

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT**

_____)	
SHELTERLOGIC, LLC,)	
)	
Plaintiff,)	
)	Civil Action No.
)	3:08-CV-00039 (JCH)
vs.)	
)	
MAC AUTOMOTIVE CORP.,)	
)	
Defendant.)	
_____)	February 19, 2008

AMENDED COMPLAINT

Pursuant to Rule 15(a)(1), the plaintiff, ShelterLogic, LLC ("ShelterLogic"), hereby amends its Complaint against the defendant, Mac Automotive Corporation ("Mac Auto" or "Defendant") as a matter of course and alleges as follows:

JURISDICTION AND VENUE

1. This is an action for patent and trademark infringement arising under the laws of the United States of America, as well as an action for violation of Connecticut's Unfair Trade Practices Act.
2. The Court has subject matter jurisdiction pursuant to 28 U.S.C. §§1331, 1338, 1367, 15 U.S.C. §1116 and §1121.
3. Venue is proper in this District pursuant to 28 U.S.C. § 1391.

4. This Court has personal jurisdiction over Mac Auto because, upon information and belief, it: (1) transacts business in this state, (2) engages in infringing conduct in this state, and/or (3) induces others to engage in infringing conduct in this state.

THE PARTIES

5. ShelterLogic is a Connecticut limited liability company with its principal place of business located at 150 Callendar Road, Watertown, Connecticut.

6. On information and belief, Mac Auto is a California corporation having its principal place of business located at 1661 Fairplex Drive, La Verne, California.

FACTUAL ALLEGATIONS

7. ShelterLogic is an innovator and leading provider of fabric covered, prefabricated structures.

8. On November 20, 2007, the United States Patent and Trademark Office duly issued U.S. Patent No. 7,296,584 (“the ‘584 Patent”) entitled “System and Method for Storing, Assembling and Transporting a Canopy.” A copy of the ‘584 Patent is attached as Exhibit A.

9. ShelterLogic is the owner of all rights, title and interest in the ‘584 Patent.

10. ShelterLogic is also the owner of U.S. Trademark Registration No. 3,110,711 for the word mark INSTANT GARAGE. A copy of the U.S. Registration is attached as Exhibit B.

11. Mac Auto is a competitor of ShelterLogic in the area of fabric covered, prefabricated structures.

COUNT ONE: DIRECT
INFRINGEMENT OF U.S. PATENT NO. 7,296,584

12. ShelterLogic repeats and re-alleges the foregoing paragraphs of its Complaint, as if the same were fully set forth herein.

13. In violation of 35 U.S.C. § 271(a), Mac Auto directly infringes at least one claim of the '584 Patent, by its importing, using, making, advertising, offering to sell, and/or selling of products in the United States, including, without limitation, a Multi-Use Canopy described as MACTENT04/04U.

14. ShelterLogic will suffer irreparable harm if this Court does not enjoin Mac Auto under 35 U.S.C. § 283 from directly infringing the '584 Patent.

15. ShelterLogic has suffered harm as a result of Mac Auto's infringing conduct and is entitled to an award of damages.

16. Mac Auto is guilty of willful infringement entitling ShelterLogic to the recovery of treble damages pursuant to 35 U.S.C. § 284.

17. This is an exceptional case entitling ShelterLogic to the recovery of its attorneys' fees and costs under 35 U.S.C. § 285.

COUNT TWO: INDIRECT
INFRINGEMENT OF U.S. PATENT NO. 7,296,584

18. ShelterLogic repeats and re-alleges the foregoing paragraphs of its Complaint, as if the same were fully set forth herein.

19. In violation of 35 U.S.C. § 271(b), Mac Auto actively induces infringement of at least one claim of the '584 Patent, by its importing, using, promoting, distributing and/or

selling of products in the United States, including, without limitation, a Multi-Use Canopy described as MACTENT04/04U.

20. ShelterLogic will suffer irreparable harm if this Court does not enjoin Mac Auto under 35 U.S.C. § 283 from its indirect infringement of the '584 Patent.

21. ShelterLogic has suffered harm as a result of Mac Auto's infringing conduct and is entitled to an award of damages.

22. Mac Auto is guilty of willful infringement entitling ShelterLogic to the recovery of treble damages pursuant to 35 U.S.C. § 284.

23. This is an exceptional case entitling ShelterLogic to the recovery of its attorneys' fees and costs under 35 U.S.C. § 285.

