

to 28 U.S.C. § 1400 and § 1391(b) because DEFENDANT conducts business within this judicial district, and has engaged in acts of patent infringement by offering for sale, selling and/or using a product that infringes the claims of PLAINTIFFS' patent.

4. This is an action for patent infringement brought under the United States patent laws, 35 U.S.C. § 271 *et seq.* The action for enhancement of the damages is brought pursuant to 35 U.S.C. § 284. The action for attorney's fees is brought pursuant to 35 U.S.C. § 285.

PATENT INFRINGEMENT

5. The contents of the preceding paragraphs are included by reference as if fully set forth herein.

6. PLAINTIFFS are the exclusive owner of all right, title and interest in United States Letters Patent No.6,105,354 (hereinafter the "'354" patent; Attached as Exhibit A).

7. DEFENDANT has had actual notice of the '354 patent.

8. DEFENDANT has been as is now infringing the '354 patent by making, using, and/or selling and/or actively inducing and/or contributing to infringement by others by making, using and/or selling the apparatus and methods of the claimed subject matter without the consent of PLAINTIFFS and in violation of the '354 patent. Specifically, PLAINTIFFS have reason to believe that DEFENDANT'S modified tractor, rake and bailer apparatus device infringes claims of the '354 patent.

9. Because DEFENDANT has made, used and sold the subject matter of the PLAINTIFFS '354 patent, PLAINTIFF'S patent is infringed and PLAINTIFFS are entitled to actual damages. Further, because DEFENDANT'S infringement of the '354 patent was willful, PLAINTIFFS are entitled to enhanced damages in an amount equal to at least three times the actual damages pursuant to 35 U.S.C. § 284. In addition, DEFENDANT's acts are intentional and

PLAINTIFFS are entitled to their attorneys fees pursuant to 35 U.S.C. § 285.

10. Due to DEFENDANT's infringement of the '354 patent, PLAINTIFFS' ability to control and license others under its '354 patent is being impaired and PLAINTIFFS have lost market share, reputation, and goodwill.

11. The '354 patent is valid in all respects and presumed valid under 35 U.S.C. § 282. ("A patent shall be presumed valid."). There exists, as of the filing of this Complaint, no evidence, and certainly not the required clear and convincing evidence, to rebut this statutory presumption that the '354 patent is valid.

12. DEFENDANT has made, used, advertised, and/or sold devices which infringe the claimed invention of the '354 patent, obtaining sums of money for the manufacture, use, and/or sale of the invention developed and owned by PLAINTIFFS. All of the benefits derived from the patent rightfully belong to PLAINTIFFS because, but for DEFENDANT's unlawful acts, DEFENDANT would not have received these benefits.

13. Because PLAINTIFFS are entitled to the funds or other consideration which DEFENDANT has received as a result of its unlawful acts, PLAINTIFFS are entitled to an accounting by DEFENDANT to determine the exact amount to which PLAINTIFFS rightfully are entitled including exemplary or enhanced damages up to three times the actual damages. 35 U.S.C. § 284.

ATTORNEYS FEES

14. PLAINTIFFS assert that this is an exceptional case such that DEFENDANT should be required to pay PLAINTIFFS' reasonable attorneys fees in accordance with 35 U.S.C. § 285.

PLAINTIFF'S APPLICATION FOR PRELIMINARY INJUNCTION

15. PLAINTIFF hereby applies for a preliminary injunction pursuant to Federal Rule

of Civil Procedure 65(a) to preliminarily enjoin DEFENDANT during the pendency of this action from continuing to willfully infringe the '354 Patent.

16. PLAINTIFFS are entitled to a preliminary injunction as requested herein pursuant to Rule 65(a), FED.R.CIV.P.

DEMAND FOR JURY

17. PLAINTIFFS hereby demand a jury trial for all issues pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

PLAINTIFFS pray for the following relief from the Court and Jury:

(a) A finding that PLAINTIFFS' '354 patent is valid, enforceable, and infringed under 35 U.S.C. § 271 by DEFENDANT;

(b) An award of actual damages from the infringement under 35 U.S.C. § 271. That this Court order that damages so found or assessed be trebled as a result of the wilful, deliberate, wanton and reckless infringement by DEFENDANT as provided by 35 U.S.C. § 284;

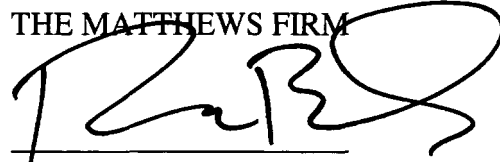
(c) This Court order DEFENDANT to account for and award to PLAINTIFFS damages adequate to compensate PLAINTIFFS for DEFENDANT's infringing activities, including all profits to PLAINTIFFS but for such infringement, together with prejudgement and postjudgement interest thereon and costs as affixed by the Court as provided by 35 U.S.C. § 284;

(d) This Court order that, because this is an exceptional case, PLAINTIFFS be awarded and DEFENDANT be ordered to pay the reasonable attorneys fees incurred by PLAINTIFFS in connection with this action, as provided for by 35 U.S.C. § 285;

(e) Such other and further relief as may be just and appropriate.

Respectfully submitted,

THE MATTHEWS FIRM

A handwritten signature in black ink, appearing to read 'R. Bowick', written over a horizontal line.

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