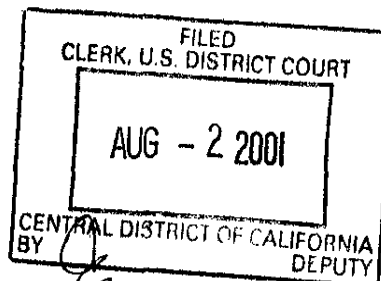


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 ANSWER PRODUCTS, INC.

ORIGINAL

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☐ JS-5/JS-6
☐ JS-2/JS-3



UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA
 WESTERN DIVISION

ANSWER PRODUCTS, INC., a
 California corporation,

Plaintiff,

v.

ROCKSHOX, INC., a Delaware
 corporation,

Defendant.

CASE NO. CV 01-02635 ER (RZX)

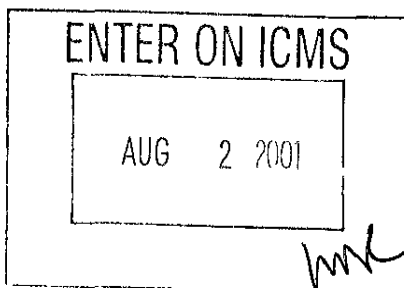
AMENDED COMPLAINT;
 DEMAND FOR JURY TRIAL

AND RELATED COUNTERCLAIMS

Plaintiff Answer Products, Inc. ("Answer"), for its complaint against
 Defendant RockShox, Inc. ("RockShox"), alleges as follows:

JURISDICTION AND VENUE

1. This action arises under 35 U.S.C. §§ 271 and 281 (patent
 infringement). This Court has jurisdiction under 28 U.S.C. § 1331 (federal question) and
 § 1338(a) (patents).



AMENDED COMPLAINT;
 DEMAND FOR JURY TRIAL
 (CV 01-02635 ER (RZX))

LOGGED

22

1 VENUE

2 2. Venue is proper in this Court under 28 U.S.C. § 1391(b) and (c), and
3 § 1400(b).

4
5 THE PARTIES

6 3. Plaintiff Answer is a California corporation. Its principal place of
7 business is at 28209 Avenue Stanford, Valencia, California 91355-3984.

8 4. Defendant RockShox is a Delaware corporation. Its principal place
9 of business is at 1610 Garden of the Gods Road, Colorado Springs, Colorado 80907-
10 3418.

11
12 BACKGROUND

13 5. Answer has developed a reputation as a leader in the manufacture
14 and design of suspension forks for high-end mountain bikes. High-end mountain bikes
15 require special suspension forks for the front wheel that allow for shock absorption as the
16 bike crosses over rough terrain.

17 6. Answer spends significant resources in researching and developing
18 new technology. Answer's advancements make it a technological leader with superior
19 products compared to its competitors.

20 7. Answer's technological advancements also have enabled it to
21 capture a significant market share among bicycle manufacturers that purchase suspension
22 forks for use in their bicycles.

23
24 ANSWER'S "CONVERTIBLE TRAVEL" DESIGN

25 8. In 1993, Answer developed and introduced a bicycle suspension fork
26 that allowed for the adjustment of the length of travel of a fork's range of movement.
27 Answer called this design "Convertible Travel." This design allows the bicycle rider to
28 change the length of travel as desired for a particular terrain.

1 9. In 1998, RockShox introduced bicycle suspension forks that had a
2 feature that RockShox called the "All Travel System." This feature is essentially a copy
3 of Answer's "Convertible Travel" design. Answer protected its significant investment in
4 research and development of its "Convertible Travel" feature by applying for and
5 obtaining a patent on this significant improvement. RockShox appears to have copied
6 Answer's invention in order to stay in competition with Answer. RockShox is exploiting
7 Answer's invention for its own purposes without permission.

8
9 ANSWER'S TWIN PISTON CHAMBER DESIGN

10 10. In about June 1996, Answer launched a research and development
11 effort to design a novel oil-filled shock absorbing front fork. This fork would contain
12 two pistons – one to dampen the effect of compression of the fork, and the other to
13 dampen the rebound stroke from the initial compression movement. Answer called this
14 new fork its twin piston chamber ("TPC") design.

15 11. Answer's new TPC forks were an instant success. Interest from bike
16 manufacturers and riders soared.

17 12. In approximately September 1997, Answer began additional
18 significant research and development efforts to design further improvements to its
19 successful TPC design. The improvement was to add a second, floating piston to its
20 original TPC design. Answer calls this further improved design its "TPC+" design.

21 13. Answer's forks containing its new TPC+ technology further
22 solidified Answer's position as a technological innovator and leader. Interest from bike
23 manufacturers and riders again soared.

24 14. RockShox lost market share as a result of Answer's successful new
25 fork design. RockShox apparently decided to copy Answer's TPC and TPC+ designs in
26 order to regain market share and remain competitive with Answer. In about March 2000,
27 RockShox began offering its "PURE" damping system fork with a compression piston
28 and a rebound piston. On information and belief, RockShox developed its "PURE"

1 damping system by copying Answer's revolutionary TPC and TPC+ designs.

2 15. Answer protected its significant investment in research and
3 development by applying for and obtaining patents on its revolutionary TPC and TPC+
4 designs. RockShox has copied Answer's inventions and is exploiting them for its own
5 purposes without Answer's permission.

6
7 COUNT I

8 (Infringement of U.S. Patent No. 5,470,090)

9 16. Answer incorporates the allegations of paragraphs 1-15 herein.

10 17. Answer is the owner of United States Letters Patent No. 5,470,090
11 ("the '090 patent"). The '090 patent is entitled "Precision Suspension Fork for Bicycles."
12 The '090 patent was issued on November 28, 1995. Answer owns the '090 patent.

