

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION**

**LIFETIME INDUSTRIES, INC., )  
d/b/a LTI FLEXIBLE PRODUCTS, )**

**Plaintiff, )**

**vs. )**

**Civil Action No. 3:06CV0541 RM**

**M & S EXTRUSIONS, INC., )  
d/b/a VINTECH INDUSTRIES, INC.; )**

**and BBC DISTRIBUTION, LLC, )**

**Defendants. )**

**FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT  
AND JURY DEMAND**

Plaintiff, Lifetime Industries, Inc., d/b/a LTI Flexible Products (“LTI”), for its Complaint against Defendants, M & S Extrusions, Inc., d/b/a Vintech Industries, Inc. (hereinafter referred to as “Vintech”), and BBC Distribution LLC (hereinafter referred to as “BBC”) (collectively “Defendants”) states and alleges as follows:

**PARTIES**

1. Plaintiff LTI is a Minnesota corporation with its principal place of business at 21801 Industrial Boulevard, Rogers, Minnesota 55374.
2. Upon information and belief, Defendant Vintech is a Michigan corporation with its principal place of business at 609 Folk Ct., Inlay City, MI 48444.
3. Upon information and belief, Defendant BBC is a Delaware corporation that does business in Indiana and has offices in Indiana at 1741 Conant St., Elkhart, IN 46516.

**JURISDICTION AND VENUE**

4. Subject matter jurisdiction is based on 28 U.S.C. §§ 1331 and 1338, in that this action arises under the patent laws of the United States (35 U.S.C. § 1 et seq.).

5. This Court has personal jurisdiction over Defendants, consistent with Indiana Trial Rule 4.4(A), in that the Defendants have, on information and belief, offered for sale infringing seal devices in this state and thereby have done injury to LTI, a Minnesota company, through such infringing activities. Venue lies in this Court pursuant to 28 U.S.C. §§ 1391(b) and (c) and 1400(b) as Defendants are subject to personal jurisdiction, do business, and have, on information and belief, committed acts of infringement in this District.

**GENERAL ALLEGATIONS**

6. On November 22, 2005, United States Patent No. 6,966,590 B1, entitled “Two-Part Seal for a Slide-Out Room” (hereinafter “the ‘590 Patent”) was duly and legally issued to Edwin E. Ksiezopolki and Norman L. Newhouse, II, as the named inventors. A true and correct copy of the ‘590 Patent is attached hereto and made part hereof as Exhibit A.

7. On or about October 13, 2005, Edwin E. Ksiezopolki and Norman L. Newhouse, II assigned their interests in the ‘590 Patent and LTI has received by assignment all right, title and interest to the ‘590 Patent.

8. LTI, as the owner of the ‘590 Patent, is authorized and has standing to bring legal action to enforce all rights arising under the ‘590 Patent.

9. The ‘590 Patent, in part, generally covers the invention of a seal. LTI designs, manufactures and sells seals, including a line of seals specifically designed for use in recreational vehicles and mobile living quarters with slide-out rooms, that are made in part under the ‘590 Patent. LTI marks its seal products with the ‘590 Patent designation.

10. LTI sells its patented seals in Indiana and elsewhere throughout the United States and Canada to manufacturers of recreational vehicles and mobile homes with slide out rooms.

11. Upon information and belief, Defendants have offered for sale to LTI's own customers infringing seal devices for use as a component part in recreational vehicles and mobile living quarters with slide-out rooms.

12. LTI first became aware in July 2006 that Defendants were offering for sale the infringing devices to customers in the recreational vehicle and mobile home manufacturing industry.

13. Upon information and belief, Defendants' offer to sell their device infringes one or more of the claims of the '590 Patent, in violation of 35 U.S.C. § 271, to the damage and injury of LTI.

14. As a result of Defendants' infringement of the claims of the '590 Patent, Defendants have made and will continue to make unlawful gains. Further, due to the unlawful infringement by Defendants, LTI has been and will continue to be irreparably damaged and deprived of its rights secured by the '590 Patent.

15. LTI has been and will continue to be deprived of revenue, profit, and gain that it would otherwise have generated but for Defendants' infringement, and Defendants have caused and will continue to cause losses and damages that cannot be readily determined, as well as irreparable losses.

16. In addition to monetary remedies, LTI is entitled to preliminary and permanent injunctive relief, enjoining Defendants from further and continuing infringement of the claims of the '590 Patent.

**JURY DEMAND**

Pursuant to Fed. R. Civ. P. 38(b), LTI requests trial by jury on all issues so triable.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff LTI prays for relief as follows:

A. A judgment that, by offering for sale their seal device, Defendants have infringed, induced infringement, and/or contributed to the infringement of LTI's rights under the '590 Patent;

B. A judgment preliminarily and permanently enjoining and restraining Defendants and any subsidiaries, parents, officers, directors, agents, employees, affiliates, and all others in active concert with the Defendants from infringing, infringing by inducement, and/or contributing to the infringement of the '590 Patent;

C. A judgment awarding LTI damages adequate to compensate for Defendants' infringement, including lost profits, but not less than a reasonable royalty, resulting from Defendants' various acts of infringement;

D. A judgment awarding both pre-judgment and post-judgment interest on LTI's monetary damages, to the extent allowed by law;

E. A judgment awarding to LTI its costs and disbursements incurred in prosecuting this action, including a determination that the Court declare this an exceptional case, entitling LTI to all remedies under the patent laws, including those set forth in 35 U.S.C. § 285, and awarding to LTI all other damages otherwise available according to law; and

F. Such other relief as the Court may deem just, equitable, and proper.

Respectfully submitted,

Dated: September 8, 2006.

/s/Timothy M. Curran

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