COUNT THREE: TRADEMARK INFRINGEMENT

24. Mac Auto adopted and continues to use the mark **Instant Garage** to market and sell certain of its products. Photographs depicting Mac Auto's use of the mark are attached as Exhibit C.

25. The actions of Mac Auto are likely to cause confusion, mistake, and/or deception as to the source, sponsorship, or authorization of its products, in violation of Sections 32 and/or 43 of the Lanham Act, 15 U.S.C. §§ 1114 and 1125.

26. ShelterLogic has suffered harm as a result of Mac Auto's infringing conduct and is entitled to an award of damages.

27. The acts and conduct of Mac Auto are willful and deliberate.

28. ShelterLogic has been and will continue to be damaged by the Defendant's acts of infringement unless enjoined by this Court.

29. The Defendant's infringing acts are causing irreparable harm to ShelterLogic and it has no adequate remedy at law.

COUNT FOUR:
VIOLATIONS OF THE CONNECTICUT UNFAIR TRADE PRACTICES ACT

30. ShelterLogic repeats and re-alleges the foregoing paragraphs of its Complaint, as if the same were fully set forth herein.

31. The Defendant's actions, alone or in combination, constitute unfair methods of competition, unconscionable acts or practices, and/or unfair or deceptive acts or practices in violation of the Connecticut Unfair Trade Practices Act ("CUTPA"), C.G.S.A. § 42-110b.

32. As a result of the Defendant's conduct, ShelterLogic has suffered an ascertainable loss, will continue to suffer substantial harm and is entitled to the recovery of damages, punitive damages, attorneys' fees, and costs.

33. Upon information and belief, the Defendant will continue its unlawful activities unless enjoined, and ShelterLogic has no adequate remedy at law.

DEMAND FOR RELIEF

WHEREFORE, ShelterLogic, LLC respectfully requests that the Court enter judgment against the Defendant as follows:

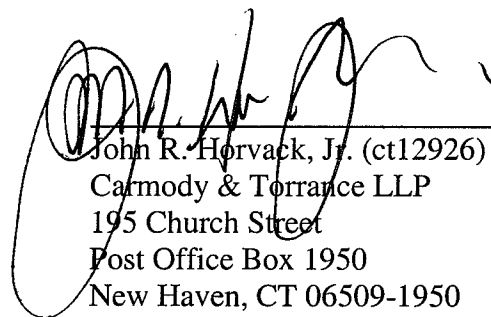
1. A preliminary and a permanent injunction that enjoins Mac Auto and its officers, agents, employees and all others in concert or participation with them from acts of infringement of the '584 Patent;
2. An accounting of revenue and profits, and an award of damages to ShelterLogic

- together with pre- and post-judgment interest pursuant to 35 U.S.C. § 283;
3. An award to ShelterLogic of three times the damages that it has sustained, by reason of Mac Auto's willful and deliberate infringement of the '584 Patent under 35 U.S.C. § 284;
 4. A declaration that this case is exceptional and an award to ShelterLogic of reasonable attorneys' fees under 35 U.S.C. § 285;
 5. A preliminary and a permanent injunction that enjoins Mac Auto and its officers, agents, employees and all others in concert or participation with them from acts of infringement of U.S. Trademark Registration No. 3,110,711.
 6. An award of money damages, multiple damages, costs and attorneys' fees pursuant to 15 U.S.C. § 1117.
 7. An award of money damages, punitive damages, attorneys' fees and costs pursuant to Connecticut General Statutes § 42-110(g);
 8. All other relief, legal or equitable, that this Court deems proper.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff demands a trial by jury of any issue triable as of right by a jury.

SHELTERLOGIC, LLC

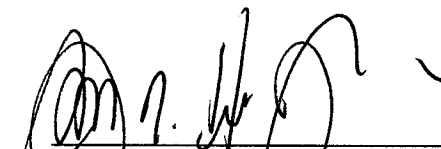


John R. Horvack, Jr. (ct12926)
Carmody & Torrance LLP
195 Church Street
Post Office Box 1950
New Haven, CT 06509-1950
Tel: 203-777-5501
Fax: 203-784-3199
jhorvack@carmodylaw.com

CERTIFICATION OF SERVICE

This is to certify that on February 19, 2008, a copy of the foregoing Amended Complaint was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF system.

SHELTERLOGIC, LLC



John R. Horvack, Jr. (ct12926)
Carmody & Torrance LLP
195 Church Street
Post Office Box 1950
New Haven, CT 06509-1950
Tel: 203-777-5501
Fax: 203-784-3199
jhorvack@carmodylaw.com