

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Canine EIC Genetics, LLC

Plaintiff,

v.

DNA Diagnostics Center, Inc.

Civil Case No. \_\_\_\_\_

Defendant.

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**COMPLAINT**

Comes now the Plaintiff Canine EIC Genetics, LLC (hereinafter “Canine EIC”) as and for its Complaint against Defendant DNA Diagnostics Center, Inc. (hereinafter “DDC”) states and alleges as follows.

**THE PARTIES**

1. Plaintiff Canine EIC is a Minnesota Limited Liability Company with its principle place of business in St. Paul, Minnesota.

2. Upon information and belief Defendant DDC is an Ohio corporation with its principle place of business at One DDC Way, Fairfield, Ohio 45014.

**JURISDICTION AND VENUE**

3. The claims alleged herein arise under the patent laws of the United States, 35 U.S.C. § 1, *et seq.*

4. This Court has jurisdiction over the subject matter of this case pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over DDC under Minn. Stat. § 543.19. DDC has continuous and systematic contacts in Minnesota. On information and belief DDC offered to sell DNA testing services in Minnesota that infringe the patent-in-suit. On information and belief, such infringing DNA testing services are also being used in Minnesota.

6. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b) and (c), and 1400(b).

**CLAIM FOR INFRINGEMENT OF U.S. PATENT NO. 8,178,297**

7. Canine EIC realleges and incorporates as if set fully forth herein the allegations set forth in ¶¶ 1-6.

8. Canine EIC is the owner of the entire right, title and interest in and to United States Patent No. 8,178,297 (hereinafter the “‘297 patent”), entitled Method of Detecting Canine Exercise-Induced Collapse, was duly and legally issued on May 15, 2012 and assigned to Canine EIC on July 8, 2012. A copy of the ‘297 patent is attached as Exhibit A hereto.

9. DDC provides DNA testing services to detect whether a dog has or is predisposed to developing Canine Exercise Induced Collapse (“EIC”) (hereinafter the “infringing services”).

10. The infringing services infringe one or more of the claims of the ‘297 patent.

11. DDC has directly infringed, actively induced others to infringe, and/or contributed to the infringement of the ‘297 patent by making, using, offering to sell and/or selling the infringing services in this district and elsewhere in the United States, in violation of 35 U.S.C. § 271.

12. On information and belief, DDC will continue to directly infringe, actively induce others to infringe and/or contribute to the infringement of the '297 patent unless and until DDC is enjoined by this Court.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Canine EIC prays that the Court enter judgment in its favor and against DDC, as follows:

A. To enter judgment that Defendant has directly infringed, actively induced others to infringe, and/or contributed to the infringement of the '297 patent pursuant to 35 U.S.C. § 271;

B. To enter orders preliminarily and permanently enjoining DDC, and its respective officers, agents, servants, and employees, and attorneys, and all persons in active concert or participation with any of the foregoing, and all parties contemplated by Rule 65(d) Fed.R.Civ.P. be preliminarily and permanently enjoined from further infringement of the '297 patent pursuant to 35 U.S.C. § 283;

C. To award Plaintiff its respective damages in an amount sufficient to compensate it for DDC's infringement of the '297 patent, but in no event less than a reasonable royalty, together with pre-judgment and post-judgment interest and costs, pursuant to 35 U.S.C. § 284;

D. To find that Defendant's infringement is willful, deliberate, and intentional, and that such damages should be increased up to three times the amount assessed.

E. To find that this case be deemed exceptional and Plaintiff be awarded attorney fees, expenses and costs incurred in this action pursuant to 35 U.S.C. § 285; and

F. To award Plaintiff such other and further relief as the Court deems just and equitable under the circumstances.

**DEMAND FOR A JURY TRIAL**

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff respectfully requests a trial by jury of any and all issues on which a trial by jury is available under applicable law.

Dated: July 10, 2012

By: /s/ Frank S. Farrell

**F.S. FARRELL, LLC**  
Frank S. Farrell (MN #28447)  
Alexander J. Farrell (MN #390202)  
7101 York Avenue South, Suite 153  
Edina, MN 55435  
Telephone: (952) 921-3260  
Facsimile: (952) 216-0106  
frank@fsfarrell.com  
alexander@fsfarrell.com

**ATTORNEYS FOR PLAINTIFF CANINE EIC**