

U.S. DISTRICT COURT  
EASTERN DISTRICT-WI  
FILED  
UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN

ARMAMENT SYSTEMS AND  
PROCEDURES, INC.,

Plaintiff,

v.

RADIOSHACK CORPORATION,

Defendant.

'06 AUG -3 P4 :37

SOPHON B. NEDILSKY  
CLERK

06-0-0835

**COMPLAINT**

Plaintiff, ARMAMENT SYSTEMS AND PROCEDURES, INC. [hereinafter "ASP"], by its undersigned counsel, complains as follows against Defendant, RADIOSHACK CORPORATION [hereinafter "RadioShack"]:

1. This is an action for patent infringement, arising under the patent laws of the United States, 35 U.S.C. §§1 et seq.
2. This Court has jurisdiction under 28 U.S.C. §§1331 and 1338.
3. ASP is a company organized and existing under the laws of Wisconsin, and maintains its principal place of business at 2511 East Capitol Drive, Appleton, Wisconsin 54911, in the Eastern District of Wisconsin.
4. Upon information and belief, RadioShack is a company organized and existing under the laws of Delaware, and maintains its principal place of business at Riverfront Campus World Headquarters, 300 RadioShack Circle, Fort Worth, Texas 76102-1964.

## COUNT I

5. ASP is the lawful owner of the entire right, title, and interest in and to U.S. Patent No. 6,786,616 issued by the United States Patent Office on September 7, 2004 [hereinafter "the '616 Patent"]. The Inventor of the '616 Patent is Kevin L. Parsons.

6. ASP has marked all flashlights manufactured and sold by ASP under the '616 Patent with notice in accordance with 35 U.S.C. §287(a).

7. RadioShack has infringed and continues to infringe the '616 Patent directly, or indirectly by inducing infringement or contributorily infringing, in the Eastern District of Wisconsin and in other districts.

8. Upon information and belief, RadioShack's acts of infringement of the '616 Patent have been willful.

9. RadioShack has made unlawful gains and profits from its acts of infringement of the '616 Patent.

10. ASP has been and will continue to be seriously and irreparably injured by RadioShack's acts of infringement of the '616 Patent, unless RadioShack is enjoined by this Court.

11. As a result of RadioShack's acts of infringement of the '616 Patent, ASP has been damaged in an amount not yet ascertained.

12. This is an exceptional case pursuant to 35 U.S.C. § 285.

## COUNT II

13. ASP is the lawful owner of the entire right, title, and interest in and to U.S. Patent No. 6,796,672 issued on September 28, 2004 by the United States Patent Office [hereinafter "the '672 Patent"]. The Inventor of the '672 Patent is Kevin L. Parsons.

14. ASP has marked all flashlights manufactured and sold by ASP under the '672 Patent with notice in accordance with 35 U.S.C. §287(a).

15. RadioShack has infringed and continues to infringe the '672 Patent directly, or indirectly by inducing infringement or contributorily infringing, in the Eastern District of Wisconsin and in other districts.

16. Upon information and belief, RadioShack's acts of infringement of the '672 Patent have been willful.

17. RadioShack has made unlawful gains and profits from its acts of infringement of the '672 Patent.

18. ASP has been and will continue to be seriously and irreparably injured by RadioShack's acts of infringement of the '672 Patent, unless RadioShack is enjoined by this Court.

19. As a result of RadioShack's acts of infringement of the '672 Patent, ASP has been damaged in an amount not yet ascertained.

20. This is an exceptional case pursuant to 35 U.S.C. § 285.

### **COUNT III**

21. ASP is the lawful owner of the entire right, title, and interest in and to U.S. Patent No. 6,824,292 issued by the United States Patent Office on November 30, 2004 [hereinafter "the '292 Patent"]. The Inventors of the '292 Patent are Kevin L. Parsons and W. Clay Reeves.

22. ASP has marked all flashlights manufactured and sold by ASP under the '292 Patent with notice in accordance with 35 U.S.C. §287(a).

23. RadioShack has infringed and continues to infringe the '292 Patent directly, or indirectly by inducing infringement or contributorily infringing, in the Eastern District of Wisconsin and in other districts.

