

AO 120 (Rev. 2/99)

<b>TO: Mail Stop 8</b> <b>Director of the U.S. Patent &amp; Trademark Office</b> <b>P.O. Box 1450</b> <b>Alexandria, VA 22313-1450</b>	<b>REPORT ON THE</b> <b>FILING OR DETERMINATION OF AN</b> <b>ACTION REGARDING A PATENT OR</b> <b>TRADEMARK</b>
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In Compliance with 35 § 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 Northern District of California on the following  Patents or  Trademarks:

DOCKET NO. CV 12-01270 LB	DATE FILED March 14, 2012	U.S. DISTRICT COURT Northern District of California, 1301 Clay St. Room 400S, Oakland, CA 94612
PLAINTIFF WILBUR-ELLIS COMPANY		DEFENDANT AG LEADER TECHNOLOGY, INC.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 3,437,325		SEE ATTACHED COMPLAINT
2 3,437,326		
3 3,210,919		
4		
5		

In the above—entitled case, the following patent(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	
1		SEE ATTACHED COMPLAINT	
2			
3			
4			
5			

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT
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CLERK Richard W. Wieking	(BY) DEPUTY CLERK	DATE
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Copy 1—Upon initiation of action, mail this copy to Commissioner Copy 3—Upon termination of action, mail this copy to Commissioner  
 Copy 2—Upon filing document adding patent(s), mail this copy to Commissioner Copy 4—Case file copy

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ORIGINAL  
FILED  
2012 MAR 14 P 3:01  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

E-filing

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA

LB

14 Wilbur-Ellis Company, a California corporation;

Case No: **CV 12 1270**

15 Plaintiff,  
16 vs.

Complaint for Trademark Infringement;  
False Designation of Origin (Section  
43(a); Unfair Trade Practices ; Common  
Law Unfair Competition

17 Ag Leader Technology, Inc., an Iowa  
18 corporation;

15 U.S.C. § 1051 *et. seq.*; Cal. Bus &  
Prof. Code § 17200 *et. seq.*

19 Defendant

JURY TRIAL DEMANDED

22 Plaintiff Wilbur-Ellis Company ("Plaintiff") by its undersigned attorney alleges as  
23 follows:

24 1. In this action, in summary, Plaintiff seeks a judgment from this Court that Plaintiff is  
25 the exclusive owner of the mark INTEGRA used on agricultural seed products and its  
26 corresponding US Trademark Registrations, and that the Defendant Ag Leader Technology, Inc.

1 (“Defendant”) is engaged in willful trademark infringement by using the identical mark on  
2 closely related and complementary products, namely electronic products used to regulate and  
3 monitor the planting of seeds, in violation of Federal and state statutes prohibiting such deceptive  
4 and unfair trade practices; and that the Court should issue an injunction and award monetary  
5 damages for the Defendant’s illegal and tortious conduct.

6 JURISDICTION AND VENUE

7 2. This Court has jurisdiction under 28 U.S.C. § 1338(a) and § 1338(b) in that this case  
8 arises under the Federal trademark infringement and false designation of origin laws of the  
9 United States, 15 U.S.C. § 1051 *et. seq.*, as more fully appears, and because a substantial part of  
10 the events or omissions giving rise to the claims complained of herein occurred and are occurring  
11 within this judicial district. Subject matter jurisdiction over those claims that arise under state  
12 law is based upon the principles of supplemental jurisdiction set forth in 28 U.S.C. § 1367, and  
13 the provisions of 28 U.S.C. § 1338(b) as an action asserting a claim for state laws of unfair  
14 competition joined with a substantial and related claim under the Federal trademark laws.

15 3. This Court has jurisdiction over the parties and venue is proper in the Northern District  
16 under §1391(b) because Plaintiff is headquartered in this District; because Defendant, on  
17 information and belief, sells its products through at least one distributor located in Salinas, CA,  
18 within this District; because Defendant advertises its products bearing the infringing mark in  
19 trade publications with purchasers and subscribers located in this District and throughout  
20 California; because the product bearing the infringing mark was developed in collaboration with  
21 AutoFarm, a company headquartered in Fremont, California, within this District; because  
22 Defendant and AutoFarm, after the invention and development of the product bearing the  
23 infringing product in Fremont, California, in December 2009, formed a formal “alliance” for the  
24 purpose of “developing new precision products for farming” according to an article that appeared  
25 in the trade press at that time, including, on information and belief, new and expanded versions  
26 of the original product bearing the infringing mark INTEGRA; and because a substantial part of