

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF IOWA  
CEDAR RAPIDS DIVISION

_____	)	
HUNTER'S SPECIALTIES, INC.,	)	
	)	Civil Action No. C11-34-LRR
and	)	
	)	
PREDATOR OUTDOOR	)	<b>JURY TRIAL DEMANDED</b>
PRODUCTS, LLC,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
OAKLEY, INC.,	)	
	)	
Defendant.	)	
	)	
_____	)	

**AMENDED COMPLAINT**

For its Amended Complaint, Plaintiffs Hunter's Specialties, Inc. and Predator Outdoor Products, LLC, pursuant to Rule 15(a)(1)(B), file as a matter of right this Amended Complaint which states as follows:

1. This action arises under the declaratory judgment act, 28 U.S.C. §§ 2201 and 2202, as well as the patent laws, Title 35, United States Code.

2. Specifically, this action seeks a declaration that Plaintiffs Hunter's Specialties, Inc. ("Hunter's Specialties") and Predator Outdoor Products, LLC ("Predator") (collectively "Plaintiffs") do not infringe any valid claim of the following United States Patents: 5,387,949 ("the '949 patent"); 6,966,647 ("the '647 patent"); 7,004,582 ("the '582 patent"); 7,147,324 ("the '324 patent"); 7,216,973 ("the '973 patent"); 7,219,994 ("the '994 patent"); and 7,264,350 ("the

'350 patent"); or United States Design Patents: D514,613 ("the D'613 patent") and D523,461 ("the D'461 patent") (all patents collectively referred to herein as "the patents-in-suit"), and that each of said patents are invalid. Copies of the patents are attached hereto as Exhibits A through I, respectively.

### **JURISDICTION AND VENUE**

3. This Court has subject matter jurisdiction over the claims asserted herein pursuant to 28 U.S.C. §§ 1331 and 1338, and 28 U.S.C. § 1332.

4. Plaintiff Hunter's Specialties is an Iowa corporation and has a place of business within this district at 600 Huntington Ct. NE, Cedar Rapids, Iowa 52402.

5. Plaintiff Predator is a Pennsylvania limited liability company and has a place of business at 455 Ice Avenue, Lancaster, Pennsylvania 17602.

6. Plaintiff Hunter's Specialties and Plaintiff Predator are parties to a license agreement whereby Hunter's Specialties, as the licensee, is allowed to sell certain products which Oakley has accused of infringing the patents-in-suit.

7. Defendant Oakley, Inc. (hereinafter "Oakley") is a Washington corporation and is subject to personal jurisdiction in this district. Upon information and belief, Oakley does business in this district by virtue of its selling activities for, among other things, product covered by the patents-in-suit.

8. On information and belief, Oakley is also subject to personal jurisdiction in this district as it has purposefully directed activities related to the enforcement of the patents-in-suit to residents of this district; this claim arises out of or relates to those activities, and the exercise of personal jurisdiction by this Court over Oakley comports with due process.

9. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391 because Oakley is doing business and therefore resides in this district for purposes of the venue statutes.

10. There is an actual and justiciable controversy between the parties concerning the patents-in-suit, based on Oakley taking the position that certain activities of Hunter's Specialties and Predator are covered by, and would infringe, at least one claim of each of the patents-in-suit. This position has been expressed in writing, for example, in a letter dated March 7, 2011, attached as Exhibit J and another letter dated March 4, 2011, attached as Exhibit K. Plaintiffs disagree with the position Oakley takes and believe they do not infringe any valid claim in any of the patents-in-suit.

**COUNT I**

**(Declaratory Judgment of Invalidity and Non-Infringement of Each Patent-in-Suit)**

11. Plaintiffs reallege and incorporate the allegations contained in the preceding paragraphs of this Complaint as if fully set forth herein.

12. The alleged inventions claimed in each of the patents-in-suit are invalid under one or more of 35 U.S.C. §§ 101, 102, 103 and/or 112, and with respect to the design patents, also § 171.

13. The patents-in-suit are not infringed by Plaintiffs either directly or indirectly, literally or under the doctrine of equivalents, or through inducement of others by virtue of Plaintiffs activities.

14. Plaintiffs are entitled to a declaration and order that the claims of the patents-in-suit are invalid and are not infringed.

WHEREFORE, Plaintiffs pray for relief as follows:

A. That the Court declare the claims of each patent-in-suit are invalid;

- B. That the Court declare Plaintiffs do not infringe any valid claims of any of the patents-in-suit;
- C. That the Court find this case to be an exceptional case pursuant to 35 U.S.C. § 285 and award Plaintiffs their reasonable attorneys' fees;
- D. That all costs be taxed against Defendant; and
- E. That Plaintiffs be granted such other and further relief as the Court deems just and proper.

**JURY DEMAND**

Plaintiffs hereby demand trial by jury of all issues so triable.

Dated: May 11, 2011.

Respectfully submitted,

/s/Jeffrey D. Harty

Edmund J. Sease

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Bradley J. Powers

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