13 18. RockShox has a license from Answer relating to claims 16 and 17 of
14 the '090 patent. However, RockShox is infringing other claims of the '090 patent,
15 including, but not limited to claim 24, with such designs as its "All Travel System"
16 feature.

17 19. RockShox has been, and still is, infringing, contributing to the
18 infringement of, and inducing the infringement of, the '090 patent by making, selling,
19 using, offering for sale, or importing into the United States bicycle forks embodying or
20 practicing the patented invention. RockShox will continue to do so unless enjoined by
21 this Court.

22 20. RockShox's infringement of the '090 patent has been, and continues
23 to be, willful, entitling Answer to enhanced damages.

24 21. Answer has been damaged by RockShox's infringement, which will
25 continue unless enjoined by this Court.

COUNT II

(Infringement of U.S. Patent No. 5,848,675)

22. Answer incorporates the allegations of paragraphs 1-21 herein.

23. Answer is the owner of United States Letters Patent No. 5,848,675 ("the '675 patent"). The '675 patent is entitled "Damping Apparatus for Bicycle Forks." The '675 patent was issued on December 15, 1998 to Answer.

24. RockShox has been, and still is, infringing, contributing to the infringement of, and inducing the infringement of, the '675 patent by making, selling, using, offering for sale, or importing into the United States bicycle forks embodying or practicing the patented invention, including but not limited to forks with its "PURE" damping system. RockShox will continue to do so unless enjoined by this Court.

25. RockShox's infringement of the '675 patent has been and continues to be willful, entitling Answer to enhanced damages.

26. Answer has been damaged by RockShox's infringement, which will continue unless enjoined by this Court.

COUNT III

(Infringement of U.S. Patent No. 6,241,060)

27. Answer incorporates the allegations of paragraphs 1-26 herein.

28. Answer is the owner of United States Letters Patent No. 6,241,060 ("the '060 patent"). The '060 patent is entitled "Oil Damped Fork." The '060 patent was issued on June 5, 2001 to Answer.

29. RockShox has been, and still is, infringing, contributing to the infringement of, and inducing the infringement of, the '060 patent by making, selling, using, offering for sale, or importing into the United States bicycle forks embodying or practicing the patented invention, including but not limited to forks with its "PURE" damping system. RockShox will continue to do so unless enjoined by this Court.

30. RockShox's infringement of the '060 patent has been and continues

1 to be willful, entitling Answer to enhanced damages.

2 31. Answer has been damaged by RockShox's infringement, which will
3 continue unless enjoined by this Court.

4
5 PRAYER

6 WHEREFORE, Answer prays for judgment and relief as follows:

7 A. A preliminary and permanent injunction against RockShox's
8 continued infringement, inducing of infringement, and contributing to infringement of the
9 '675 and '060 patents, and the unlicensed claims of the '090 patent;

10 B. An award of damages in favor of Answer and against RockShox
11 sufficient to compensate Answer for RockShox's infringement of the '675 and '060
12 patents, and the unlicensed claims of the '090 patent, and an assessment of pre-judgment
13 interest and post-judgment interest;

14 C. A finding by the Court that RockShox's infringement of the '675
15 and '060 patents, and the unlicensed claims of the '090 patent is willful, and an award of
16 enhanced damages of up to three times the amount found or assessed;

17 D. A finding by the Court that this case is exceptional under 35 U.S.C.
18 § 285, and an award to Answer of its reasonable attorneys' fees in this action;

19 E. An award to Answer of its reasonable expenses, including attorneys'
20 fees, and costs of this action; and

1 F. An award of such other and further relief as the Court finds just and
2 proper.

3 Dated: July 18, 2001

4 Respectfully submitted,

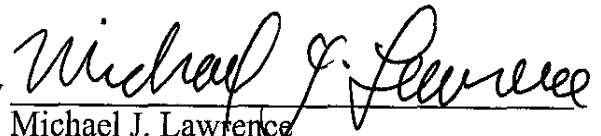
5 LATHAM & WATKINS

6 Bruce D. Kuyper

7 Michael J. Lawrence

8 Anissa D. Seymour

9 By



10 Michael J. Lawrence

11 Attorneys for Plaintiff

12 ANSWER PRODUCTS, INC.

DEMAND FOR JURY TRIAL

Plaintiff Answer Products, Inc. hereby demands a trial by jury on all issues so triable.

Dated: July 18, 2001

Respectfully submitted,

LATHAM & WATKINS
Bruce D. Kuyper
Michael J. Lawrence

By Michael J. Lawrence
Michael J. Lawrence
Attorneys for Plaintiff
ANSWER PRODUCTS, INC.

PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to this action. My business address is Latham & Watkins, 633 West Fifth Street, Suite 4000, Los Angeles, CA 90071-2007.

On **July 18, 2001**, I served the following document described as:

AMENDED COMPLAINT; DEMAND FOR JURY TRIAL

by serving a true copy of the above-described document in the following manner:

BY U.S. MAIL

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Jane H. Barrett
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BY FACSIMILE

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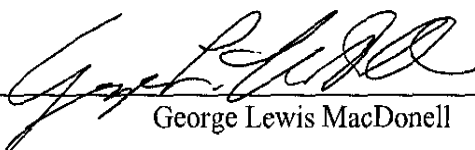
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The facsimile number of the sending machine is (213) 891-8763. Said transmission was complete and without error. All parties on whom this facsimile transmission has been served have agreed in writing to such form of service pursuant to agreement.

I affirm that I am employed in the office of a member of the Bar of, or permitted to practice before, this Court at whose direction the service was made and affirm under penalty of perjury that the foregoing is true and correct.

Executed on **July 18, 2001**, at Los Angeles, California.


George Lewis MacDonell