

**UNITED STATES DISTRICT COURT
DISTRICT OF NEBRASKA**

EXMARK MANUFACTURING CO.,)	
INC.,)	
)	Case No. _____
Plaintiff,)	
v.)	
)	COMPLAINT
BRIGGS & STRATTON POWER)	
PRODUCTS GROUP, LLC and)	
SCHILLER GROUNDS CARE, INC.,)	
)	
Defendant.)	
_____)	

COMPLAINT

Exmark Manufacturing Company, Inc. (“Exmark” or “Plaintiff”) brings this Complaint for patent infringement against Briggs & Stratton Power Products Group, LLC (“Briggs”) and Schiller Grounds Care, Inc. (“Schiller”) (collectively, Briggs and Schiller are referred to as “Defendants”), as outlined below.

The Parties

1. Exmark is a corporation organized and existing under the laws of Nebraska and has a principal place of business at Industrial Park N.W., P.O. Box 808, Beatrice, Nebraska 68310.
2. Upon information and belief, Briggs is a Delaware Limited Liability Company having a principal place of business at 900 North Pkwy., Jefferson, Wisconsin 53549.
3. Upon information and belief, Schiller is a Pennsylvania corporation having a principal place of business at 1028 Street Road, Southampton, Pennsylvania 18966.

Jurisdiction

4. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1 et seq., including 35 U.S.C. §§ 271, 281, 283, 284, and 285.

5. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1332(a)(1) and 1338(a).

Count I

Claim for Patent Infringement of U.S. Patent No. 5,987,863 against Briggs

6. Paragraphs 1–5 are incorporated into this Count by reference.

7. Exmark is the owner of the entire right, title, and interest in and to U.S. Patent No. 5,987,863 (“the ‘863 patent”) which duly and legally issued on November 23, 1999. A copy of the ‘863 patent is attached as Exhibit A.

8. Briggs is making and selling mowers under the Ferris and Snapper brand names that are covered by the ‘863 patent and, by its actions relating to such mowers, including the sale, offer for sale and manufacture thereof, Briggs has infringed and continues to infringe the ‘863 patent and will continue to do so unless enjoined by this Court. The infringing mowers include, but are not limited to, mowers sold under the designation Snapper Pro S200X, Ferris Comfort Control DD, and mowers having Briggs’ iCD Cutting System.

9. Exmark has been damaged by Briggs’ infringement of the ‘863 patent and will continue to be damaged in the future unless Briggs is enjoined from infringing the ‘863 patent.

Count II
Claim for Patent Infringement of U.S. Patent No. 5,987,863 against Schiller

10. Paragraphs 1–9 are incorporated into this Count by reference.

11. Schiller is making and selling mowers under the Bob-Cat and Bunton brand names that are covered by the ‘863 patent and, by its actions relating to such mowers, including the sale, offer for sale and manufacture thereof, Schiller has infringed and continues to infringe the ‘863 patent and will continue to do so unless enjoined by this Court. The infringing mowers include, but are not limited to, mowers sold under the designation Bob-Cat FastCat Pro and Bob-Cat Hydro Walk-Behind.

12. Exmark has been damaged by Schiller’s infringement of the ‘863 patent and will continue to be damaged in the future unless Schiller is enjoined from infringing the ‘863 patent.

Prayer for Relief

WHEREFORE, Exmark respectively demands the following relief:

- a. a judgment that Defendants have infringed the ‘863 patent;
- b. both preliminary and permanent injunctions enjoining and restraining Defendants, their officers, directors, agents, servants, employees, attorneys and all others acting under or through them, directly or indirectly, from infringing the ‘863 patent;
- c. a judgment and order requiring Defendants to pay all appropriate damages, including prejudgment and post-judgment interest, under 35 U.S.C. § 284;
- d. a judgment and order requiring Defendants to pay the costs of this action, including all disbursements and attorney fees, if this case is exceptional as provided by 35 U.S.C. § 285; and

e. such other and further relief as the Court deems just and proper.

Jury Demand and Request for Place of Trial

Exmark demands a trial by jury in Omaha, Nebraska, of all issues so triable.

**EXMARK MANUFACTURING
CO., INC.**

By its attorneys,

Dated: May 12, 2010

s/ Jill Robb Ackerman

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