

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOHN JOVANOVICH, an individual; and
JOVANOVICH SUPPLY CO., INC, a
Washington corporation,

Plaintiffs,

v.

SEATTLE MARINE & FISHING SUPPLY
CO., a Washington corporation,

Defendant.

Case No.

**COMPLAINT FOR PATENT
INFRINGEMENT**

JURY DEMAND REQUESTED

Plaintiffs John Jovanovich and Jovanovich Supply Co., Inc. (collectively
“Jovanovich”) for their complaint against defendant Seattle Marine & Fishing Supply
 (“Seattle Marine”), allege as follows:

I. NATURE OF THE ACTION

1. This is an action for patent infringement under the patent laws of the United
States. Plaintiff John Jovanovich is the owner of U.S. Patent No. 5,819,464 (the ‘464 patent)
entitled “Condition-Adaptable Colored Fishing Net.” Mr. Jovanovich’s business, Jovanovich
Supply Co., Inc., is an exclusive licensee of the ‘464 patent and sells “Watercolor Gillnets”
covered by the ‘464 patent. Seattle Marine imports, offers to sell, and sells condition-
adaptable, colored fishing nets that infringe one or more claims of the ‘464 patent. Through
this action, Jovanovich and his company seek to enjoin Seattle Marine from importing,

COMPLAINT FOR PATENT INFRINGEMENT - 1

LANE POWELL PC
1420 FIFTH AVENUE, SUITE 4100
SEATTLE, WASHINGTON 98101-2338
206.223.7000 FAX: 206.223.7107

1 offering to sell or selling condition-adaptable, colored fishing nets in the United States and to
2 recover damages caused by Seattle Marine's infringing activities.

3 II. PARTIES

4 2. Plaintiff John Jovanovich is an individual who resides in Seattle, Washington.
5 John Jovanovich is the President of Jovanovich Supply Co., Inc., a Washington corporation
6 with its principal place of business in SeaTac, Washington. John Jovanovich owns the entire
7 right, title, and interest in U.S. Patent No. 5,819,464 (attached hereto as Exhibit A).
8 Jovanovich Supply Co., Inc., is the exclusive licensee of the '464 patent authorized to sell
9 condition-adaptable, colored fishing nets.

10 3. Defendant Seattle Marine is a Washington corporation with its principal place
11 of business in Seattle, Washington.

12 III. JURISDICTION AND VENUE

13 4. This Court has subject matter jurisdiction over this action pursuant to 28
14 U.S.C. §§ 1331 and 1338. This Court can properly exercise personal jurisdiction over
15 defendant because Seattle Marine's principal place of business is in Seattle, Washington, and
16 the company is importing, offering to sell and selling infringing condition-adaptable, colored
17 fishing nets to customers in the state of Washington and elsewhere in the United States.

18 5. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b) and
19 (c) and § 1400(b).

20 IV. PERTINENT FACTS

21 6. On October 13, 1998, the United States Patent and Trademark Office issued
22 U.S. Patent No. 5,819,464 entitled "Condition-Adaptable Colored Fishing Net." The inventor
23 of the net claimed in the '464 patent is John Jovanovich. Jovanovich Supply Co., Inc., is the
24 exclusive seller of "Watercolor Gillnets" covered by the '464 patent.

25 7. Seattle Marine imports, offers to sell and sells condition-adaptable, colored
26 fishing nets manufactured and/or distributed by Momoi Fishing Net Mfg., Inc. ("Momoi") and

COMPLAINT FOR PATENT INFRINGEMENT - 2

1 by Uroko & Co., Ltd. ("Uroko") that infringe one or more claims of the '464 patent (the
2 "accused infringing fishing nets"). Seattle Marine is not licensed by plaintiff to import, offer
3 to sell, or sell the accused Momoi or Uroko infringing fishing nets.

4 8. Before filing suit, Jovanovich, through counsel, advised Seattle Marine to
5 cease and desist from engaging in business activities that infringe the Jovanovich '464 patent.
6 Seattle Marine did not comply with Jovanovich's request to cease its infringing conduct,
7 necessitating the filing of this lawsuit.

8 **V. CLAIM FOR '464 PATENT INFRINGEMENT**

9 9. Plaintiffs repeat and reallege each of their allegations contained in Paragraphs
10 1 through 8 of this complaint as if fully set forth herein.