24. Upon information and belief, RadioShack's acts of infringement of the '292 Patent have been willful.

25. RadioShack has made unlawful gains and profits from its acts of infringement of the '292 Patent.

26. ASP has been and will continue to be seriously and irreparably injured by RadioShack's acts of infringement of the '292 Patent, unless RadioShack is enjoined by this Court.

27. As a result of RadioShack's acts of infringement of the '292 Patent, ASP has been damaged in an amount not yet ascertained.

28. This is an exceptional case pursuant to 35 U.S.C. § 285.

#### **COUNT IV**

29. ASP is the lawful owner of the entire right, title, and interest in and to U.S. Patent No. 6,857,757 issued by the United States Patent Office on February 22, 2005 [hereinafter "the '757 Patent"]. The Inventors of the '757 Patent are Kevin L. Parsons and W. Clay Reeves.

30. ASP has marked all flashlights manufactured and sold by ASP under the '757 Patent with notice in accordance with 35 U.S.C. §287(a).

31. RadioShack has infringed and continues to infringe the '757 Patent directly, or indirectly by inducing infringement or contributorily infringing, in the Eastern District of Wisconsin and in other districts.

32. Upon information and belief, RadioShack's acts of infringement of the '757 Patent have been willful.

33. RadioShack has made unlawful gains and profits from its acts of infringement of the '757 Patent.

34. ASP has been and will continue to be seriously and irreparably injured by RadioShack's acts of infringement of the '757 Patent, unless RadioShack is enjoined by this Court.

35. As a result of RadioShack's acts of infringement of the '757 Patent, ASP has been damaged in an amount not yet ascertained.

36. This is an exceptional case pursuant to 35 U.S.C. § 285.

#### **COUNT V**

37. ASP is the lawful owner of the entire right, title, and interest in and to U.S. Patent No. 6,860,615 issued by the United States Patent Office on March 1, 2005 [hereinafter "the '615 Patent"]. The Inventor of the '615 Patent is Kevin L. Parsons.

38. ASP has marked all flashlights manufactured and sold by ASP under the '615 Patent with notice in accordance with 35 U.S.C. §287(a).

39. RadioShack has infringed and continues to infringe the '615 Patent directly, or indirectly by inducing infringement or contributorily infringing, in the Eastern District of Wisconsin and in other districts.

40. Upon information and belief, RadioShack's acts of infringement of the '615 Patent have been willful.

41. RadioShack has made unlawful gains and profits from its acts of infringement of the '615 Patent.

42. ASP has been and will continue to be seriously and irreparably injured by RadioShack's acts of infringement of the '615 Patent, unless RadioShack is enjoined by this Court.

43. As a result of RadioShack's acts of infringement of the '615 Patent, ASP has been damaged in an amount not yet ascertained.

44. This is an exceptional case pursuant to 35 U.S.C. § 285.

**Prayer for Relief**

WHEREFORE, ASP requests judgment in its favor as follows:

- A. that RadioShack has willfully infringed U.S. Patent No. 6,786,616;
- B. that RadioShack has willfully infringed U.S. Patent No. 6,796,672;
- C. that RadioShack has willfully infringed U.S. Patent No. 6,824,292;
- D. that RadioShack has willfully infringed U.S. Patent No. 6,857,757;
- E. that RadioShack has willfully infringed U.S. Patent No. 6,860,615;
- B. that RadioShack shall be permanently enjoined from infringing U.S. Patent Nos. 6,786,616, 6,796,672, 6,824,292 6,857,757 and 6,860,615;
- C. that RadioShack shall pay all damages suffered by ASP as a result of RadioShack's acts of infringement of U.S. Patent Nos. 6,786,616, 6,796,672, 6,824,292 6,857,757 and 6,860,615, and that such damages shall be trebled;
- D. that RadioShack shall pay all prejudgment interest;
- E. that RadioShack shall pay ASP's costs, expenses, disbursements, and attorneys' fees; and
- F. that this is an exceptional case and an award of reasonable attorneys' fees pursuant to 35. U.S.C. § 285.



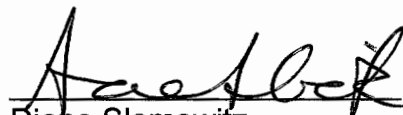
G. that such other and further relief be granted as this Court may deem just and equitable.

**Jury Demand**

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, ASP demands a trial by jury on all issues triable by jury as of right in this civil action.

Respectfully submitted,

Aug 3, 2006



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