

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
WINCHESTER DIVISION**

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EQUI-TECH LABS, INC., )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
RANCH & TRAIL SUPPLY, and )  
AMOS BAUMAN )  
 )  
Defendant. )  
\_\_\_\_\_ )

**CIVIL ACTION NO.**  
**JURY TRIAL DEMANDED**

**COMPLAINT FOR FEDERAL PATENT INFRINGEMENT**

Plaintiff EQUI-TECH LABS, INC. (“Equi-Tech” or “Plaintiff”) hereby files this Complaint for Federal Patent Infringement against Defendants RANCH & TRAIL SUPPLY (“Ranch & Trail”) and AMOS BAUMAN (“Bauman”) (collectively, “Defendants”), showing the Court as follows:

1. Equi-Tech is a corporation formed under the laws of the State of Tennessee, having its principal place of business at 116 Sunlite Road, Shelbyville, Tennessee 37162.
2. Defendant Ranch & Trail, on information and belief, is a business operating under the laws of the State of Tennessee, having a principal place of business at 3089 Muddy Pond Road, Monterey, Tennessee 38574.
3. On information and belief, Defendant Bauman is the sole owner of Defendant Ranch & Trail, and is directing and controlling the infringing activities of Defendant Ranch & Trail described hereinafter. On information and belief, Defendant Bauman has a mailing address of 3089 Muddy Pond Road, Monterey, Tennessee 38574.
4. This is an action for federal patent infringement pursuant to 35 U.S.C. § 1 *et seq.*

This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a), and venue has been properly laid in this district pursuant to 28 U.S.C. §§ 1391(b) and 1400(b).

5. On information and belief, Defendants reside in, have committed acts of infringement in and/or have a regular and established place of business in this State and District.

6. Equi-Tech is the owner, by assignment, of all right, title, and interest in and to United States Patent No. 7,032,366 (“the ‘366 patent”) entitled “Non-Slip Horse Saddle Pad.” A true and correct copy of the ‘366 patent is attached hereto as Exhibit A.

7. The ‘366 patent was duly and lawfully issued by the United States Patent and Trademark Office on April 25, 2006. The ‘366 patent and all of its claims are presumed valid pursuant to 35 U.S.C. § 282.

8. Equi-Tech is the owner, by assignment, of all right, title, and interest in and to United States Patent No. 7,481,035 (“the ‘035 patent”) entitled “Non-Slip and Ventilated Horse Saddle Pad.” A true and correct copy of the ‘035 patent is attached hereto as Exhibit B.

9. The ‘035 patent was duly and lawfully issued by the United States Patent and Trademark Office on January 27, 2009. The ‘035 patent and all of its claims are presumed valid pursuant to 35 U.S.C. § 282.

10. Equi-Tech is in the business of marketing, distributing and selling saddle pads, among other products. On information and belief, products sold under the ‘366 patent and the ‘035 patent by Equi-Tech have been properly marked pursuant to 35 U.S.C. § 287.

11. Defendants are engaged in the business of making, using, importing, marketing, distributing, and/or selling saddle pads.

12. On information and belief, Defendants have been making, using, importing,

offering for sale and/or selling, and presently are making, using, importing, offering for sale and/or selling, using established streams of commerce throughout the United States, including in conjunction with customers and potential customers in this judicial district, saddle pads that infringe one or more claims of the '366 patent.

13. Additionally, on information and belief, Defendants have been making, using, importing, offering for sale and/or selling, and presently are making, using, importing, offering for sale and/or selling, using established streams of commerce throughout the United States, including in conjunction with customers and potential customers in this judicial district, saddle pads that infringe one or more claims of the '035 patent.

14. On information and belief, Defendants are liable for patent infringement by virtue of their participation in, contribution to, and/or inducement of the infringement of the '366 patent and the '035 patent. Additionally, on information and belief, Defendants knowingly and willfully participated in, contributed to, and/or induced the infringement of the '366 patent and the '035 patent. Thus, on information and belief, Defendants' infringing activity is a willful violation of Plaintiff's rights.

15. Defendants have committed the acts of infringement complained of herein without the consent or authorization of Plaintiff and in derogation of 35 U.S.C. § 271. On information and belief, Defendants' acts of infringement will continue unabated unless and until enjoined by this Court.

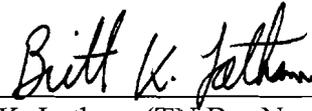
16. Plaintiff is entitled to damages from Defendants pursuant to 35 U.S.C. § 284 and injunctive relief from this Court pursuant to 35 U.S.C. § 283.

WHEREFORE, Plaintiff prays for the entry of a judgment:

- A. Holding that Defendants have infringed the '366 patent;
  - B. Holding that Defendants have infringed the '035 patent;
  - C. Holding that Defendants infringement of the '366 and '035 patents has been willful;
  - D. Awarding Plaintiff damages adequate to compensate for all such unauthorized acts of infringement pursuant to 35 U.S.C. § 284;
  - E. Awarding Plaintiff enhanced damages for Defendants' willful conduct;
  - F. To the extent applicable, declaring this case as exceptional against Defendants pursuant to 35 U.S.C. § 285;
  - G. Awarding Plaintiff its attorneys' fees and other costs and expenses;
  - H. Awarding Plaintiff interest to the extent permitted by law;
  - I. Permanently enjoining Defendants from any further acts of infringement; and
  - J. Awarding such other and further relief as this Court may deem just and proper.
- Plaintiff demands a trial by jury on all issues so triable.

This 27th day of April, 2009.

Respectfully submitted,



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