

**UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION**

PURE FISHING, INC., and Iowa Corporation,

Plaintiff,

vs.

NORMARK CORPORATION, a Minnesota  
Corporation, d/b/a RAPALA,

Defendant.

Case No.: 3:10-cv-02140-CMC

JURY TRIAL DEMANDED

**PURE FISHING’S SECOND AMENDED COMPLAINT**

Plaintiff, Pure Fishing, Inc. (“Pure Fishing”), a corporation organized under the laws of Iowa, hereby complains of Normark Corporation (“Normark”), a corporation organized under the laws of Minnesota, d/b/a Rapala, as follows:

**THE PARTIES**

1. Pure Fishing is an Iowa corporation doing business in South Carolina at 7 Science Court, Columbia, South Carolina 29203.
2. Upon information and belief, Normark is a Minnesota corporation with its principal place of business at 10395 Yellow Circle Drive, Minnetonka, Minnesota 55343.

**JURISDICTION AND VENUE**

3. This is an action for patent infringement under the United States Patent Laws, 35 U.S.C. § 271, *et. seq.*
4. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338.
5. Normark conducts business in this District and has committed acts of patent

infringement in this District by making, using, selling, offering to sell, and/or importing fishing lines made according to an infringing process.

6. Venue is proper in this Court pursuant to 28 U.S.C. § 1391.

### **FACTS**

7. Pure Fishing is the owner of all right, title, and interest in and to United States Patent No. 5,749,214 (“the ‘214 Patent”) titled “Braided or Twisted Line,” which issued on May 12, 1998 (**Exhibit A**). The claims of the ‘214 Patent are directed to processes for making braided or twisted fishing lines.

8. Normark makes, sells, offers to sell, and/or imports braided fishing lines sold under the “Sufix” brand and through Bass Pro Shops retailers under the “Bass Pro Shops Premium Excel Braid” brand (collectively, Normark’s “Sufix brand fishing lines”). These Sufix brand fishing lines compete with fishing lines sold by Pure Fishing.

9. The processes used to make Sufix brand fishing lines infringe at least one claim of the ‘214 Patent.

10. Fishing lines made from gel spun polyethylene that have been braided or fused are sometimes referred to as “superlines” in the fishing line industry.

11. Normark became aware of the ‘214 Patent as well as other patents on fishing lines held by Pure Fishing at least by 2003.

12. Normark embarked on a plan to acquire a line of fishing “superlines” to increase its competitive position in the fishing line segment.

13. In 2007, Normark shared information regarding the ‘214 Patent with potential contractual partners it was considering for the “superline” fishing business.

14. Upon information and belief, Normark did not share the information regarding

the '214 Patent with the current manufacturer and supplier of the Suffix brand fishing lines Yao I Fabric Co. Ltd. ("Yao I").

15. Normark did share a copy of one of Pure Fishing's other patents with Yao I.

16. Upon information and belief, Normark and Yao I purposely failed to discuss and ignored the existence of the '214 Patent.

17. Upon information and belief, Normark, prior to the introduction of its Suffix brand fishing lines in 2008, knew or should have known that the Suffix brand fishing lines were made by a process which infringed the '214 Patent.

### **FIRST CAUSE OF ACTION**

#### **(Direct Infringement of the '214 Patent – Literal Infringement)**

18. The allegations of Paragraphs 1 through 17 are realleged and incorporated by reference.

19. Normark has been, and currently is, literally infringing at least one claim of the '214 Patent by making, selling, offering to sell, and/or importing Suffix brand fishing lines.

20. Normark's literal infringement of the '214 Patent will continue unless enjoined by this Court. In the alternative, if the Court finds the balance of equities does not support a permanent injunction, then Normark should pay a reasonable royalty on all post-judgment sales.

21. As a direct and proximate consequence of Normark's literal infringement of the '214 Patent, Pure Fishing has suffered and will continue to suffer irreparable injury and damages in an amount not yet determined for which Pure Fishing is entitled to relief.

**SECOND CAUSE OF ACTION**

**(Willful Direct Infringement of the '214 Patent)**

22. The allegations of Paragraphs 1 through 21 are realleged and incorporated by reference.

23. Upon information and belief, Normark did not receive any advice of counsel nor was it aware of any valid defense to its infringement of the '214 Patent.

24. Normark imported, offered for sale and sold the Sufix brand fishing lines from 2008 until today willfully and with reckless disregard for Pure Fishing's rights under the '214 Patent.

25. Normark imported, offered for sale and sold the Sufix brand fishing lines from 2008 until today in the face of an objectively high risk of infringement under the '214 Patent.

26. Normark's infringement of the '214 Patent will continue unless enjoined by this Court. In the alternative, if the Court finds the balance of equities does not support a permanent injunction, then Normark should pay a reasonable royalty on all post-judgment sales.

27. As a direct and proximate consequence of Normark's infringement of the '214 Patent, Pure Fishing has suffered and will continue to suffer irreparable injury and damages in an amount not yet determined for which Pure Fishing is entitled to relief.

**PRAYER FOR RELIEF**

WHEREFORE, Pure Fishing requests entry of judgment in its favor and against Normark as follows:

A. Entry of judgment that Normark has infringed and is infringing the '214 Patent;

B. Entry of a permanent injunction restraining and enjoining Normark and its respective officers, agents, servants, employees, attorneys, and those persons in active concert or participation with them who receive actual notice of the order by personal service or otherwise, from any further sales and/or importation of products made by the infringing processes and any other infringement of the '214 Patent, or alternatively ordering Normark to pay a reasonable royalty on all future sales;

C. Damages adequate to compensate Pure Fishing for Normark's infringement of the '214 Patent;

D. Enhanced damages for Normark's infringement of the '214 Patent, pursuant to 35 U.S.C. § 284;

E. An award of pre-judgment and post-judgment interest and costs to Pure Fishing in accordance with 35 U.S.C. § 284 for Normark's infringement of the '214 Patent;

F. An award of Pure Fishing's reasonable attorney's fees pursuant to 35 U.S.C. § 285 for Normark's infringement of the '214 Patent;

G. Awarding Pure Fishing enhanced damages, interest, and attorneys' fees pursuant to 35 U.S.C. §§ 284 and 285 due to Normark's willful infringement; and

H. A grant to Pure Fishing of such other and further relief as the Court may deem just, proper, and equitable under the circumstances.

**JURY TRIAL DEMAND**

Pure Fishing demands a jury trial.

*[Signature block on following page.]*

Respectfully submitted,

s/Marcus A. Manos

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Columbia, South Carolina