

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

PIONEER FE-LINES, LLC

Plaintiff,

v.

Civil Action No. 2:13-cv-271

ROYAL PET INCORPORATED

Defendant.

COMPLAINT

Plaintiff, Pioneer Fe-Lines, LLC (“Pioneer”), for its complaint against Defendant, Royal Pet Incorporated (“Royal Pet”), alleges the following:

Nature of Action

1. This is a civil action for patent infringement under The Patent Act, 35 U.S.C. §§ 1-376, to prevent Royal Pet from further infringing Pioneer’s U.S. Patent 8,389,090 (the ‘090 patent) entitled “Method and device for preventing pets from clawing home furnishings.”

Jurisdiction and Venue

2. The district court has original jurisdiction over this action pursuant to 28 U.S.C. §1331 (federal question) and §1338(a) (action arising under any Act of Congress relating to patents and copyrights).

3. Upon information and belief, Royal Pet regularly conducts business in the Eastern District of Wisconsin. Moreover, upon information and belief, Royal Pet actively markets and sells goods and products in this District, including but not limited to products that infringe Pioneer’s ‘090 patent. Accordingly, venue in this District as to Royal Pet is proper under 28

U.S.C. § 1400(b) and/or 28 U.S.C. § 1391(b) and (c). Jurisdiction as to Royal Pet is proper pursuant to Wis. Stat. § 801.05(3) and/or Wis. Stat. § 801.05(4).

Parties

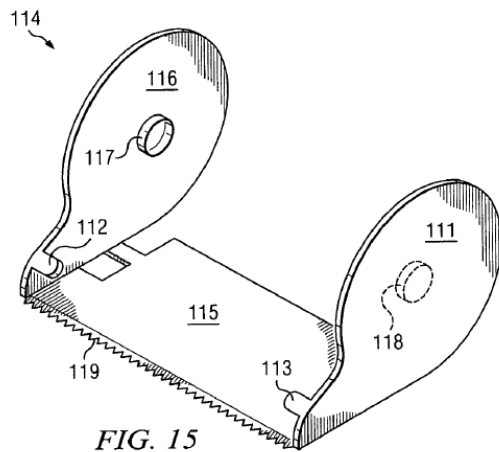
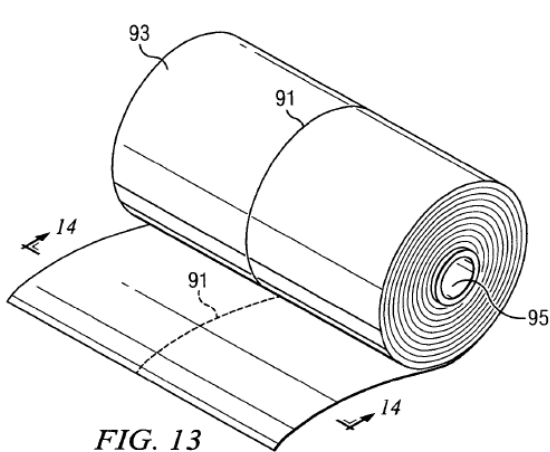
4. Plaintiff Pioneer is a Wisconsin company with its principal place of business in this District at N144 W5660 Pioneer Road, Cedarburg, Wisconsin 53012. Among other things, Pioneer is engaged in the business of manufacturing and selling pet-related products, including, but not limited to, adhesive strips used to prevent pets, such as cats, from damaging furniture. Pioneer is the assignee and current owner of the '090 patent.

5. Defendant Royal Pet is a Minnesota corporation with its principal place of business at 6250 Claude Way East, Inver Grove Heights, Minnesota 55075.

Background Facts

6. Pioneer is a leader in the pet product industry, providing various products including products for controlling animal behavior.

7. Pioneer developed a product for controlling animal behavior, such as preventing a cat from scratching furniture. Generally speaking, the product includes a control layer adjacent two adhesive layers, which are positioned on either side of the control layer. There is a bisected release sheet adjacent one of the adhesive layers, such that removal of the release sheet exposes the adhesive layer. The product is affixed as desired, e.g., to a piece of furniture, using the other adhesive layer. The exposed adhesive layer deters cats from scratching or otherwise damaging the furniture. The product can take various forms, such as a roll-dispenser combination. *See, e.g.,* Figs. 13 and 15 from the '090 patent below.



**COUNT I:
Infringement of the '090 Patent**

8. Pioneer restates and incorporates by reference the allegations in the preceding paragraphs.

9. Royal Pet manufactures, offers to sell, and/or sells pet behavior control products that infringe the '090 patent in violation of 35 U.S.C. § 271(a), including the pet behavior control product shown below, which Royal Pet advertises as its "Fresh Kitty® Scratch Guard."



10. Upon information and belief, Royal Pet continues to sell its infringing products.

11. Upon information and belief, Royal Pet has been and is willfully infringing the '090 patent.

12. Upon information and belief, Royal Pet will continue to infringe the '090 patent unless and until it is enjoined by a court.

13. Royal Pet's infringement has caused and continues to cause irreparable harm to Pioneer, including, but not limited to, infringing upon Pioneer's rights in the '090 patent.

14. Pioneer has been damaged by Royal Pet's infringement of the '090 patent.

15. Royal Pet's conduct shows a lack of the required duty to avoid infringement of the '090 patent such that this is an exceptional case; therefore, Pioneer should be awarded its reasonable attorneys' fees pursuant to 35 U.S.C. § 285.

16. Pursuant to 35 U.S.C. § 284, Pioneer is entitled to enhanced damages for infringement of the '090 patent, up to treble damages.

17. Pursuant to 35 U.S.C. § 283, Pioneer is entitled to a preliminary and permanent injunction against further infringement of the '090 patent.

WHEREFORE, Plaintiff, Pioneer Fe-Lines, LLC, demands judgment against Defendant Royal Pet Incorporated as follows:

- A. That the defendant be preliminarily and permanently enjoined from manufacturing or selling any further products that infringe the '090 patent.
- B. An award of plaintiff's actual damages.
- C. An award trebling or enhancing the damages found due to defendant's willful infringement.
- D. That the defendant be ordered to turn over to plaintiff or alternatively to destroy any infringing pet behavior control products in its possession.
- E. An award of plaintiff's costs, including attorneys fees.
- F. Any other relief that the court may deem proper and just.

JURY DEMAND

Plaintiff Pioneer Fe-Lines, LLC demands a jury trial for all factual issues not admitted by the defendants.

Respectfully submitted,

Dated: March 12, 2013

s/Michael T. Griggs
David D. Stein
Adam L. Brookman
Michael T. Griggs
Boyle Fredrickson S.C.
840 N. Plankinton Avenue
Milwaukee, WI 53203
Telephone: 414-225-9755
Facsimile: 414-225-9753
Attorneys for Pioneer Fe-Lines, LLC