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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION

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TIPPMANN INDUSTRIAL PRODUCTS, INC.

Plaintiff,

v.

TANDY LEATHER FACTORY, INC.

Defendant.

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FOR THE  
OF INDIANA

**1 : 07 CV 0307 RM**

CASE NO. \_\_\_\_\_

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff, Tippmann Industrial Products, Inc., by counsel, and for its complaint against Defendant, Tandy Leather Factory, Inc., alleges and states as follows:

**PARTIES, JURISDICTION, AND VENUE**

1. This is an action for patent infringement arising under Title 35 of the United States Code. This Court has jurisdiction over the subject matter of this controversy under 28 U.S.C. §§ 1331 and 1338(A).

2. Plaintiff, Tippmann Industrial Products, Inc. ("Tippmann") is a corporation organized and existing under the laws of the State of Indiana. Tippmann has a principal place of business located in Fort Wayne, Indiana.

3. Upon information and belief, Tandy Leather Factory, Inc. ("Tandy") is a corporation organized and existing under the laws of the State of Texas. Tandy's principal place of business is located in Fort Worth, Texas.

4. Tandy is doing business in this judicial district. According to its website, Tandy has two retail stores in Indiana, one of which is located in Merrillville, which is within this judicial district. (See Exhibit 3).

5. Upon information and belief, Tandy has also offered to sell within this judicial district, and elsewhere in the United States, products that infringe Tippmann's intellectual property rights that are at issue in this lawsuit, including an advertisement for infringing products that was distributed within this judicial district. (See Exhibit 4).

6. Additionally, Tandy's website, which is accessible within this judicial district, offers products for sale that infringe Tippmann's intellectual property rights. (See Exhibit 5).

7. Venue lies in this judicial district by virtue of 28 U.S.C. §§ 1391 and 1400(b). As noted above, Tandy does business in this judicial district and has committed acts of infringement in this judicial district.

**COUNT I - PATENT INFRINGEMENT - U.S. PATENT NO. D377,358**

8. On January 14, 1997, United States Patent No. D377,358 (the "'358 Patent"), entitled "Combined Housing and Operative Handle for a Hand-Operated Sewing Machine," was duly and legally issued. A copy of the '358 Patent is attached as Exhibit 1.

9. Since April 19, 2005, Tippmann has been and is still the owner by assignment of the entire right, title, and interest in and to the '358 Patent.

10. Tandy has been, and is now, deliberately infringing, inducing infringement of, and/or contributorily infringing the '358 Patent.

11. Tandy has been and continues to import, make, cause to be made, use, sell, cause to be sold, and/or offer to sale products embodying the design of the '358 Patent.

12. Specifically, Tandy is importing, making, using, selling, and/or offering to sell sewing machines under the name "Stitch Master" that infringe the '358 Patent. An advertisement with a photo of this product is attached as Exhibit 4.

13. As a consequence of the acts of infringement by Tandy, Tippmann has suffered irreparable damage to its property in an amount not yet determined, and Tippmann will continue to be damaged by such acts in the future.

**COUNT II - PATENT INFRINGEMENT - U.S. PATENT NO. 5,694,871**

14. On December 9, 1997, U.S. Patent No. 5,694,871 (the “’871 Patent”), entitled “Manually Operated Stitcher” was duly and legally issued. A copy of the ‘871 Patent is attached as Exhibit 2.

15. Since April 19, 2005, Tippmann has been and is still the owner by assignment of the entire right, title, and interest in and to the ‘871 Patent.

16. Upon information and belief, Tandy has been, and is now, deliberately infringing, inducing infringement of, and/or contributorily infringing the ‘871 Patent.

17. Upon information and belief, Tandy has been and continues to import, make, cause to be made, use, sell, cause to be sold, and/or offer to sell products embodying the inventions of the ‘871 Patent.

18. Specifically, Tandy is importing, making, using, selling and/or offering to sell the “Stitch Master” sewing machine that infringes the ‘871 Patent. An advertisement showing the “Stitch Master” is attached as Exhibit 4.

19. As a consequence of the acts of infringement by Tandy, Tippmann has suffered irreparable damage to its property in an amount not yet determined, and Tippmann will continue to be damaged by such acts in the future.

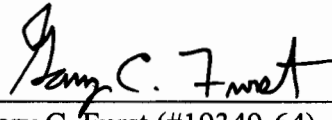
WHEREFORE, Tippmann prays for:

- (a) A judgment declaring the '358 and '871 Patents infringed by Tandy;
- (b) An award of damages adequate to compensate Tippmann for Tandy's infringement of the '871 Patent, but in no event less than a reasonable royalty, together with interest and costs as fixed by the Court;
- (c) An award of Tandy's total profit due to infringement of the '358 Patent as provided in 35 U.S.C. § 289, together with interest and costs as fixed by the Court;
- (d) An award of reasonable attorneys' fees under 35 U.S.C. § 285;
- (e) An award increasing damages up to three times the amount found or assessed by the Court to be due to Tippmann for Tandy's infringement of the '871 and '358 Patents under 35 U.S.C. §284;
- (f) A temporary and permanent injunction enjoining Tandy from continuing its infringing activities; and
- (g) An award of all other relief appropriate in the premises.

**JURY DEMAND**

Tippmann, by counsel, and under Fed. R. Civ. P. 38, demands a trial by jury of all issues triable of right by jury.

Respectfully submitted,



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