11 10. Defendant has infringed and continues to willfully infringe one or more claims
12 of the '464 patent in violation of 35 U.S.C. § 271(a) through (c).

13 11. Because of defendant's acts of infringement, plaintiffs have suffered, are
14 suffering, and will continue to suffer irreparable injury unless defendant is preliminary and
15 permanently enjoined from continuing its unlawful infringing conduct.

16 12. As a result of defendant's willful infringement of the '464 patent, plaintiffs are
17 entitled to an award of compensatory and exemplary damages in an amount to be determined
18 at trial.

19 **VI. JURY TRIAL DEMAND**

20 13. Plaintiffs hereby demand a trial by jury on all issues so triable.

21 **VII. PRAYER FOR RELIEF**

22 WHEREFORE, plaintiffs request that a judgment be granted in their favor as follows:

23 A. That defendant Seattle Marine has infringed and continues to infringe one or
24 more claims of the '464 patent in violation of 35 U.S.C. § 271(a) through (c);
25
26

1 B. That defendant and all related parties (as defined in Fed.R.Civ.P. 65(d)) are
2 preliminarily and permanently enjoined from further infringement of the '464 patent pursuant
3 to 35 U.S.C. § 283;

4 C. That defendant be ordered to account for and pay plaintiffs actual and
5 exemplary damages to compensate plaintiffs for defendant's acts of willful infringement
6 pursuant to 35 U.S.C. § 284;

7 D. That an order be entered directing the seizure and destruction of any infringing
8 accused fishing nets that have been imported into the United States;

9 E. That this case be deemed exceptional and that plaintiffs be awarded their costs
10 and reasonable attorneys' fees pursuant to 35 U.S.C. § 285 and other applicable statutes;

11 F. That the Court grant such other and further relief as it may deem just and
12 proper.

13 DATED: June 4, 2010

14 LANE POWELL PC


15 By 
16 Paul D. Swanson, WSBA No. 13656
17 Brian G. Bodine, WSBA No. 22414
18 Attorneys for Plaintiffs John Jovanovich and
19 Jovanovich Supply Co., Inc.
20
21
22
23
24
25
26

EXHIBIT A



US005819464A

United States Patent [19]
Jovanovich

[11] **Patent Number:** **5,819,464**

[45] **Date of Patent:** **Oct. 13, 1998**

[54] **CONDITION-ADAPTABLE COLORED FISHING NET**

Primary Examiner—Thomas Price
Attorney, Agent, or Firm—Dean A. Craine

[76] **Inventor:** **John Jovanovich**, 15636 Des Moines Way S., Seattle, Wash. 98148

