

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION

BARNETT OUTDOORS, LLC,	*	CIVIL ACTION NO.
	*	
Plaintiff,	*	JUDGE
	*	
VERSUS	*	MAG. JUDGE
	*	
PRECISION SHOOTING EQUIPMENT, INC.,	*	JURY TRIAL DEMANDED
	*	
Defendant.	*	
	*	

* * * * *

**COMPLAINT FOR
INJUNCTIVE RELIEF, DAMAGES AND PENALTIES**

NOW INTO COURT, through undersigned counsel, comes plaintiff, Barnett Outdoors, LLC, and for its complaint against defendant, Precision Shooting Equipment, Inc., respectfully represents:

NATURE OF THE CASE

1.

Barnett seeks injunctive relief, damages, including the trebling thereof, and recovery of costs under the U.S. patent laws as a result of defendant’s acts of willful patent infringement.

THE PARTIES

2.

Plaintiff Barnett Outdoors, LLC (“Barnett”) is a Florida limited liability company with a principal place of business in Tarpon Springs, Florida. Barnett also maintains a business office in Broussard, Louisiana.

3.

On information and belief, defendant Precision Shooting Equipment, Inc. ("PSE") is a Delaware corporation with a principal place of business in Tucson, Arizona. PSE transacts and does business in this judicial district and may be served under the Louisiana Long-Arm Statute through its registered agent for service of process, LSN/CSC, Inc., 2711 Centerville Road, Wilmington Delaware 19808.

JURISDICTION AND VENUE

4.

This Court has subject matter jurisdiction over this matter upon the following grounds:

- (a) 28 U.S.C. § 1331, as this action arises under the U.S. Constitution, specifically Article I, Section 8 relating to patents;
- (b) 28 U.S.C. § 1338(a), as this action arises under Acts of Congress relating to patents, specifically 35 U.S.C. § 271 that deals with patent infringement; and
- (c) 28 U.S.C. § 1332, as this is an action between citizens of different states and the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs.

5.

Venue in this judicial district is proper under:

- (a) 28 U.S.C. § 1391(b)-(c); and
- (b) 28 U.S.C. § 1400(b).

GENERAL ALLEGATIONS

6.

Barnett designs, develops, manufactures, and sells crossbows.

7.

Barnett is the owner by assignment of all right, title and interest in and to U.S. Patent No. 6,901,921, issued June 7, 2005, and titled "Crossbow With Inset Foot Claw" ("the '921 Patent"), including the right to recover for all past infringements. A true and correct copy of the '921 Patent is attached hereto as Exhibit "A."

8.

On information and belief, PSE has and continues to infringe one or more claims of the '921 Patent by engaging in the following acts: (1) manufacturing, using, offering to sell, or selling crossbows that embody the invention patented in the '921 Patent; (2) actively inducing others to manufacture, use, offer to sell, or sell crossbows that embody the invention patented in the '921 Patent; or (3) offering to sell or selling material components of crossbows that embody the invention patented in the '921 Patent, knowing the same to be especially made or especially adapted for use in an infringement of the '921 Patent, and not a staple article or commodity of commerce suitable for substantial non-infringing use.

9.

PSE's infringing acts have occurred in this judicial district or within the United States, its territories and possessions.

10.

PSE's infringing acts are without Barnett's permission.

11.

On information and belief, PSE committed its infringing acts with full knowledge of the '921 Patent and Barnett's rights therein. Accordingly, Precision's infringing acts are willful and deliberate making this an exceptional case under the U.S. patent laws.

12.

PSE's infringing acts have caused Barnett to suffer damages in amounts yet to be determined.

13.

PSE's infringing acts have caused and will continue to cause Barnett to suffer irreparable harm unless enjoined.

COUNT I

INJUNCTIVE RELIEF

14.

Barnett adopts, re-alleges and incorporates by reference herein all of the allegations contained in the preceding paragraphs of the Complaint.

15.

Barnett is entitled to injunctive relief under 35 U.S.C. § 283.

COUNT II

MONETARY RELIEF

16.

Barnett adopts, re-alleges and incorporates by reference herein all of the allegations contained in the preceding paragraphs of the Complaint.

17.

Barnett is entitled to recover damages under 35 U.S.C. § 284 adequate to compensate Barnett for PSE's infringement, but in no event less than a reasonable royalty for PSE's manufacture, use, offer to sell, or sale of the patented invention, together with interest and costs.

18.

Barnett is entitled to recover treble damages under 35 U.S.C. § 284 because PSE's infringing acts are willful.

19.

Barnett is entitled to recover its attorney's fees under 35 U.S.C. § 285 because this case is exceptional.

JURY DEMAND

20.

Barnett requests a jury trial on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, plaintiff Barnett Outdoors, LLC prays for judgment in its favor and against defendant Precision Shooting Equipment, Inc. as follows:

1. That pursuant to 35 U.S.C. § 283, PSE and its owners, shareholders, directors, officers, agents, servants, employees, legal representatives, affiliates, successors and assigns, and all those acting on behalf of or in concert with any of them, are preliminarily and permanently enjoined from engaging in acts that infringe the '921 Patent;

2. That pursuant to 35 U.S.C. § 284, Barnett is awarded damages adequate to compensate for PSE's infringement of the '921 Patent, together with interest and costs, and that such award be trebled;

3. That pursuant to 35 U.S.C. § 285, this case is declared exceptional and Barnett awarded its attorney's fees, costs, and expenses; and

4. That Barnett is granted such further relief as may be just and appropriate.

Respectfully submitted,



Robert L. Waddell (#23586)
Attorneys for Plaintiff
LONGMAN RUSSO, APLC
600 Jefferson Street, Suite 1600
P.O. Box 3408
Lafayette, Louisiana 70502-3408
Phone: (337) 262-9000
Fax: (337) 262-9001
Email: rwaddell@lrfirm.com