

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

WILLIAM J. GIBSON, JR,

Plaintiff,

v.

EXPRESS BRAKE INTERNATIONAL,
PRAIRIE TRAILER SALES & SERVICE, and
ALLSTATE PETERBILT OF ALEXANDRIA

Defendants.

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CIVIL ACTION NO.

JURY TRIAL DEMANED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff William J. Gibson, Jr. (“Gibson”), for his complaint against the above-mentioned defendants, alleges as follows:

THE PARTIES

1. Gibson is a citizen of the State of Minnesota and a resident of Ortonville, Minnesota.

2. On information and belief, Defendant Express Brake International (“EBI”) is a Florida corporation with its principal place of business in Ocala, Florida.

3. On information and belief, Defendant Prairie Trailer Sales & Service (“Prairie Trailer”) is a Minnesota corporation with its principal place of business in Morris, Minnesota.

4. On information and belief, Defendant Allstate Peterbilt of Alexandria (“Allstate”) is a Minnesota corporation with its principal place of business in Alexandria, Minnesota.

JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a), because this action arises under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.* Venue is proper in this federal district pursuant to 28 U.S.C. §§ 1391(b)-(c) and 1400(b) in that defendants Prairie Trailer and Allstate reside in this district, a substantial part of the events giving rise to the claims occurred in this district, on information and belief the defendants have a regular and established place of business in this district and have committed acts of infringement in this district, including the sale of XTREME CAM, which infringes one or more claims of Gibson's patent.

6. This Court has jurisdiction over defendants, because each defendant has substantial contacts with the forum as a result of conducting substantial business in the State of Minnesota and within this district. Upon information and belief, each defendant regularly solicits business in the State of Minnesota and this district, derives revenue from products and/or services provided to individuals residing in the State of Minnesota and this district, conducts business utilizing the claimed products and methods with and for customers residing in the State of Minnesota and this district, and provides or markets products and services directly to consumers in the State of Minnesota and this district.

INFRINGEMENT OF U.S. PATENT NO. 7,819,231 B2

7. On October 26, 2010, U.S. Patent No. 7,819,231 (the "231 patent") was duly and legally issued for an "S Cam Bushing Assembly." A true and correct copy of the '231 patent is attached hereto as Exhibit A. Gibson is the inventor and owner of all rights, title and interest in and to the '231 patent.

8. Defendant EBI has infringed and continues to infringe, directly, indirectly, literally, under the doctrine of equivalents, contributorily, and/or through the inducement of others, one or more of the claims of the '231 patent. EBI manufactures, uses, sells, imports, and/or offers to sell in Minnesota, through its distributors Prairie Trailer and Allstate, infringing S cam bushing assemblies, including but not limited to XTREME CAM, which infringe at least claim 1 of the '231 patent under 35 U.S.C. § 271.

9. Defendant Prairie Trailer has infringed and continues to infringe, directly, indirectly, literally, under the doctrine of equivalents, contributorily, and/or through the inducement of others, one or more of the claims of the '231 patent. Prairie Trailer manufactures, uses, sells, imports, and/or offers to sell from its Morris offices, infringing S cam bushing assemblies, including but not limited to XTREME CAM, which infringe at least claim 1 of the '231 patent under 35 U.S.C. § 271.

10. Defendant Allstate has infringed and continues to infringe, directly, indirectly, literally, under the doctrine of equivalents, contributorily, and/or through the inducement of others, one or more of the claims of the '231 patent. Allstate manufactures, uses, sells, imports, and/or offers to sell from its Alexandria offices, infringing S cam bushing assemblies, including but not limited to XTREME CAM, which infringe at least claim 1 of the '231 patent under 35 U.S.C. § 271.

11. Defendants EBI, Prairie Trailer, and Allstate's acts of infringement have caused damage to Gibson, and Gibson is entitled to recover from defendants the damages sustained by Gibson as a result of defendants' wrongful acts in an amount subject to proof at trial. Defendants' infringement of Gibson's exclusive rights under the '231

patent will continue to damage Gibson, causing irreparable harm for which there is no adequate remedy at law, unless enjoined by this Court. Defendants' infringement is willful and deliberate, because defendants became aware of the infringing nature of their respective products and services at the latest when they received notice letter from Gibson and/or the filing of Gibson's complaint, entitling Gibson to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

JURY DEMAND

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Gibson respectfully requests a trial by jury on all issues.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff William J. Gibson, respectfully requests entry of judgment in favor and against defendants as follows:

(a) A finding that Defendants EBI, Prairie Trailer, and Allstate have infringed U.S. Patent No. 7,819,231;

(b) Awarding the damages arising out of Defendants EBI, Prairie Trailer, and Allstate's infringement of U.S. Patent No. 7,819,231; to Gibson, together with pre-judgment and post-judgment interest, in an amount allowed by law;

(c) Finding defendants' infringement to be willful and awarding treble damages to Gibson for the period of such willful infringement pursuant to 35 U.S.C. § 284;

(d) Permanently enjoining defendants and their respective officers, agents, employees, and those acting in privity with them, from further infringement of U.S. Patent No. 7,819,231, or in the alternative, awarding a royalty for post-judgment infringement;

(e) A finding that this case is an exceptional case, and an award of attorneys' fees to Gibson pursuant to 35 U.S.C. § 285 or as otherwise permitted by law; and

(f) Awarding such other costs and further relief as the Court may deem just and proper.

Dated: December 7, 2012

Respectfully Submitted,

By: /s/ Eric H. Chadwick
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