

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

Heavy Duty Ramps, LLC
7865 Sandy Ridge Rd
Kewaskum, WI 53040

Plaintiff,

v.

Civil Action No. 2:13-cv-0634

Advanced Aluminum Structures, Inc.
1035 Lazelle Street
Sturgis, SD 57785

Defendant.

SECOND AMENDED COMPLAINT FOR PATENT INFRINGEMENT

1. This is an action for direct patent infringement of United States Letters Patent No. 8,448,278 brought against defendant, who is a South Dakota Corporation.

THE PARTIES

2. Plaintiff is Heavy Duty Ramps, LLC, (HD Ramps) is a limited liability company duly organized and existing under the laws of the State of Wisconsin. Plaintiff is the exclusive licensee of U.S. Patent No. 8,448,278, which issued to Richard R. Beilstein on May 28, 2013.

3. Defendant is Advanced Aluminum Structures, Inc. (AAS)(Tinnell). On information and belief, Advanced Aluminum Structures is a corporation duly organized and existing under the laws of the State of South Dakota. Landsport is doing business as Advanced Aluminum Structures, see Exhibit A.

JURISDICTION AND VENUE

4. This action arises under an Act of Congress, the patent laws as codified in Title 35 United States Code, and under Section 281 and other applicable sections thereof. Subject matter jurisdiction is based on 28 U.S.C. Sections 1331 and 1338.

5. Plaintiff is a limited liability company organized in the State of Wisconsin. The defendant is on information and belief actively doing business in the State of Wisconsin, see Exhibit B. Kevin Jakopin, one of Defendant's directors, has admitted communicating with potential and actual customers in the state of Wisconsin in paragraph 11 of the Japokin declaration (Exhibit B) of Defendants' Motion To Dismiss. This court has jurisdiction under 28 U.S.C. Section 1332. Venue is proper in this judicial district under 28 U.S.C. Section 1391(c) and 1400(b).

CLAIM FOR RELIEF

6. On May 28, 2013, United States Letters Patent No. 8,448,278 was issued to Richard R. Beilstein for an invention entitled, Ramp System For Cargo Airplanes; plaintiff is presently the exclusive licensee of said Letters Patent. A copy of Patent No. 8,448,278 is attached and marked as Exhibit C.

7. Defendant is presently infringing said Letters Patents by making, using, selling and offering for sale "C5, C17, C130 Shoring Ramps embodying the patented inventions, and is infringing said Letters Patents under Title 28 U.S.C. Section 271. Defendant will continue its acts of direct patent infringement unless enjoined by this Court through such sources as their website, www.landsport.com. A printout of pages from the www.landsport.com website are attached and marked as Exhibit D.

8. Defendant's C5 and C17 Shoring Ramps are used to practice every limitation found in claim 15 of Patent No. 8,448,278.

9. AAS sold six aircraft shoring ramps on July 22, 2013 to the federal government according to FedBid.com. FedBid.com is a website that is used to sell goods and services to the US federal government. A printout of the website disclosing Buy #504001 is attached as Exhibit E. The website printout also includes a file entitled, "loading ram mrr image diagram pptx," which provides an illustration titled, "C5, C17 Standard Clearance Shoring Solution." The illustration represents the six shoring ramps sold to the US federal government by AAS. The illustration provides a graphical description of a shoring ramp that directly infringes claim 15 of the '278 patent.

10. Plaintiff is entitled to damages from the date of issuance of said patent, under 35 U.S.C. 287. Defendant does not have a license from Plaintiff to utilize US Patent No. 8,448,278.

WHEREFORE, Plaintiff Aero-Stream, LLC respectfully prays this Court for an Order:

1. Granting judgment in favor of plaintiff and against the defendant herein, said order holding that defendant has infringed United States Letters Patent No. 8,448,278.

2. Awarding to plaintiff its compensatory and consequential damages incurred by plaintiff, because of such infringement, and further that such damages assessed be trebled in accordance with 28 U.S.C. Section 284;

3. Enjoining defendant by preliminary and permanent injunction from continuing their acts of infringement of said patent, said injunctions to be binding on defendant, its officers, agents, servants, employees, and attorneys, as well as any juridical persons owned or controlled by them, and upon those persons in active concert or participation with them who receive actual notice of the order by personal service or otherwise;

4. Awarding to plaintiff prejudgment and post judgment interest on the award of damages, as well as its Court costs;

5. Awarding to plaintiff its reasonable attorney fees incurred in prosecuting this action under 28 U.S.C. Section 285;

6. That the defendant be ordered to collect and tender for destruction all infringing product under its control; and

7. For such other and further relief as to this Court shall appear just and equitable.

Heavy Duty Ramps, LLC

s/ Donald J. Ersler

Donald J. Ersler
725 Garvens Avenue
Brookfield, Wisconsin 53005
Atty No. 1022900
(262) 785-0160

Attorney For Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the October 27, 2013, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Matthew W. O'Neill mwoneill@foslaw.com

David A. Jakopin david.jakopin@pillsburylaw.com

Executed on October 27, 2013

s/ Donald J. Ersler

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