[57] **ABSTRACT**

[21] **Appl. No.:** **13,387**

[22] **Filed:** **Jan. 26, 1998**

[51] **Int. Cl.⁶** **A01K 71/00**

[52] **U.S. Cl.** **43/10**

[58] **Field of Search** 43/7, 10, 11, 14,
 43/4, 4.5, 9.95

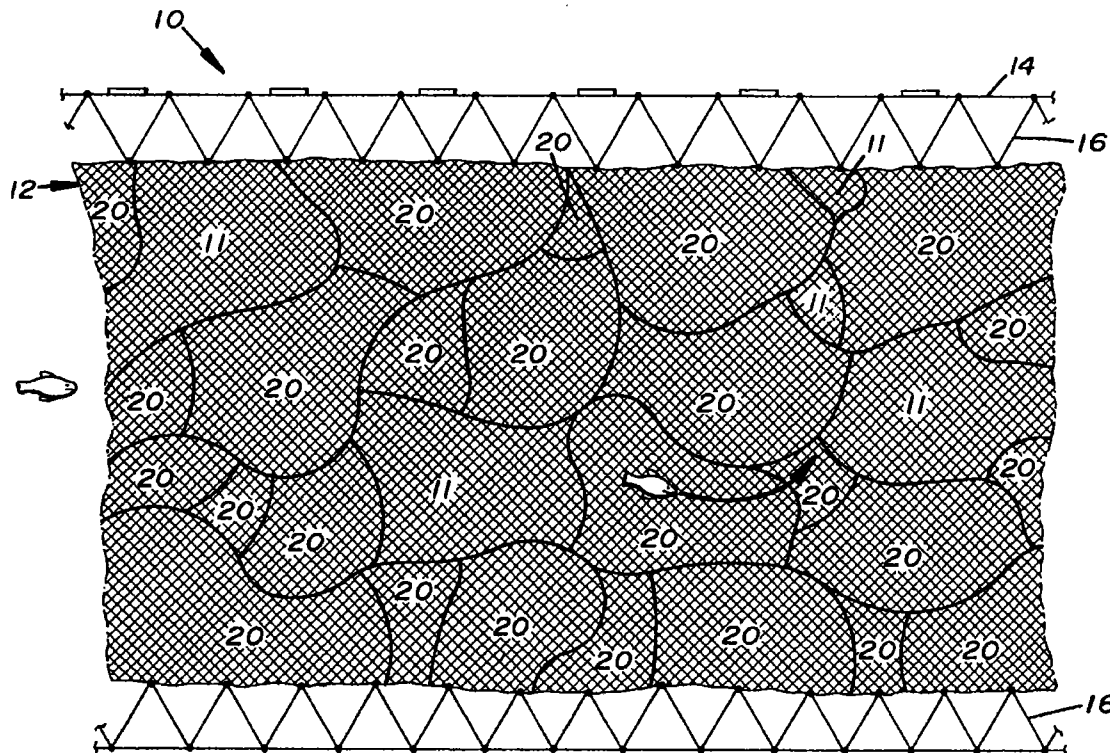
[56] **References Cited**

U.S. PATENT DOCUMENTS

3,793,822	2/1974	Kawai	57/140
4,501,084	2/1985	Mori	43/17.5
4,710,407	12/1987	Keeton	43/7
5,442,875	8/1995	Brundage et al.	43/11
5,484,313	1/1996	Rachal et al.	441/80
5,647,160	7/1997	Anderson	43/10

A condition-adaptable fishing net designed to catch more fish. The fishing net includes a single, large panel of netting having a main, light color capable of blending in water under certain water and lighting conditions. Disposed randomly over the panel of netting are a plurality of various sizes and shapes of colored areas, each having a color selected from a group of colors, all capable of blending in water under different water and lighting conditions. By randomly creating different colored areas over the net panel, what fish will believe to be holes or barrier free areas, appear randomly in the panel of netting. During use, the different colored shapes randomly appear as holes or barrier free areas in the panel of netting through which the fish then attempt to swim, thus becoming entangled in the net.

