

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

E-Z LOAD GATE, INC.,  
a Florida corporation,

Plaintiff,

CASE NO. 6:07 CV ORL

6-07-CV-1962-ORL-19DAB

v.

AMERICAN MOTO PRODUCTS, INC.,  
a California corporation, and  
89908, Inc., a California corporation,

Defendants.

U.S. DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO, FLORIDA

2007 DEC 12 AM 11:36

FILED

COMPLAINT FOR DECLARATORY RELIEF  
AND DEMAND FOR JURY TRIAL

Plaintiff E-Z LOAD GATE, INC., a Florida corporation, sues Defendants  
AMERICAN MOTO PRODUCTS, INC. and 89908, INC., California corporations, and  
alleges:

1. This is an action for declaratory relief concerning the validity of certain claims  
of a United States patent pursuant to 35 U.S.C. §101 et seq.; this Court has exclusive  
jurisdiction pursuant to 28 U.S.C. §1338.

2. Plaintiff sells a truck bed extender and cargo restraint device to dealers  
throughout the United States and in other countries; said device is a component of U.S.  
Letters Patent No. 7,258,386 to Earle et al. for an adjustable cargo gate system.

3. Defendants are assignees of U.S. Letters Patent No. 7,063,366 (the '366  
patent) to Leitner et al. for a vehicle cargo bed extender; Defendants market their bed  
extender throughout the United States.

4. Defendants claim that Plaintiff's device infringes certain claims of the '366 patent, including but not limited to Claims 6, 10, 11 and 15.

5. Plaintiff is in great doubt as to the validity of the claims alleged to be infringed, for the following reasons:

a.) the subject matter would have been obvious, at the time it was disclosed and claimed, to a person with ordinary skill in the art to which it pertains;

b.) the subject matter was anticipated, disclosed and claimed in prior art patents issued more than one year prior to the filing date of the '366 patent.

c.) the invention of the '366 patent was conceived and reduced to practice by another prior to conception and reduction to practice by Defendants' assignors.

WHEREFORE, Plaintiff demands that the court adjudge:

(1) that the claims of the '366 patent alleged to be infringed are invalid, thus Plaintiff's device does not infringe the '366 patent;

(2) that Plaintiff recover its costs.

**DEMAND FOR JURY TRIAL**

Plaintiff requests trial by jury on all issues so triable.

Dated: 12-12-2007



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Attorney for Plaintiff.

# CIVIL COVER SHEET

6:07-CV-1962

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

### 1. (a) PLAINTIFFS

E-Z-LOAD GATE, INC.

DEFENDANTS  
AMERICAN MOTO PRODUCTS, INC. and 89908, INC.

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Seminole

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT Orange County, GA

(EXCEPT IN U.S. PLAINTIFF CASES)

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)  
Elsie C. Turner (407) 339-3013  
201 Park Place, Suite 204  
Altamonte Springs, FL 32701

ATTORNEYS (IF KNOWN)

### II. BASIS OF JURISDICTION

(PLACE AN "X" IN ONE BOX ONLY)

1 U.S. Government Plaintiff

2 U.S. Government Defendant

3 Federal Question (U.S. Government Not a Party)

4 Diversity (Indicate Citizenship of Parties in Item III)

2 Removed from State Court

3 Remanded from Appellate Court

4 Reinstated or Reopened

5 another district

6 Multidistrict Litigation

7 Magistrate Judge from Appeal to District

### IV. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

1 Original Proceeding

2 Removed from State Court

3 Remanded from Appellate Court

4 Reinstated or Reopened

5 another district

6 Multidistrict Litigation

7 Magistrate Judge from Appeal to District

### V. NATURE OF SUIT

(PLACE AN "X" IN ONE BOX ONLY)

110 Insurance

120 Marine

130 Miller Act

140 Negotiable Instrument

150 Recovery of Judgment & Enforcement of Judgment

151 Medicare Act

152 Recovery of Detained Student Loans

153 Recovery of Overpayment of Veteran's Benefits (Excl Veterans)

160 Stockholders Suits

190 Other Contract

195 Contract Product Liability

210 Land Condemnation

220 Forfeiture

230 Rent Lease & Ejectment

240 Tons to Land

245 Ton Product Liability

250 All Other Real Property

441 Veting

442 Employment

443 Housing/Accommodations

444 Welfare

440 Other Civil Rights

510 Motions to Vacate Sentence

530 General

535 Death Penalty

540 Mandamus & Other

555 Prison Condition

790 Other Labor Litigation

791 Empl Ret Inc Security Act

870 Taxes (U.S Plaintiff or Defendant)

871 IRS - Third Party 28 USC 7609

890 Other Statutory Actions

950 Constitutionality of State Statutes

900 Appeal of Fee Determination Under Equal Access to Justice Act

895 Freedom of Information Act

894 Energy Allocation Act

893 Environmental Matters

892 Economic Stabilization Act

891 Agricultural Acts

875 Customer Challenge 12 USC 3410

850 Exchange Securities/Commodities/

810 Selective Service

470 Racketeer Influenced and Corrupt Organizations

460 Deportation

450 Common/CC Ration/etc

430 Banks and Banking

410 Antitrust

400 State Reapportionment

422 Appeal 28 USC 158

423 Withdrawal 28 USC 157

820 Copyrights

830 Patent

840 Trademark

860 Occupational Safety/Health

880 R & Truck

850 Airline Regs

840 R & Truck

830 Liquor Laws

820 Other Food & Drug

810 Agriculture

825 Drug Related Seizure of Property 21 USC 881

860 Other

870 Fair Labor Standards Act

720 Labor/Mgmt Relations

730 Labor/Mgmt Reporting & Disclosure Act

740 Railway Labor Act

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