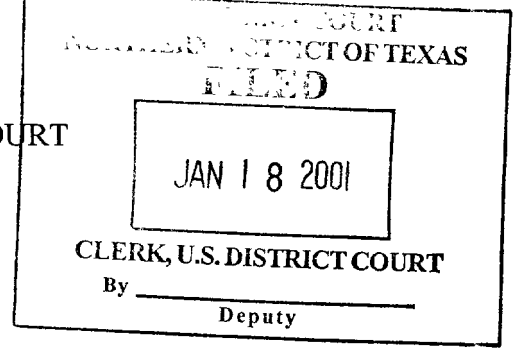


City ✓ WOD
ORIGINAL

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION



GOLDEN BLOUNT, INC.

Plaintiff,

v.

ROBERT H. PETERSON CO.

Defendant.

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3-01CV0127-R
Civil Action No. _____

(JURY TRIAL DEMANDED)

COMPLAINT FOR PATENT INFRINGEMENT AND JURY DEMAND

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Plaintiff, Golden Blount, Inc. ("Golden Blount"), by its attorneys, complains against Defendant, Robert H. Peterson Co. ("Peterson"), as follows:

PARTIES, JURISDICTION AND VENUE

1. Plaintiff Golden Blount is a corporation organized and existing under the laws of the State of Texas, having a place of business at 5310 Harbor Town, Dallas, Texas 75287.

2. On information and belief, Defendant Peterson, is a corporation organized and existing under the laws of the State of California. On information and belief, Peterson has been, and is now, directly and through its agents and intermediaries, doing business continuously and systematically in this judicial district and elsewhere in Texas.

3. This Court has original and exclusive jurisdiction pursuant to Title 28 United States Code, Sections 1331 and 1338(a) because this action arises under the Patent Laws of the United States (Title 35 United States Code, Section 1 et seq.) for

infringement of a United States Patent. Venue in this Judicial District is proper pursuant to Title 28 United States Code, Sections 1400(b) with 1391(c).

CLAIM FOR PATENT INFRINGEMENT

4. United States Patent No. 5,988,159 (“‘159 Patent”), entitled “GAS-FIRED ARTIFICIAL LOGS AND COALS-BURNER ASSEMBLY”, was duly and legally issued on November 23, 1999 for an inventive gas fired artificial logs and coals-burner assembly. Golden Blount is the owner of the ‘159 Patent. A copy of the ‘159 Patent is attached hereto as Exhibit A.

5. The Defendant Peterson has, within the six years next preceding the filing of this Complaint, infringed the ‘159 Patent in violation of Title 35 United States Code, Section 271(a), through its making, using, offering to sell, and selling the “Ember Flame Booster” accessory (a picture of the device is attached hereto as Exhibit B), to the damage and injury of Golden Blount.

6. On information and belief, Peterson will continue its infringing conduct, and its conduct which induces or contributes to infringement, unless enjoined by this Court.

7. Peterson’s infringing activities are being conducted without right, license or permission from Golden Blount.

PRAYER AND RELIEF

WHEREFORE, Golden Blount petitions this Court for a judgment:

A. That the ‘159 Patent is valid and that the claims thereof have been infringed by Peterson;

B. Preliminarily and permanently enjoining Peterson, its directors, officers, employees, attorneys, agents and all other person in active concert or participation with any of the foregoing from further acts of infringement, contributory infringement or inducement infringement of the '159 Patent;

C. For an accounting and an award of damages adequate to compensate Golden Blount for infringement of the '159 Patent by Peterson, but in no event less than a reasonable royalty for the use made of the invention, together with interest thereon;

D. Awarding to Golden Blount its costs and attorney fees; and

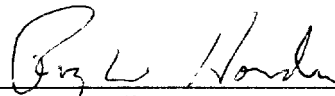
E. Awarding to Golden Blount such other and further relief as this Court deems proper and just.

JURY DEMAND

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

Dated: January 18, 2001

Respectfully submitted,



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ATTORNEYS FOR PLAINTIFF