

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court W. D. N. Y. on the following Patents or Trademarks:

DOCKET NO. 08-cv-715C	DATE FILED 9/25/08	U.S. DISTRICT COURT Western District of New York
PLAINTIFF Lee Shuknecht & Sons, Inc.		DEFENDANT Scott Mabon
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
SEE ATTACHED CERTIFIED COPIES OF COMPLAINT AND DOCKET		
1		
2		
3	5,024,278	
4		
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY	
	<input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK <i>Russell Early</i>	(BY) DEPUTY CLERK <i>7106</i>	DATE 9/25/08
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

**U.S. DISTRICT COURT
U.S. District Court, Western District of New York (Buffalo)
CIVIL DOCKET FOR CASE #: 1:08-cv-00715-JTC
Internal Use Only**

Lee Shuknecht & Sons, Inc. v. Mabon
Assigned to: Hon. John T. Curtin
Cause: 35:271 Patent Infringement

Date Filed: 09/25/2008
Jury Demand: Plaintiff
Nature of Suit: 830 Patent
Jurisdiction: Federal Question

Plaintiff

Lee Shuknecht & Sons, Inc.

represented by **Neal L. Shifkin**
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ATTEST: A TRUE COPY
U.S. DISTRICT COURT, WDNY
RODNEY C. EARLY, CLERK
By Tom J. Kelly
Deputy Clerk

V.

Defendant

Scott Mabon

Date Filed	#	Docket Text
09/25/2008	<u>1</u>	COMPLAINT against Scott Mabon (Filing fee \$ 350 receipt number 9485.), filed by Lee Shuknecht & Sons, Inc..(JDK) (Entered: 09/26/2008)
09/25/2008	<u>2</u>	CORPORATE DISCLOSURE STATEMENT by Lee Shuknecht & Sons, Inc.. (JDK) (Entered: 09/26/2008)

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09/25/2008

Clerk mailed certified copies of complaint and docket to Commissioner of Patents and Trademarks (JDK) (Entered: 09/26/2008)

U.S. DISTRICT COURT
WESTERN DISTRICT OF NEW YORK
9-25-08

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

LEE SHUKNECHT & SONS, INC.,

Plaintiff,

COMPLAINT

vs.

JURY TRIAL DEMANDED

Scott Mabon,

Defendant.

Civil No.

Plaintiff, Lee Shuknecht & Sons, Inc. ("Plaintiff" or "Shuknecht") for its Complaint against Defendant Scott Mabon ("Mabon" or "Defendant") alleges as follows:

PRELIMINARY STATEMENT

1. This is an action for infringement of United States Letters Patent No. 5,024,278 (the "278 Patent"), pursuant to applicable federal patent laws. A copy of the '278 Patent is attached to this Complaint as Exhibit A.

2. Shuknecht is the owner of the '278 Patent.

PARTIES, JURISDICTION & VENUE

3. Plaintiff, Shuknecht, is a New York corporation with its principal place of business at 4458 Ford Road, Elba, New York 14058.

4. Upon information and belief, Defendant Mabon is an individual residing at 6630 Fisher Road, Oakfield, New York 14125.

5. This action is one for patent infringement arising under the patent laws of the United States, including 35 U.S.C. §§271 and 281 *et seq.*, and more specifically, 35 U.S.C. §§271, 281, 283, 284 and 285.

6. Upon information and belief, Defendant Mabon resides and does, or transacts, business in New York and is subject to the personal jurisdiction of this Court

7. Upon information and belief, Defendant Mabon resides and does, or transacts, business in this judicial district.

8. Venue is proper in this District, pursuant to 28 U.S.C. §§1391(b) and 1400(b).

FACTUAL BACKGROUND

9. Upon information and belief, Defendant has made and/or sold components for harvesting machines which are covered both literally and equivalently by claims of the '278 Patent. Photographs of these infringing machines are attached as Exhibit B.

CAUSE OF ACTION

Infringement of U.S. Patent No. 5,024,278

10. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 9.

11. Upon information and belief, Defendant has infringed the '278 Patent by making, selling and/or using components of harvesting machines which are covered by claims of the '278 Patent, by contributing to the infringement of the '278 Patent by others and/or by inducing others to make, use, sell and/or lease harvesting machines with components which are covered by claims of the '278 Patent.

12. Upon information and belief, such infringement of the '278 Patent by Defendant was done with actual knowledge of the existence of the '278 Patent and the patented inventions,

and is unlawful, deliberate and willful, making this an exceptional case within the meaning of 35 U.S.C. §§284 and 285.

WHEREFORE, Plaintiff demands judgment against Defendant as follows:

A. That the Court adjudge United States Patent Nos. 5,024,278 valid and infringed by Defendant;

B. That Defendant his agents, servants, employees, and those in active concert or participation with any of them be preliminarily and permanently enjoined under 35 U.S.C. §283 from further infringement of the '278 Patent;

C. That Defendant be ordered to deliver up to this Court, for such disposition as it sees fit, all infringing products and articles within the possession or control of Defendant, or recallable by Defendant;

D. That Defendant be required to pay damages to Plaintiff for infringement of the '278 Patent as provided under 35 U.S.C. §284;

E. That Defendant be adjudged a willful infringer of the '278 Patent, that this case be declared an exceptional case within the meaning of 35 U.S.C. §§284 and 285, and that Defendant be ordered to pay treble damages to Plaintiff due to the deliberate and willful nature of the infringement of the '278 Patent;

F. That Defendant be required to pay prejudgment and post-judgment interest at the legal rate until such judgment is paid;

G. That Plaintiff be awarded its reasonable attorney's fees and costs in this matter;
and

H. That Plaintiff be granted such other and further relief as this court deems just.

JURY DEMAND

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff hereby demands a trial by jury of all issues so triable.

Dated this 24th day of September, 2008.

HARRIS BEACH PLLC

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