

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

MATTHEW P. HAGNY,)	
An Individual)	
)	
Plaintiff,)	
)	
v.)	Case No. civ-_____
)	
SHIELD INDUSTRIES, INC.,)	JURY TRIAL DEMANDED
a Kansas Corporation,)	
)	
Defendant.)	

COMPLAINT

COMES NOW, Plaintiff, Matthew P. Hagny ("Plaintiff"), by and through his attorneys, and states the following in support of its Complaint against Defendant, Shield Industries, Inc. ("Defendant").

NATURE OF COMPLAINT

1. This is an action for injunctive relief and monetary damages arising out of, inter alia, Defendant's patent infringement of Plaintiff's patent.

JURISDICTION AND VENUE

2. This Court's jurisdiction over this Complaint is founded under the United States Patent Laws, 35 U.S.C. § 271, *et. seq.*, and 28 U.S.C. §§1331 and 1338(a), for which jurisdiction is exclusive of the Courts of the states. Personal jurisdiction is based upon Fed. R. Civ. P. 4(e), effecting "long arm" jurisdiction based upon Defendant's contacts with this jurisdiction, including Defendant's doing business in this district, and

its commission of acts of infringement of Plaintiff's patent sued upon herein in this district.

3. Venue is proper in this district pursuant to 28 U.S.C. §§1391 and 1400.

THE PARTIES

4. Plaintiff is an individual having a principal residence in Bel Aire, Kansas.

5. On information and belief, Defendant is a Kansas corporation, having a principal place of business located in South Hutchinson, Kansas.

COUNT 1. INFRINGEMENT OF THE U.S. PATENT NO. 8,978,564

6. United States Patent No. 8,978,564 (the "Patent") was duly and legally issued on March 17, 2015. The Plaintiff is the inventor and owner of the Patent and he possesses all right of recovery for damages thereunder.

7. Defendant has infringed and is infringing one or more claims of the Patent by making, using, offering for sale, and selling its "seed tube guard" device throughout the United States, including Kansas, in violation of 35 U.S.C. § 271(a).

8. Plaintiff has suffered and will continue to suffer irreparable harm as a result of Defendant's infringing activities as complained of herein.

9. Upon information and belief, Defendant has known of the Patent, yet has pursued its knowing and willful infringement thereof, in flagrant disregard of Plaintiff's rights. Defendants have been notified in writing, individually and via Plaintiff's counsel of Plaintiff's rights under the Patent and Defendant has, upon information and belief, with full knowledge of the Patent, infringed willfully and wantonly, and continue to so infringe, in disregard of Plaintiff's rights thereunder.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests that the court grant the following relief:

- (a) an injunction against Defendant's continued infringement;
- (b) an award and accounting of damages to compensate Plaintiff for Defendant's infringement of the Patent, including Defendant's profits, any damages sustained by Plaintiff and any costs associated with bringing this action as provided in 35 U.S.C. § 284;
- (c) an award of damages resulting from Defendant's infringement and the trebling of such damages due to the knowing and willful nature of Defendant's conduct;
- (d) an award of Plaintiff's costs and attorneys' fees; and
- (e) such other and additional relief to which Plaintiff is entitled.

DESIGNATION OF PLACE OF TRIAL

Based on the jurisdiction and venue alleged herein, Wichita, Kansas is the designated place of trial for this action.

Respectfully submitted this 24th day of March, 2017.

Respectfully submitted

/s/ Jason A. Dunn

Jason A. Dunn, Kansas Bar No. 21437

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