

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

DROLL YANKEES, INC.,  
Plaintiff

V.

WOODSTREAM CORPORATION,  
Defendant

CIVIL ACTION NO. 12-1662

**COMPLAINT AND DEMAND FOR TRIAL BY JURY**

Introduction

This is an action for infringement of United States Patent in violation of 35 U.S.C. §§271 et seq. The Plaintiff seeks a permanent injunction, monetary damages, and attorney's fees under 35 U.S.C. §§283, 284 and 285.

Parties

1. The Plaintiff, Droll Yankees, Inc. ("Droll Yankees"), is a Rhode Island corporation with a usual place of business at 55 Lathrop Road Extension, Plainfield, Connecticut.

2. Upon information and belief, the Defendant, Woodstream Corporation ("Woodstream"), is a Pennsylvania corporation with a usual place of business at 69 North Locust Street, Lititz, Pennsylvania. Upon information and belief, Woodstream regularly conducts business and solicits sales, including sales of allegedly infringing products, from customers located in Connecticut.

Jurisdiction and Venue

3. This action arises under the patent laws of the United States, 35 U.S.C. §§271 et seq. Subject matter jurisdiction is pursuant to 28 U.S.C. §§1331 and 1338(a). There is also a

diversity of citizenship under 28 U.S.C. §1332 and the amount in controversy exceeds \$75,000.

Venue is proper in this Court under 28 U.S.C. §§1391(b), 1391(c), and/or 1400(b).

#### Facts

4. Droll Yankees manufactures and sells, among other things, nectar bird feeders.

5. On January 28, 1997, United States Patent No. 5,806,460 (“the ‘460 Patent”), was duly and legally issued for an invention entitled “Nectar Feeder Access Device” listing Arnold G. Klein as inventor. A true and correct copy of the ‘460 Patent is attached hereto as

#### **Exhibit A.**

6. On or about July 31, 2002, Arnold Klein assigned his interest in the ‘460 Patent to Droll Yankees.

7. Woodstream is in the business of, among other things, manufacturing and selling nectar bird feeders.

8. Droll Yankees is the owner of all right, title and interest in the ‘460 Patent.

#### Count I – Infringement of the ‘460 Patent

9. Droll Yankees repeats and realleges the allegations of the preceding paragraphs and incorporates them by reference herein.

10. Woodstream has infringed and continues to infringe one or more claims of the ‘460 Patent by making, using, selling and/or offering to sell products including, but not limited to, its Model Nos. 449 and 466 nectar bird feeders, that infringe the ‘460 Patent throughout the United States thereby infringing the Patent in violation of 35 U.S.C. §271, both literally and/or under the Doctrine of Equivalence.

11. Upon information and belief, such infringement of the ‘460 Patent has been and continues to be willful and deliberate.

12. As a consequence of such infringing acts, Droll Yankees has been, is being and will continue to be injured and has suffered, is suffering and will continue to suffer injury and damages for which it is entitled to relief under 35 U.S.C. §§284 and 285.

13. As a consequence of such infringing acts, Woodstream has also caused, is causing and will continue to cause irreparable harm to Droll Yankees for which there is no adequate remedy at law, and for which Droll Yankees is entitled to injunctive relief under 35 U.S.C. §283.

Prayers for Relief

WHEREFORE, Droll Yankees prays for entry of a judgment from this Court:

- A. Declaring that Woodstream has infringed the '460 Patent;
- B. Declaring that the foregoing infringement was willful;
- C. Declaring this to be an “exceptional” case within the meaning of 35 U.S.C. §285, entitling Droll Yankees to an award of its reasonable attorney’s fees in this action;
- D. Enjoining Woodstream and its affiliates, divisions, officers, agents, servants, employees, attorneys, and those persons in active concert or participation with them from further acts infringing the Droll Yankees patents;
- E. Awarding Droll Yankees damages in accordance with 35 U.S.C. §284 including treble damages;
- F. Awarding Droll Yankees its interest and costs incurred in this action; and
- G. Awarding Droll Yankees such other and further relief as this Court may deem to be just and proper.

**PLAINTIFF REQUESTS A TRIAL BY JURY**

DROLL YANKEES, INC.

By its attorney,

/s/ David L. Fine

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