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Edge Composites, LLC

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

EDGE COMPOSITES, LLC, a Utah limited
liability company,

Plaintiff,

v.

MACLEAN-FOGG COMPANY, a Delaware
corporation, MACLEAN QUALITY
COMPOSITES, LLC, a Delaware limited
liability company, and MACLEAN
INVESTMENT PARTNERS, LLC, a
Delaware limited liability company,

Defendants.

**COMPLAINT FOR DECLARATORY
RELIEF**

Case No.

JURY DEMAND

Plaintiff Edge Composites, LLC (“Edge”) hereby complains against defendants
MacLean-Fogg Company (“MacLean-Fogg”), MacLean Quality Composites, LLC (“MacLean
Quality”), and MacLean Investment Partners, LLC (“MIP”) (collectively, “MacLean”) and for its
causes of action alleges as follows:

PARTIES, JURISDICTION, AND VENUE

1. Plaintiff Edge is a Utah limited liability company with its principal place of business in Ogden, Utah. Edge is engaged in the business of developing and manufacturing bicycle wheels and other bicycle components and accessories.

2. Defendant MacLean-Fogg is a Delaware corporation with a principal place of business in Mundelein, Illinois.

3. Defendant MacLean Quality is a Delaware limited liability company with a principal place of business in West Jordan, Utah.

4. Defendant MIP is a Delaware limited liability company with a principal place of business in Mundelein, Illinois.

5. This Court has personal jurisdiction over MacLean-Fogg, MacLean Quality, and MIP.

6. This Court has jurisdiction over the subject matter of this action pursuant to the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202. This Court also has jurisdiction under 28 U.S.C. §§ 1331 and 1338(a), and under Title 35 of the United States Code, 35 U.S.C. §§ 101 *et seq.*

7. Venue in this district is proper under 28 U.S.C. §§ 1391.

GENERAL ALLEGATIONS

8. U.S. Patent Application Serial No. 09/668,867 titled “Composite Rim” issued as U.S. Patent No. 6,347,839 (the “’839 Patent”) on February 19, 2002. A copy of the ’839 Patent is attached hereto as **Exhibit A**.

9. The '839 Patent was asserted against Edge in a complaint filed in the U.S. District Court for the Northern District of Illinois (the "Illinois Complaint"). The Illinois Complaint was filed on November 5, 2008. A copy of the Illinois Complaint is attached hereto as **Exhibit B**.

10. The Illinois Complaint also asserts a claim for alleged breach of contract against Schiers.

11. The Illinois Complaint also asserts a claim for alleged trade secret misappropriation against Jason Schiers ("Schiers"), an individual residing in Utah and currently employed by Edge.

12. An Amended Complaint was filed in the U.S. District Court for the Northern District of Illinois on January 16, 2009 (the "Amended Illinois Complaint"). A copy of the Amended Illinois Complaint is attached hereto as **Exhibit C**.

13. The Amended Illinois Complaint alleged patent infringement against Edge, and alleged breach of contract and trade secret misappropriation against Schiers.

14. During the litigation stemming from the Illinois Complaint, Defendants asserted that the '839 Patent had been assigned jointly to MacLean-Fogg, MacLean Quality, and MIP. A copy of this assignment agreement is attached hereto as **Exhibit D**.

15. In a court order dated April 14, 2009 (the "Memorandum Opinion and Order"), the patent infringement claim in the Amended Illinois Complaint was dismissed for lack of subject matter jurisdiction and lack of personal jurisdiction over Edge. A copy of the Memorandum Opinion and Order is attached hereto as **Exhibit E**.

16. In the Order, the claim for breach of contract in the Amended Illinois Complaint was dismissed for lack of subject matter jurisdiction, lack of personal jurisdiction over Schiers, and failure to state a claim upon which relief may be granted.

17. In the Order, the claim for trade secret misappropriation in the Amended Illinois Complaint was dismissed for lack of subject matter jurisdiction, lack of personal jurisdiction over Schiers, and failure to state a claim upon which relief may be granted.

18. In a judgment also dated April 14, 2009 (the “Judgment”), it was ordered and adjudged that each of the claims in the Amended Illinois Complaint be dismissed without prejudice. A copy of the Judgment is attached hereto as **Exhibit F**.

FIRST CLAIM FOR RELIEF
Declaratory Relief of Non-Infringement – U.S. Patent No. 6,347,839

19. Plaintiff hereby incorporates the allegations in paragraphs 1 through 18 above as though fully set forth herein.

20. Edge currently manufactures and sells one or more bicycle rim products that Defendants have alleged, and continue to allege, infringe the ’839 Patent.

21. Based on the acts, conduct, and statements of Defendants, Edge has formed a reasonable apprehension and belief that Defendants intend to and will continue to pursue claims against Edge for alleged infringement of the ’839 Patent in the immediate future.

22. Edge alleges that it does not make, use, sell, offer for sale in the United States, or import into the United States any product that infringes any valid claim of the ’839 Patent, either directly or contributorily, and that it has not induced others to infringe the ’839 Patent.

23. By reason of the foregoing, an actual controversy exists between Edge and Defendants as to whether any products made, used, sold, or offered for sale by Edge infringe the '839 Patent, or whether any other conduct of Edge constitutes such infringement.

24. Edge requests a judicial determination of the foregoing controversy and a declaration by this Court that Edge has not, and does not, infringe the '839 Patent.

SECOND CLAIM FOR RELIEF
Declaratory Relief of Invalidity – U.S. Patent No. 6,347,839

25. Plaintiff hereby incorporates the allegations in paragraphs 1 through 24 above as though fully set forth herein.

26. Defendants' acts, conduct, and statements imply that Defendants believe that the '839 Patent is valid and enforceable.

27. On information and belief, Edge alleges that the '839 Patent is invalid for failure to comply with the conditions of patentability specified in Title 35 of the United States Code, including without limitation Sections 102, 103, and 112 thereof.

28. By reason of the foregoing, an actual controversy exists between Edge and Defendants as to whether the claims of the '839 Patent are valid.

29. Edge requests a judicial determination of the foregoing controversy and a declaration by this Court that the claims of the '839 Patent are invalid.

PRAYER FOR RELIEF

Wherefore, Plaintiff Edge prays for a final judgment against Defendants MacLean-Fogg, MacLean Quality, and MIP and respectfully request that this Court enter an Order providing:

- A. That Edge does not infringe, and has not infringed, any claim of the '839 Patent;
- B. That the '839 Patent is invalid;

C. That this case is exceptional and awarding Plaintiff reasonable attorneys' fees pursuant to 35 U.S.C. § 285;

D. A permanent injunction enjoining MacLean-Fogg, MacLean Quality, and MIP, along with any of their assignees, licensees, officers, agents, servants, employees, attorneys, and all persons and entities acting in concert with any of them, from making any claim to any person or entity that any of Edge's products infringe any valid claim of the '839 Patent;

E. An award of costs and attorneys' fees incurred in connection with this suit; and

F. That Plaintiff Edge be granted such other and further relief as this Court may deem just and proper.

DEMAND FOR JURY TRIAL

Pursuant to the Federal Rules of Civil Procedure § 38(b), Plaintiff demands a trial by jury for this action on all issues so triable.

Dated: April 16, 2009

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