

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

HYDRO SYSTEMS, INC.,)	
)	
Plaintiff,)	
)	
v.)	
)	Case No. 03-04015-CV-C-NKL
FIBER TECH MARINE PRODUCTS,)	
INC., a Missouri Corporation, d/b/a)	
FIBERSTEEL BOAT LIFTS,)	
)	
BOAT LIFT MARINE CENTER, INC.,)	
a Missouri Corporation,)	
)	
and)	
)	
CARVEL, INC.,)	
a Missouri Corporation)	
)	
Defendants.)	

AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, Hydro Systems, Inc., for its amended complaint under Rule 15(a) of the Federal Rules of Civil Procedure against defendants, Fiber Tech Marine Products, Inc., Boat Lift Marine Center Inc., and Carvel, Inc. states and alleges:

1. This is an action for patent infringement arising under the patent laws, Title 35, United States Code. The Court has jurisdiction over the parties pursuant to the provisions of 28 USC § 1388(a). Venue is proper in this district in accordance with 28 USC § 1400(b).

2. Plaintiff, Hydro Systems, Inc., ("Hydro Systems"), is a Missouri corporation having its principal place of business at P.O. Box 135, Sunrise Beach, Missouri 65079.

3. Defendant, Fiber Tech Marine Products, Inc., ("Fiber Tech"), is a Missouri corporation doing business as Fibersteel Boat Lifts, having its principal place of business at Highway 5 North, Camdenton, Missouri 65020.

4. Defendant Boat Lift Marine Center, Inc., ("Boat Lift Marine"), is a Missouri corporation having its principal place of business at Highway 54 P.O. Box 5866, Osage Beach, Missouri 65065.

5. Defendant Carvel, Inc., ("Carvel"), is a Missouri corporation having its principal place of business at Route 2, Box 557, Camdenton, Missouri 65020.

6. On July 21, 1992, United States Letters Patent No. 5,131,784 entitled "Torsion Bar Clamp for Boat Lifts" was duly and legally issued in the name of Dennis A. Maasen and the entire right, title and interest in and to said patent has been assigned to Hydro Systems, Inc. as reflected by the information appearing on the face of the patent. A copy of the aforesaid patent is appended hereto as Exhibit A.

7. Plaintiff has been making and selling torsion bar assemblies covered by said patent in conjunction with its boat lifts. Plaintiff has been and continues to mark said torsion bar assemblies pursuant to 35 U.S.C. §287.

8. Defendant Fiber Steel has for long time past and still is infringing U.S. Patent No. 5,131,784 by making and selling boat lifts by incorporating the torsion bars which embody the patented invention. Defendant Fiber Steel has continued its acts of infringement notwithstanding notification by plaintiff of the infringement of the aforesaid patent in May of 2002.

9. Defendant Fiber Steel has deliberately and willfully infringed U.S. Patent No. 5,131,784 and will continue to infringe the aforesaid patent unless enjoined by this court.

10. Defendant Boat Lift Marine has for long time past and still is infringing U.S. Patent No. 5,131,784 by making and selling boat lifts by incorporating the torsion bars which embody the patented invention.

11. Defendant Boat Lift Marine will continue to infringe the aforesaid patent unless enjoined by this court.

12. Defendant Carvel has for long time past and still is infringing U.S. Patent No. 5,131,784 by making and selling boat lifts by incorporating the torsion bars which embody the patented invention.

13. Defendant Carvel will continue to infringe the aforesaid patent unless enjoined by this court.

WHEREFORE:

Plaintiff prays that this Court will enter judgment:

(a) Preliminarily and permanently enjoining and restraining defendants, their officers, directors, agents, dealers, representatives, servants and employees from directly or indirectly infringing, inducing infringement or contributorily infringing U.S. Patent No. 5,131,784;

(b) Grant to plaintiff an award of damages together with prejudgment interest for the damages suffered by plaintiff as a result of the infringement by defendants, and an award trebling said damages in accordance with the provisions of 35 USC §284;

(c) Awarding plaintiff its costs and attorney's fees pursuant to the provisions of 35 USC §285; and

(d) Granting to plaintiff such other and further relief and remedy as justice may require.

Plaintiff demands a jury trial of this action in accordance with the provisions of Rule 38,
F.R.C.P. and Local Rule 14.

Respectfully submitted,

HYDRO SYSTEMS, INC.

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