

BASS PRO TRADEMARKS, L.L.C.,
Plaintiff,
vs.
CABELA’S, INC.,
Defendant.

Plaintiff's First Amended Complaint

For its Complaint, plaintiff Bass Pro Trademarks, L.L.C. (“Bass Pro”) alleges as follows against defendant Cabela’s, Inc. (“Cabela’s”):

3. This is an action for patent infringement under the Patent Laws of the United States, Title 35 of the United States Code. This Court has jurisdiction under 28 U.S.C. § 1338(a). Defendant is subject to personal jurisdiction in this district. Venue is proper under 28 U.S.C. § 1391 (b) and (c).

4. Plaintiff Bass Pro is the owner by assignment of all right, title and interest in and to United States Letters Patent No. 5,620,227 (“’227 patent”) attached hereto as Exhibit A and entitled “Vest Garment with Pivotal Seat Member” which duly and legally issued in the name of Paul W. Brune on April 15, 1997. The ‘227 patent has been assigned to Bass Pro by written instruments which have been duly recorded in the United States Patent and Trademark Office.

5. Defendant Cabela’s has made, used, sold and/or offered to sell a stadium seat turkey vest with a pivotal seat member which embodies the invention of the ‘227 patent and has thereby infringed that patent under 35 U.S.C. § 271. Such infringement is and has been deliberate, willful, intentional and with full knowledge of the existence and validity of Plaintiff’s ‘227 patent.

6. Plaintiff Bass Pro has been damaged by defendant’s acts of infringement and will be damaged irreparably by the ongoing infringement unless defendant is enjoined by this Court from further infringement.

WHEREFORE, plaintiff Bass Pro prays:

(a) For entry of judgment that defendant Cabela’s has infringed U.S. Patent No. 5,620,227;

(b) For preliminary and permanent injunctions prohibiting Cabela’s and its officers, agents, directors and employees, and those in active concert with it, from infringing the ‘227 patent;

(c) For an award of damages to plaintiff Bass Pro and against defendant Cabela’s in an amount sufficient to compensate Bass Pro for the damage it has suffered by reason of the infringement;

(d) For entry of judgment that the infringement by Cabela's is willful and that this is an exceptional case entitling Bass Pro to an award of treble damages under 35 U.S.C. § 284 and an award of its reasonable attorneys' fees under 35 U.S.C. § 285;

(e) For an award to plaintiff Bass Pro of its costs; and

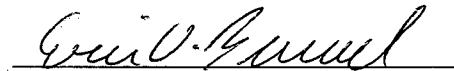
(f) For an award to plaintiff Bass Pro of such other and further relief as the Court deems to be just and appropriate.

Plaintiff Bass Pro demands a trial by jury of all issues.

Plaintiff designates Springfield, Missouri as the place of trial.

Dated: 4/7/03

Respectfully submitted,



William B. Kircher
Mo. Bar No. 18743
Eric A. Buresh
Mo. Bar No. 53485
W.D. Mo. Bar No. KS-000369
SHOOK, HARDY & BACON L.L.P.
One Kansas City Place
1200 Main Street
Kansas City, Missouri 64105-2118
Phone: (816) 474-6550
Facsimile: (816) 421-5547

Charles R. Greene
Mo. Bar No. 41643
Husch & Eppenberger, LLC
1949 Sunshine, Suite 2-300
Springfield, MO 65804
Phone: (417) 862-6726
Facsimile: (417) 862-6948

Counsel for Plaintiff