

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
DAVENPORT DIVISION**

DEERE & COMPANY,

Plaintiff,

v.

DUROC LLC; ALAMO GROUP INC.; BUSH
HOG, INC.; AND GREAT PLAINS
MANUFACTURING INCORPORATED,

Defendants.

Civil Action No. 3:09-cv-00095

JURY TRIAL DEMANDED

FIRST AMENDED COMPLAINT

Plaintiff, Deere & Company, complains against Defendants Duroc LLC; Alamo Group Inc.; Bush Hog, Inc.; and Great Plains Manufacturing Incorporated as follows:

1. Deere & Company (“Deere”) is a Delaware corporation having a principal place of business at One John Deere Place, Moline, Illinois 61265.
2. On information and belief, Duroc LLC (“Duroc”) is a Delaware corporation having a principal place of business at 222 North LaSalle Street, Suite 1000, Chicago, Illinois 60601.
3. On information and belief, Alamo Group Inc. (“Alamo”) is a Delaware corporation having a principal place of business at 1627 East Walnut, Seguin, Texas 78155.
4. On information and belief, Bush Hog, Inc. is a Delaware corporation having a principal place of business at 2501 Griffin Ave., Selma, Alabama 36702.
5. On information and belief, Great Plains Manufacturing Incorporated (“Great Plains”) is a Kansas corporation having a principal place of business at 1525 East North Street, Salina, Kansas 67402.

6. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. §§ 271 *et seq.* The Court has subject-matter jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331 and 1338(a).

7. This Court has personal jurisdiction over Duroc, Alamo, Bush Hog, Inc., and Great Plains. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391.

8. On April 25, 2000, U.S. Patent No. 6,052,980 (“the ‘980 patent”) (attached hereto as Exhibit 1), entitled “Easy Clean Dual Wall Deck For Rotary Cutter,” was duly and legally issued to Deere as assignee on an application filed July 17, 1998.

9. Deere is the owner of all right, title, and interest in the ‘980 patent.

10. Duroc, Alamo, Bush Hog, Inc., and Great Plains have been, and are, willfully infringing the ‘980 patent by making, using, offering to sell, selling, and/or importing within the United States, infringing rotary cutters; by inducing others to infringe the ‘980 patent; and/or by contributing to the infringement by others of the ‘980 patent. The accused infringing products include Bush Hog Model 2715 Legend Flex Wing Cutter and Great Plains Land Pride Commander RC5515 rotary cutter. Unless enjoined by the Court, Duroc, Alamo, Bush Hog, Inc., and Great Plains will continue to infringe, induce the infringement of, and/or contributorily infringe the ‘980 patent.

11. Defendants’ infringements have been, currently are, and in the future will be a proximate cause of substantial damage to Deere.

12. If not enjoined as requested herein, Defendants’ infringements have been, currently are, and in the future will be a proximate cause of irreparable harm to Deere.

PRAYER FOR RELIEF

WHEREFORE, Deere prays:

1. Judgment that the '980 patent is valid, enforceable, and infringed by Duroc, Alamo, Bush Hog, Inc., and Great Plains;
2. Judgment that infringement by Duroc, Alamo, Bush Hog, Inc., and Great Plains of the '980 patent has been and is willful;
3. A preliminary and permanent injunction enjoining Duroc, Alamo, Bush Hog, Inc., and Great Plains, their officers, subsidiaries, affiliates, agents, servants, employees, and those persons in active concert or participation with them, from infringing, inducing infringement of, or contributorily infringing the '980 patent;
4. An award of damages arising out of the infringement of Duroc, Alamo, Bush Hog, Inc., and Great Plains, inducing infringement, or contributory infringement of the '980 patent, together with interest;
5. Judgment that damages so adjudged be trebled in accordance with 35 U.S.C. § 284;
6. Judgment that Deere be awarded its attorneys' fees, costs, and expenses incurred in this action in accordance with 35 U.S.C. § 285;
7. Such other and further relief as the Court may deem just and proper.

JURY DEMAND

Deere demands trial by jury of all issues triable of right by a jury.

Respectfully Submitted,

Dated: April 1, 2013

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