

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN

STEPHEN B HOY, D V M,  
an individual,

Plaintiff,

Case No

v

Hon

00-72307

SERGEANT'S PET PRODUCTS,  
a Division of ConAgra, a Nebraska  
corporation,

Defendant

ARTHUR J. TARNOW

MAGISTRATE JUDGE CAPEL

John G Posa (P49445)  
Douglas L Wathen (P55586)  
Ellen S Cogen (P47201)  
Gifford, Krass, Groh, Sprinkle,  
Anderson, & Citkowski, P C  
280 N Old Woodward Ave , Suite 400  
Birmingham, MI 48009  
(734) 913-9300  
*Attorneys for Plaintiff*

U.S. DISTRICT COURT CLERK

00 MAY 19 P 4 25

FILED

COMPLAINT

PLAINTIFF, Stephen B Hoy, as against Defendant Sergeant's Pet Products, hereby  
alleges as follows

I THE PARTIES

1 Plaintiff, Stephen B Hoy, is a Doctor of Veterinary Medicine residing in Roseville,  
Michigan

2 Upon information and belief, Defendant Sergeant's Pet Products ("Sergeant's") is a  
division of ConAgra, a Nebraska corporation having its principal place of business in Omaha,  
Nebraska

GIFFORD KRASS GROH SPRINKLE ANDERSON & CITKOWSKI PC 280 N OLD WOODWARD AVENUE STE 400 BIRMINGHAM MICHIGAN 48009 5394 (248) 647 6000

II JURISDICTION

3 Jurisdiction is conferred on this Court by virtue of 28 U S C §1338(a), as  
Plaintiff's claim is patent-related. Venue is proper under 28 U S C §1400 (b), in that Defendant is  
committing acts of patent infringement within this District.

COUNT I -- PATENT INFRINGEMENT

4 On May 16, 2000, U S Patent No 6,063,412 ("the '412 patent") was duly and  
lawfully issued to Plaintiff for an Edible Animal Greeting Card.

5 Since its date of issuance, the '412 patent remains in full force and effect, and  
Plaintiff has been, and still is, the sole inventor and owner of all right and title therein.

6 Defendant Sergeant's is making and selling an edible animal greeting card product.

7 Sergeant's product infringes Plaintiff's '412 patent.

8 Defendant Sergeant's continues to manufacture and sell its infringing product.

9 Defendant Sergeant's infringement of the '412 patent is causing damage to  
Plaintiff.

10 Defendant Sergeant's infringement of the '412 patent is causing damage to Plaintiff  
for which Plaintiff was without an adequate remedy at law.

11 Defendant Sergeant's infringement is willful.

WHEREFORE, Plaintiff prays this Court find

- (a) Plaintiff's '412 patent is valid and enforceable as against Defendant Sergeant's,
- (b) that Defendant Sergeant's has infringed Plaintiff's '412 patent,

GIFFORD KRASS GROH SPRINKLE ANDERSON & CITKOWSKI PC 280 N OLD WOODWARD AVENUE STE 400 BIRMINGHAM MICHIGAN 48009 5394 (248) 647 6000

GIFFORD KRASS GROH SPRINKLE ANDERSON & CITKOWSKI PC 280 N OLD WOODWARD AVENUE STE 400 BIRMINGHAM MICHIGAN 48009 5394 (248) 647 6000

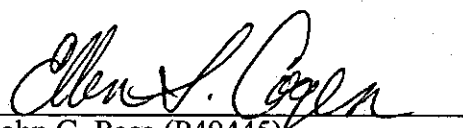
(c) that Defendant Sergeant's infringement of Plaintiff's '412 patent will continue without the intervention of this Court,

(d) that Defendant Sergeant's be preliminarily and finally enjoined from further infringement of Plaintiff's '412 patent,

(e) that Plaintiff is entitled to damages caused by Defendant's infringement of the '412 patent,

(f) that Plaintiff be granted its costs, attorney's fees and increased damages as provided by law, and such other and further relief as this Court deems proper and just

Respectfully submitted,

By   
John G. Posa (P49445)  
Douglas L. Wathen (P55586)  
Ellen S. Cogen (P47201)  
Attorneys for Plaintiff  
Gifford, Krass, Groh, Sprinkle,  
Anderson & Citkowski, P C  
280 N Old Woodward Ave, Suite 400  
Birmingham, MI 48009  
(734) 913-9300

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN

STEPHEN B HOY, D V M ,  
an individual,

Plaintiff,

Case No

v

Hon

SERGEANT'S PET PRODUCTS,  
a Division of ConAgra, a Nebraska  
corporation,

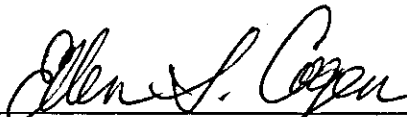
Defendant

\_\_\_\_\_  
John G Posa (P49445)  
Douglas L Wathen (P55586)  
Ellen S Cogen (P47201)  
Gifford, Krass, Groh, Sprinkle,  
Anderson, & Citkowski, P C  
280 N Old Woodward Ave , Suite 400  
Birmingham, MI 48009  
(734) 913-9300  
*Attorneys for Plaintiff*  
\_\_\_\_\_

**DEMAND FOR JURY TRIAL**

NOW COMES Plaintiff, by and through its attorneys, and hereby demands a trial by jury  
in the above cause of action

Respectfully submitted,

By 

\_\_\_\_\_  
John G Posa (P49445)  
Douglas L Wathen (P55586)  
Ellen S Cogen (P47201)  
Attorneys for Plaintiff  
Gifford, Krass, Groh, Sprinkle,  
Anderson & Citkowski, P C  
280 N Old Woodward Ave , Suite 400  
Birmingham, MI 48009  
(734) 913-9300

GIFFORD KRASS GROH SPRINKLE ANDERSON & CITKOWSKI PC 280 N OLD WOODWARD AVENUE STE 400 BIRMINGHAM MICHIGAN 48009 5394 (248) 647 6000

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN

SEE CASE FILE FOR  
ADDITIONAL  
DOCUMENTS OR PAGES  
THAT WERE NOT  
SCANNED