AMS, LLC

Plaintiff,

v.

Civil Action No. 12-cv-843

eTAGZ, INC.

Defendant.

COMPLAINT

Plaintiff AMS, LLC ("AMS"), for its complaint against defendant eTAGZ, Inc.

("eTAGZ"), alleges the following:

Nature of Action

1. This is an action for declaratory judgment relating to a claim of patent

infringement arising under the Patent Laws of the United States, Title 35 United States Code.

Parties

2. AMS is a Wisconsin corporation with its principal place of business at EP 1064

Hemlock Lane, Stratford, Wisconsin 54484. Among other things, AMS is engaged in the

business of manufacturing and selling fishing equipment.

3. Upon information and belief, eTAGZ is a Utah corporation with its principal place of business in Provo, Utah.

Jurisdiction and Venue

4. This Court has subject matter jurisdiction pursuant to Title 28 United States Code \$\$1331 and 1338. 5. Upon information and belief, eTAGZ regularly conducts business in this District. Moreover, a substantial part of the events or omissions giving rise to this claim occurred in this District. Accordingly, venue is proper in this District pursuant to §§1391 and 1400.

Basis for Declaratory Relief

6. AMS sells fishing equipment, such as fishing reels. Some of AMS's fishing reels are packaged with a DVD.

7. On or about September 7, 2012, AMS received a letter from Mr. Isaac Jacobson, the apparent CEO of eTAGZ, asserting that AMS's products "utilize the inventions embodied in the eTAGZ patents." A copy of the September 7, 2012 letter is attached as Exhibit A. The "eTAGZ patents" are identified in the letter as U.S. Patents 7,503,502 ("the '502 patent"), 7,703,686 ("the '686 patent"), and 6,298,332 ("the '332 patent") (collectively "the eTAGZ patents").

8. Upon information and belief, eTAGZ is the owner of the eTAGZ patents. The eTAGZ patents relate to a CD-Rom product label apparatus and method.

9. A claim chart was included with the September 7 letter purporting to read claims 1 and 47 of the '332 patent on one of AMS's products, namely a fishing product/DVD package. Also included were documents entitled "Infringement of Claim 1 of the '332 Patent" and "Infringement of Claim 47 of the '332 Patent." Copies are attached as Exhibit B.

10. The September 7, 2012 letter and accompanying documents are an accusation by eTAGZ that AMS is infringing the '332 patent, and possibly others.

11. AMS's counsel has had several discussions with agents of eTAGZ regarding the infringement allegations in the September 7, 2012 letter, but the parties have been unable to

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reach a resolution. During the last conversation, eTAGZ agent indicated that eTAGZ was ready to file a lawsuit against AMS.

12. As a result the sales activities of AMS with respect to its fishing equipment/DVD package and eTAGZ' accusation of infringement, there is an actual case or controversy between AMS and eTAGZ within the meaning of 28 U.S.C. § 2201 concerning the eTAGZ patents.

COUNT I: DECLARATORY JUDGMENT OF NON-INFRINGEMENT

13. AMS restates and incorporates by reference the allegations in paragraphs 1 through 12 above.

14. The AMS fishing product/DVD package does not meet the properly interpreted limitations of any claim of the '502, '686, or '332 patents, and therefore does not infringe those patents.

15. Accordingly, AMS seeks declaratory judgment that the AMS product/DVD package does not infringe the '502, '686, or '332 patents.

COUNT II – DECLARATORY JUDGMENT OF INVALIDITY

16. In the alternative, if interpreted in a manner that encompasses the AMS fishing product/DVD package, the claims of the '502, '686, and '332 patents are invalid and should not have been issued by the United States Patent and Trademark Office.

17. Accordingly, AMS seeks declaratory judgment that the '502, '686, and '332 patents are invalid.

WHEREFORE, plaintiff AMS, LLC demands that judgment be entered in its favor and against defendant eTAGZ, Inc. as follows:

- A. Adjudging that AMS has not infringed, and that the AMS fishing product/DVD package does not infringe, the '502, '686, and '332 patents;
- B. Adjudging that the '502, '686, and '332 patents are invalid;

- C. Awarding AMS the reasonable attorneys' fees and costs of this action; and
- D. Granting such other and further relief as the court deems appropriate.

Jury Demand

Plaintiff AMS, LLC hereby demands a jury trial of all issues of fact not admitted by

defendant eTAGZ, Inc.

Dated: November 20, 2012

s/Michael T. Griggs Michael T. Griggs BOYLE FREDRICKSON, S.C. 840 N. Plankinton Ave. Milwaukee, WI 53203 Telephone: 414-225-9755 Facsimile: 414-225-9753 Attorney for Plaintiff AMS, LLC