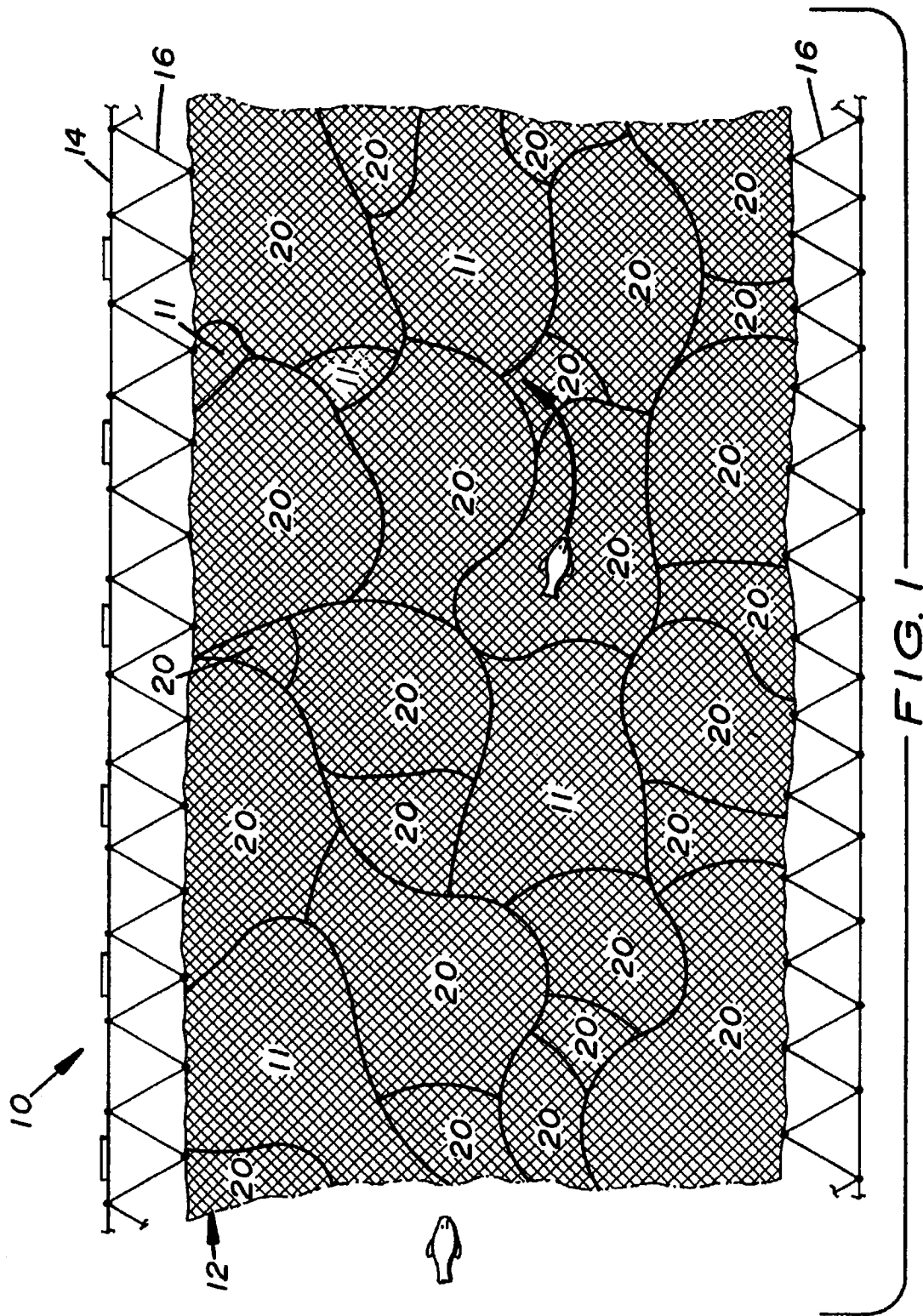
7 Claims, 1 Drawing Sheet



U.S. Patent

Oct. 13, 1998

5,819,464



5,819,464

1

CONDITION-ADAPTABLE COLORED FISHING NET

BACKGROUND OF THE INVENTION

1. Field of the Invention

This invention relates to fishing nets and, more particularly, to colored fishing nets capable of adapting to fishing conditions to improve their fish catching ability.

2. Description of the Related Art

Colored nets are commonly used in the fishing industry. Such nets are constructed by sewing different colored net panels together or by dyeing sections of a large net different colors to create sections of net more or less visible in water. Typically, these colored net panels or sections are aligned in alternating horizontal or vertical rows.

For example, U.S. Pat. No. 5,647,160 discloses a fishing net with multiple, alternating, horizontally aligned rows of netting dyed in visible and invisible colors. The inventor postulates that when fish swim next to a section of netting dyed a visible color, they swim away from it and towards an adjacent section of netting dyed an invisible color and becoming entrapped. One drawback of this theory is it mistakenly assumes that fish swim in a direction perpendicular to the longitudinal axis of the dyed sections. While more fish may be entrapped in the invisible color section of netting, such nets are still relatively inefficient because most fish, when seeing the visible section, swim away in a random direction thus avoiding the net altogether.

Years of experience with colored nets have shown that many fish can detect a colored net and will swim along the inside surface looking for an edge or hole to swim through. If an area of net appears to be a hole or edge, the fish will quickly attempt to swim through it and become entangled.

It is also known that the turbidity of the water, the light conditions, and the depth of the water are important factors which affect the fish's visibility of the net. Since each of these factors can change suddenly, the efficiency of single color or multiple row colored net can change.

What is needed is a fishing net which is more efficient than typical colored nets and which is adaptable to all fishing conditions.

SUMMARY OF THE INVENTION

It is an object of the invention to provide a more efficient colored fishing net.

It is another object of the invention to provide a fishing net with randomly disposed, multiple shaped and multiple colored areas designed to create what appear to fish to be holes or barrier-free areas and thus improving the net's fish capturing ability.

