

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION**

FILED
S. DISTRICT COURT
EVANSVILLE DIVISION
2003 SEP 30 PM 2:51

SOP SERVICES, INC.
2325-B RENAISSANCE DRIVE
SUITE 10
LAS VEGAS, NEVADA 89119

AND
INDIAN INDUSTRIES, INC.
817 MAXWELL AVENUE
P.O. BOX 889
EVANSVILLE, INDIANA 47706

SOUTHERN DISTRICT
OF INDIANA
LAURA A. BRIGGS
CLERK

PLAINTIFFS

3:03-CV-172 RLY - WGH

VS.

CAUSE NO.

ICON HEALTH AND FITNESS, INC.
C/O BRAD BEARNSON, GENERAL COUNSEL
1500 S. 1000 W.,
LOGAN, UTAH 84321

DEFENDANT

COMPLAINT

Plaintiffs, SOP Services, Inc. and Indian Industries, Inc. (collectively hereinafter "Indian Industries"), complain of Defendant, Icon Health and Fitness, Inc. (hereinafter "Icon"), and allege as follows:

PARTIES

1. Plaintiff, SOP Services, Inc. is a corporation organized under the laws of the State Nevada and has a principal place of business at 2325-B Renaissance Drive, Suite 10, Las Vegas, Nevada 89119.

2. Plaintiff, Indian Industries, Inc. is a corporation organized under the laws of the State of Indiana, and has a principal place of business at P.O. Box 889, 817 Maxwell Avenue, Evansville, IN 47706.

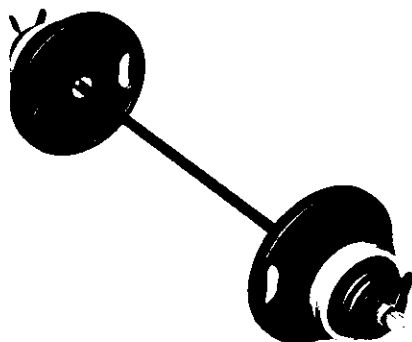
11. Indian sells a product called the “300 lb Premier Olympic-Style Cast Iron Weight Set, Model No. F0300” under the ‘001 Patent.

12. Upon information and belief, Defendant manufactures, uses, sells, offers to sell and distributes weights which infringe the ‘001 Patent (the “Infringing Weights”). Among them, Defendant sells a product entitled “Weider 300 lb Olympic O-Ring Weight Set, Model #CS2HOR3001” which infringes the ‘001 Patent.

13. Indian Industries has complied with the patent marking requirements of 35 U.S.C. for products manufactured and sold by Indian Industries covered by the ‘001 Patent.

14. Defendant has been on actual notice of infringement and the ‘001 Patent since at least receiving a letter sent by counsel for Plaintiff to Defendant on March 17, 2003.

15. Side by side pictures of Icon’s “Weider 300 lb Olympic O-Ring Weight Set, Model #CS2HOR3001” and Indian’s “300 lb Premier Olympic-Style Cast Iron Weight Set, Model No. F0300” are shown below:



Icon's Weight



Indian's Weight

INFRINGEMENT OF U.S. PATENT NO. D463,001

16. Indian incorporates by reference the averments contained in paragraphs 1 through 15.

17. On information and belief, Defendant manufactures, uses, sells, offers to sell, and/or imports into the United States and this Judicial District products, including the Infringing Weights, that directly infringe the '001 Patent.

18. On information and belief, Defendant has also contributed to and/or induced infringement of the '001 Patent by others.

19. On information and belief, Defendant has acted willfully, intentionally and deliberately in derogation of Indian's rights in the '001 Patent. Indian has been damaged by Defendant's infringement and will suffer irreparable injury unless Defendant is permanently enjoined by this Court.

RELIEF

WHEREFORE, SOP Services and Indian Industries prays for judgment as follows:

A. A judgment of infringement of the '001 Patent be entered in favor of SOP Services and Indian Industries against Icon;

B. An order permanently restraining Defendant or any subsidiaries, employees, agents or servants thereof, from further acts of infringement of the '001 Patent;

C. An order that all infringing devices in the possession of, or subject to control by Defendant or any employees, agents or servants thereof, infringing on any claim of the '001 Patent, and all plates, molds, matrixes and any other means of making the same, be delivered up and destroyed or altered to eliminate any possibility of manufacturing infringing devices;

D. An award of damages not less than a reasonable royalty, sufficient to compensate SOP Services and Indian Industries for Defendant's acts of infringement;

E. An award of damages under 35 U.S.C. § 284 in an amount not less than three times the amount of actual damages caused by Defendant's acts of willful and wanton infringement;

F. An award to SOP Services and Indian Industries of its costs and expenses;

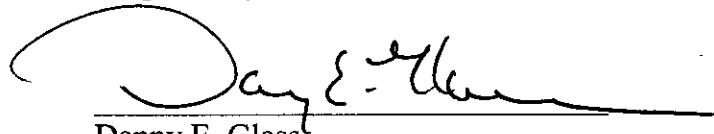
G. An order declaring that this is an exceptional case pursuant to 35 U.S.C. § 285 as a result of Defendant's knowing and willful infringement of the '001 Patent, and awarding SOP Services and Indian Industries its attorneys fees incurred in bringing this action;

H. An order granting all other relief found necessary, just and proper under the circumstances, including monetary damages to which Indian Industries may be entitled.

DEMAND FOR JURY TRIAL

Come now the plaintiffs and hereby demand trial by jury on all issues so triable as a matter of right.

Respectfully submitted,



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and Indian Industries, Inc.