

[Signature]

USE ONLY