It is a further object of this invention to provide such a fishing net that is better suited for the random swimming patterns of fish.

It is a further object of the invention to provide such a fishing net adaptable to different fishing conditions.

These and other objects are met by providing a fishing net that is more efficient than typical colored fishing nets at catching fish. The fishing net hereinafter called a mottled fishing net, includes a single, large net panel being a color capable of blending in water under typical water and lighting conditions. Created randomly on the net panel are a plurality of different size and shape colored areas, each being a color selected from a group of different colors, all capable of blending in water under certain water and lighting conditions. By randomly creating different colored areas on the

2

net panel, what fish will believe to be holes or barrier-free areas are created across the entire net panel under all fishing conditions, so that the overall efficiency of the net is substantially improved over typical colored nets.

BRIEF DESCRIPTION OF THE DRAWINGS

FIG. 1 is a front elevational view of the invention.

DESCRIPTION OF THE PREFERRED EMBODIMENT(S)

Shown in the accompanying FIGURE, there is shown a mottled fishing net, generally referred to as 10, comprising a net panel 12 capable of being used for fishing, the net panel 12 having a main color 11 capable of blending in water. The top edge of the net panel 12 is attached to a float line 14 with spaced-apart stringers 16. The bottom edge of the net panel 12 is attached to a lead line 18 with spaced-apart stringers 16 which extend and stabilize the net 10 in a substantially vertical orientation in water.

The net panel 12 can vary between 50 to 1,800 feet in length and vary between 5 to 125 feet in width when deployed. The size of the mesh openings in the net panel 12 are established by local fishing regulations.

Randomly disposed across the entire length and width of the net panel 12 are a plurality of different colored areas 20. The areas 20 have various shapes and sizes. The areas 20 have a color randomly selected from a group of colors all capable of blending in water and opening as a hole 20 to fish under different water and lighting conditions. Neither the net panel 12 nor the areas 20 have a color intended to be visible in water.

In the preferred embodiment, the net panel 12 is made of nylon or other synthetic fish netting. Typically, the net panel 12 is off-white in color. In the preferred embodiment, the areas 20 are between 2 to 20 feet in width and 20 to 150 feet in length and dyed various colors selected from a group of colors listed in Table 1. The colors listed in Table 1 have been shown to blend and be invisible in water during varying fishing conditions. It should be understood that the color of the areas could be blends of the colors listed in Table 1.

By randomly disposing the color areas 20 over the entire net panel 12, the fish entangling properties of the net panel 12 are substantially improved since fish typically swim in random directions along side the fishing net. By randomly assigning different colors to the areas 20, the visibility of the areas 20 of the net panel 12 changes according to the fishing conditions thereby improving the fish entrapping efficiency of the net 10.

In compliance with the statute, the invention, described herein, has been described in language more or less specific as to structural features. It should be understood, however, the invention is not limited to the specific features shown, since the means and construction shown comprised only the preferred embodiments for putting the invention into effect. The invention is, therefore, claimed in any of its forms or modifications within the legitimate and valid scope of the amended claims, appropriately interpreted in accordance with the doctrine of equivalents.

TABLE I

green aqua	light blue tan	brown blue	light green gray
---------------	-------------------	---------------	---------------------

5,819,464

3

I claim:

1. A condition-adaptable fishing net, comprising

a. A net panel capable of being used for fishing, said net panel having a main color capable of blending in water; and,

b. A plurality of randomly disposed, different colored areas with respect to said main color created on said net panel, said colored areas having a color selected from a group of colors all capable of blending in water under different water and lighting conditions.

2. A fishing net, as described in claim 1, wherein the group of colors include green, light green, blue, light blue, aqua, gray, brown and grey.

4

3. A fishing net, as described in claim 1, further including a float line attached to said net panel.

4. A fishing net, as recited in claim 3, further including a lead line attached to said net panel.

5. A fishing net, as recited in claim 1, wherein said net panel is made of nylon.

6. A fishing net, as recited in claim 1, wherein said areas are between 2 to 20 feet in width and 20 to 150 feet in length.

7. A fishing net, as recited in claim 6, wherein said areas are dyed on said net panel.

* * * * *